

# Ensuring Fairness and the Right for Unrepresented Litigants (URLs) to Be Heard

## Judicial Bench Card

Washington State Administrative Office of the Courts

Updated December 2023

Washington State Judicial Code of Conduct [Canon 2, Rule 2.2, Comment 4](#) clarifies that judicial officers are not violating the concepts of impartiality and fairness by providing URLs with reasonable accommodations to be heard as long as they do not give the URL an unfair advantage. Use this bench card for examples of reasonable accommodations, tips, and general guidelines to impartially and fairly facilitate the right of URLs to be heard.

### Examples of Reasonable Accommodations for URLs and Tips

(See [Canon 2, Rule 2.6, Comment 4, 1-23](#) for more examples)

Judges should endeavor to ensure URLs have a fair opportunity to participate in proceedings. While not required, judges may find the following non-exhaustive list of steps consistent with these principles and helpful in facilitating the right of URLs to be heard:

1. Informing litigants with limited-English-proficiency of available interpreter services. **Tip:** Use the [Spoken and Signed Language Interpreter Bench Card](#) and identify the need for certified interpreters for court users who are limited English proficient, Deaf, or hard of hearing as soon as possible. The court is obligated to provide language access services through court-appointed spoken and signed language interpreters and to provide “vital” documents in a foreign language. Judges must assess whether communication between the court and litigants is effective and if not, they must identify the language need and appoint interpreters at NO cost to the parties for court hearings. If the person needs a sign language interpreter, the court must appoint an interpreter for interactions with counsel in criminal cases.
2. Providing brief information about the proceeding and evidentiary and foundational requirements. **Tip:** Provide URLs with an explanation of relevant court rules, procedures, and processes. Offer resources, such as [Self-Represented Persons in Superior Court Civil Proceedings](#) and [Self-Represented Persons in District Court](#).
3. Using available courtroom technology to assist unrepresented individuals to access and understand the proceedings (e.g., remote appearances, use of video displays to share court rules, statutes, and exhibits).
4. Attempting to make legal concepts understandable by minimizing use of legal jargon.
5. Starting the hearing with a quick summary of the case history of the issues that will be addressed.
6. Inviting questions about what has occurred or is to occur.
7. Permitting narrative testimony.
8. Allowing parties to adopt their written statements and pleadings as their sworn testimony. This provision would not limit opportunities for cross-examination or be permitted in a manner that would prejudice the other party in the presentation of their case.

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9. If unable to do what a litigant asks because of neutrality concerns, explaining the reasons in those terms. **Tip:** It is important that we respond in a way that lets the litigant know that we would like to be more helpful, but we have an ethical obligation to avoid even the appearance that we are giving legal advice to one side of the dispute.
10. Announcing the decision, if possible, from the bench, taking the opportunity to encourage litigants to explain any problems they might have complying. **Tip:** Rule from the bench rather than exclusively by written order. After ruling, encourage litigants to explain any problems they might have in complying with your order. This might be especially applicable in protection order cases, civil motions, or small claims.
11. Making sure, by questioning, that the litigants understand the decision and what is expected of them, while making sure that they know you expect compliance with the ultimate decision. **Tip:** Ask questions of the litigants after you rule to make sure they understand your expectations. Also, make clear that you expect compliance and inform them of potential consequences for violating your order.
12. Where relevant, informing the litigants of what will be happening next in the case and what is expected of them. **Tip:** Clearly explain what happens next procedurally. For example, after a temporary protection order hearing, explain the process going forward. Where does the petitioner go from the courtroom, what paperwork do they need to obtain, who is responsible for service, when is the next court date?
13. Making sure, if practicable, that the decision is given in written or printed form to the litigants. **Tip:** In addition to your oral ruling, whenever practical, issue a written order and inform the parties, particularly if appearing remotely, how to obtain paperwork from the court.
14. Informing the parties of resources that are available to assist with drafting documents, as well as compliance or enforcement of the order. Examples include but are not limited to courthouse facilitator programs, advocates, lists of treatment providers, and child support enforcement. **Tip:** Share the accompanying resource page with URLs. Inform the URL of available resources in your community or refer them to staff who are prepared to make those referrals.

## Is it Legal Information? Or Legal Advice?

### General Guidelines

#### Legal Information

Facts about the law  
Information that is on your court's website  
Explanations about the process  
Referring to resources (e.g., volunteer legal services, self-help centers, court facilitators)  
Copies of forms, statutes, and regulations  
Explanations about next steps

#### Legal Advice

Strategy  
Counseling  
Predicting outcome  
Interpreting the law based on case facts  
Referring to a specific lawyer

For questions about this bench card, request an alternative format, or request other resource materials for your court, please email Washington State Administrative Office of the Courts, Office of Court Innovation, Equity & Access Program at [equityandaccess@courts.wa.gov](mailto:equityandaccess@courts.wa.gov).

# Resource Page for Unrepresented Litigants

**Courthouse Facilitators** are non-attorneys who assist self-represented persons with family law or guardianship cases. They can provide resources, explain terms and procedure, calculate child support, and assist with preparing paperwork. Check to see if your court has a Courthouse Facilitator Program, schedule a visit, learn more about the scope of resources available, and fees for clients. You can view a [list of all counties that have a program here](#).

**Self-Help Centers:** Centers are currently active in Grays Harbor and Spokane Counties, providing support to litigants with Superior Court cases. Contact for more information:

[Grays Harbor Legal Self-Help Center](#)

[Spokane Family Law Self-Help Center - Spokane Fatherhood Initiative](#)

[The Carl Maxey Center – Sandy Williams Justice Center](#)

[Latinos en Spokane](#)

[Spokane Regional Domestic Violence Coalition](#)

## **Other Resources:**

[WashingtonLawHelp.org](#) – A guide to free civil legal services for low-income persons and seniors in Washington. The site also includes legal education materials and tools, detailed instructions and forms, and a directory of free legal aid programs in Washington, including basic eligibility and contact information.

[Self-Help Resources](#) and [Court Forms](#) – Washington State Administrative Office of the Courts

[State Law Library Legal Resources](#). Also check to see if your county has a law library.

[Find Legal Help](#) – Washington State Bar Association

[Cowlitz County Superior Court Resources](#)