

## Self-Represented Persons in Municipal Court

Municipal Courts are courts of limited jurisdiction. The Municipal Court Judge is authorized by Washington State Statute to preside over criminal misdemeanors, civil traffic infractions, and city code violations.

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 Municipal Court is expected to follow them. Each court typically has specific information available to the public on their website.

### COMMON PROCEEDINGS IN MUNICIPAL COURT

**Infractions:** An infraction is an act prohibited by law which is not legally defined as a crime. The court will impose a financial penalty and notify the Department of Licensing when an infraction has been committed. Infractions are not criminal violations, and the court will not impose a jail sentence. 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 a notice of 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 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 face 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 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 stage of the criminal proceedings, 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.

**Small Claims:** Small Claims cases are handled at the District Court. Please contact your local District Court for information.

**Name Change:** Name changes are handled at the District Court. Please contact your local District Court for information.

**Protection and Restraining Orders:** Only District and Superior Courts may issue civil protection, restraining, or unlawful harassment orders. Please contact your local District or Superior Court for information.

## **COURT TERMINOLOGY**

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. 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.
5. Order - a direction or command delivered by a court and entered into the court record.
6. Petition – a formal written application to the court requesting a remedy available under the law.
7. Pro se – a Latin phrase meaning “for oneself” (refers to people who represent themselves).
8. 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**

Legal information: [www.WashingtonLawHelp.org](http://www.WashingtonLawHelp.org) or [www.lawforwa.org](http://www.lawforwa.org)

On-line Forms: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)

State and Local Court Rules: [www.courts.wa.gov/court-rules/](http://www.courts.wa.gov/court-rules/)