

Self-Represented Persons in District Court

PRO SE LITIGANT INFORMATION

Understanding and making your way through the court process is not easy and can be quite frustrating, especially for those handling their own legal representation (pro se litigants). There are extensive state and local court rules and everyone appearing before the District Court is expected to follow them. The following may be of help in clarifying some of the mysteries of representing yourself.

SOME COMMON PROCEEDINGS IN DISTRICT COURT

Small Claims: Small Claims actions are started for the recovery of money under \$5000. You are the plaintiff if you are filing a small claim against another person. The civil department of the District Court in your county will have written information about small claims cases including costs as well as a Notice of Small Claim form you can complete for your case. It is important that you follow the instructions provided by the court. Your county District Court may also have printed or on-line information about Small Claims Court. IF YOU DO NOT respond in a timely manner to a summons for a small claim, a judge may order that you pay the amount requested plus filing fees and costs of serving the papers. Some courts may require a mediation hearing or a pretrial appearance between the parties before setting a trial date. Small Claims procedures differ from county to county. A successful plaintiff is responsible for collecting the money awarded by the judge.

Name Change: Any person wanting to change his or her name or that of a minor child may apply to the District Court. The court will provide information about its name change procedures, the filing fees that will be charged and forms that are required. A written petition must then be filed with the District Court giving reasons for the change of the name. The court will set a hearing at which time the request will be considered. The court in its discretion may then grant the change of name. Name changes will not be granted for any illegal or fraudulent purpose.

Name change petitions must be filed in Superior Court when the person desiring a name change is a victim of domestic violence and seeks to have the name change file sealed due to reasonable fear for safety of the person or that of a minor child.

Protection and Restraining Orders: Different counties have different procedures regarding protection and restraining orders. Contact your local superior, district or municipal court for procedures within your county.

Infractions: An infraction is an act prohibited by law which is not legally defined as a crime. The court will impose a financial penalty when an infraction has been committed. Because infractions are not criminal violations, the court cannot commit the defendant to jail. A person cited for an infraction may choose to be represented by an attorney but is not entitled to court-appointed counsel.

There are several ways to respond to a citation for an infraction. The instructions are printed on the back of the citation. Failure to respond within 15 days from the date the citation was issued will result in an additional mandated \$52.00 penalty. With most traffic violations, the Department of Licensing will also be advised of the failure to respond and this may result in the suspension of the person's driver's license. Parking violations and photo infractions will not be part of your driving record regardless of the type of hearing that you choose. Some courts may allow an infraction hearing by mail or by e-mail.

Criminal Charges: It is important that a person charged with a crime seek legal representation. If you have been charged with a crime you are facing potential jail time and fines as well as other significant consequences. You are entitled to have an attorney present at each court appearance. If you feel you cannot afford an attorney, the court may appoint an attorney to represent you at public expense. A criminal defense attorney can protect your rights and fully represent you at each of the potential hearings, as well as provide advice as to the available options with regard to the case.

-Turn over for more information-

TERMS YOU NEED TO KNOW:

1. **Calendar (sometimes called a Docket)** – List of cases arranged for hearing in court.
2. **Complaint/Citation** – A document that starts a criminal prosecution or a civil lawsuit.
3. **Ex parte** – A Latin phrase indicating action done for, on behalf of, or on the application of, one party only without notice to the opposing party.
4. **Mediation** – a meeting with a trained neutral third person who works with the opposing sides to reach a mutually acceptable settlement.
5. **Motion** – A formal request usually in writing made by a party to a court for an order granting relief; a formal written request of the court.
6. **Order** – A direction or command delivered by a court and entered into the court record.
7. **Petition** – A formal written application to the court requesting a remedy available under law.
8. **Pro se** – A Latin phrase meaning “For Oneself” (refers to people who represent themselves).
9. **Summons** – Notification of a mandatory appearance.

WHAT DO I WEAR AND HOW DO I ACT IN COURT? Courts are respectful and formal settings. You are trying to present and win your side of the issue. Dress, speak and conduct yourself appropriately.

1. Wear clean, mended clothing that does not bring undue attention to you.
2. Do not wear hats, caps, shorts, bare midriiffs, tank tops or revealing clothing. Religious attire may be an exception.
3. Turn off cell phones and pagers.
4. Speak clearly and respectfully. Address the court, not the opponent.
5. Do not interrupt another person who is speaking to the judge.
6. Get to your point. Do not ramble. Only address matters being decided by the judge.
7. Do not chew gum, yell, swear or use improper language.
8. Try to imagine you are the judge and someone is appearing in front of you seeking a favorable decision. How would you want them to act so you can assess the facts fairly and not be distracted in that effort?

LIST OF HELPFUL PHONE NUMBERS AND WEBSITES

1. Legal Information: www.WashingtonLawHelp.org or www.lawforwa.org
2. Forms On-line: www.courts.wa.gov/forms
3. State and Local Court Rules: www.courts.wa.gov/court-rules/
4. Your local court Web site.

Court staff members are not attorneys and are restricted by law from giving legal advice.

Court staff cannot tell you if your paperwork is filled out correctly.

You will only be able to see or talk to a judge about your case when you appear before the judge in court.