

Can One Party in a Din Torah Have More Representation Than the Other?

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Question: Two parties come to a *din Torah*. One of them has a lawyer and a *to'ein* accompanying him, while the other one just has a *to'ein*. Is this unfair balance something that the bais din needs to address?

Answer: There is a halacha in Shulchan Aruch that says that both sides have to be equal. The Poskim dispute whether this is supposed to be left to the litigants themselves to object to any imbalance or the bais din is to be proactive in ensuring this. The practical difference between the two opinions would be if the party that only has one representative on its side agrees to allow the other party to have two. Oftentimes, he may agree but bais din may still suspect that he will feel intimidated and underrepresented, which could negatively affect his ability to present his case properly. The general halacha is in accordance with the opinion that if the parties agree to allow it, bais din is permitted to let it go.

If the other party does not agree, however, bais din is not to allow one side to have more representation than the other.

The Pischei Teshuva asks if the party with two representatives can demand that instead of him being forced to dismiss one of his people, the other side should find a second representative to be on his side in order to even out the numbers. He concludes that the other party cannot be forced to do so, and bais din should insist that he dismiss one of his representatives.

What he could possibly do is have his lawyer and *to'ein* switch off being in bais din with him so that he always has only one person at his side but is still able to make use of the services of both.