

# Self-Represented Persons in District Court

## PRO SE LITIGANT INFORMATION

District Courts are courts of limited jurisdiction. The District Court is authorized by Washington State Statute to preside over very specific matters, many of which will be described below.

Understanding and making your way through the court process can be challenging. There are extensive state and local court rules and everyone appearing before the District Court is expected to follow them. Each court typically has specific information available to the public on their website.

### **SOME COMMON PROCEEDINGS IN DISTRICT COURT**

**Small Claims:** Small Claims actions are started for the recovery of money. You are the plaintiff if you are filing a small claim against another person. The limit for the claim is \$10,000 if you are filing the claim on your personal behalf and \$5000 if you are filing the claim on behalf of a non-person entity (i.e. your business). 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 online information about the 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 name change is for a minor based on gender realignment or 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 the 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 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 issued an infraction may choose to be represented by an attorney but is not entitled to court-appointed counsel.

There are four ways to respond to an infraction. The first option is to pay the fine. The second option is to request information about how to set up a payment plan and how to submit evidence of your current inability to pay in full. The third option is to request a mitigation hearing. At a mitigation hearing, the infraction will be found committed and a monetary penalty will be determined based on your explanation to the Judge. The fourth option is to request a contested hearing to challenge the infraction. At a contested hearing, the government must prove the infraction by a preponderance of the evidence.

Another option for a traffic infraction is to request a deferred finding. The Judge will determine if you are eligible, and the infraction will be dismissed under terms established by the court's discretion.

You must respond to the notice of infraction within 30 days from the date the notice was issued directly to you or 33 days from the date the notice was mailed to avoid an additional penalty and suspension of your 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. Failure to timely respond to a parking violation or photo infraction may result in the Department of Licensing failing to renew your vehicle registration.

Infraction hearings may be held in person, virtually, by mail, or by email. Please contact your local municipal court for specific information.

**Criminal Charges:** It is important that a person charged with a crime seeks 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 regarding the case. You have a constitutional right to represent yourself, but the court will have a conversation with you about your ability to effectively do so.

#### **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 court appearance.

## **COURT FAQs**

Weapons of any kind are not allowed.

For everyone’s safety, you will be required to pass through a security screening checkpoint prior to your entry into the courtroom. Please plan your arrival time accordingly so that you are on time for your court appearance.

Courts are required to provide free language access services to all individuals in civil and criminal court proceedings. Please contact your local municipal court for assistance.

Court decorum is necessarily formal, but it need not keep people from being seen and heard. Please inform the court of your preferred pronouns so that the court may respectfully address you.

Please remove all hats.

Food and drinks are not allowed in the courtroom.

Please silence all cell phones or other electronic devices.

## **LIST OF HELPFUL WEBSITES**

1. Legal Information: [www.WashingtonLawHelp.org](http://www.WashingtonLawHelp.org) or [www.lawforwa.org](http://www.lawforwa.org)
2. Forms On-line: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)
3. State and Local Court Rules: [www.courts.wa.gov/court-rules/](http://www.courts.wa.gov/court-rules/)

4. Your local court Web site.