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Going it Alone: The Risks of Self-Representation in Litigation

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When a dispute or lawsuit arises, you may wonder whether you really need a lawyer. With access to online resources and AI tools, handling the matter yourself can seem manageable. But litigation involves more than paperwork and court appearances. When the facts are complicated, the stakes are high, or the other side has legal counsel, having your own attorney can make all the difference. This article highlights some of the risks of self-representation and the ways an attorney can help you navigate them.

Common Pitfalls for Pro Se Litigants

Courts generally hold self-represented individuals—also known as pro se litigants—to the same rules and deadlines as attorneys. You are responsible for filing documents correctly and on time, responding to motions,

following court orders, and presenting admissible evidence. Being unfamiliar with the law or court procedure usually will not excuse a mistake.

It is also important to understand that owners of

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Self-Representation Continued from page 1

corporations and LLCs are not permitted to represent the entity in court. Even if you are the sole owner, the business is considered a separate legal person, and only a licensed attorney may appear on its behalf in most courts. Attempting to represent the entity yourself can result in filings being rejected or the case being dismissed.

Even a strong case can be lost or seriously weakened by procedural errors. A missed deadline, misunderstood rule, or overlooked defense can lead to delays, added costs, dismissal, or even a default judgment against you. If all of this feels like a lot to manage on your own, that is precisely where an experienced attorney can add value.

How an Attorney Can Help

An attorney does more than speak for you in court. Experienced counsel can assess the strengths and weaknesses of your case, develop a

strategy, gather evidence, negotiate with the other side, and make sure important procedural requirements are met.

AI and online tools can assist with research and organization, but they cannot replace legal judgment tailored to your specific case. Litigation often involves complex choices about risk, timing, cost, settlement, and strategy. An attorney can identify issues you may not see, help you weigh your options, and guide you toward the best course of action.

Attorneys also offer something technology cannot: perspective and confidentiality. Legal disputes can be stressful and personal. Counsel can help you cut through the noise to make informed decisions. Attorney-client privilege also allows you to speak openly and confidentially with your attorney about sensitive issues.

Final Thoughts

Self-representation can be a practical choice under the right circumstances, but it is important to understand what is at stake before deciding to go it alone. The cost of legal counsel should be weighed against the potential cost of missed deadlines, procedural mistakes, or other avoidable missteps. Even if you ultimately choose to handle part of the matter yourself, consulting with an attorney can help you understand your risks, evaluate your options, and make a more informed decision about how to proceed.



Section 1062: A New Tax-Deferral Option for Farmland Sales



The One Big Beautiful Bill introduced several tax code changes, including 26 U.S.C. § 1062, which allows qualified farmers to defer tax on the sale of qualified farmland. Under this provision, sellers may divide the tax owed on the gain into four equal annual installments. The first payment is due with the tax return for the year of the sale; the remaining three installments are paid in each of the following three years.

Qualifications for § 1062

Both the buyer and the property must meet statutory requirements.

The buyer must be a Qualified Farmer, defined as an individual “actively engaged in farming” under 7 U.S.C. 1308-1(b) and (c).

The property must be Qualified Farmland Property. It must be located in the United States and used for farming purposes—either by the seller or by a qualified farmer leasing the land—for “substantially all” of the 10-year period preceding the sale. “Farming purposes” is defined in 26 U.S.C. 2032A(e)(5). The IRS has not yet clarified what “substantially all” means in this context.

Additionally, the property must be subject to a covenant or other enforceable restriction limiting its use exclusively to farming for at least 10 years after the sale. This restriction must be in place before the sale or exchange occurs.

Benefits of a § 1062 Election

The primary advantage is tax-payment flexibility. Sellers pay one-quarter of the tax in the year of the sale and defer the remaining three-quarters over the next three years, with no interest charged on the deferred amounts. Timely payment is essential; missing an installment accelerates the entire remaining tax liability.

Who Benefits

This election is designed for farmers and farmland owners selling to qualified farmers. Because the land must have been used for farming for at least 10 years before—and must continue to be used for farming for at least 10 years after—the sale, it is most beneficial for long-term agricultural property owners.

If you would like to explore whether a § 1062 election fits your situation, our attorneys are available to assist.

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Critchfield in the Community



Critchfield's Wooster team proudly celebrated our annual Volunteer Day, a tradition that brings our staff together to serve the community we call home. This year, our Wooster office partnered with **Friends of Hospice** at their Nest store, a unique nonprofit shop operated by and for the benefit of Ohio's Hospice Lifecare. The Nest is a thrift store known for its eclectic mix of antique, vintage, and modern furniture, along with clothing, jewelry, books, linens, and other curated pieces—all generously donated for resale to support an important local cause.

Our staff rolled up their sleeves both inside and out. Outdoors, volunteers tackled weeding and sprucing up the grounds, while inside they cleaned, organized, and helped refresh the store's layout to make browsing easier for customers. Volunteer Day is one of our favorite annual traditions, and we're grateful for the opportunity to support The Nest's mission and strengthen our connection to the Wooster community.

Attorney Spotlight



TRICIA L. PYCRAFT

Member

Tricia Pycraft is part of the firm's Employment Law team. She represents employers as they navigate the ever-changing landscape of federal and state employment law. She proactively assists employers by developing compliant policies and practices, drafting employee handbooks, and advising on day-to-day issues as they arise. She also practices litigation and assists clients with HIPAA compliance.

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