

Self-Represented Persons in Superior Court Civil Proceedings

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 (see E. 7) and everyone appearing before the Superior Court is expected to follow them. While a one-page handout can never tell you everything you need to know, the following will hopefully be of benefit in clarifying a few of the mysteries of representing yourself:

A. YOU WANT TO START AN ACTION AGAINST SOMEONE ELSE. If you are starting an action, you are the petitioner, plaintiff or moving party.

1. Before anything can happen in court, you need to fill out paperwork, file your case, and pay a filing fee (check with Clerk for acceptable forms of payment):

Obtain the correct forms (if they exist) on-line or from the Clerk.

The first forms you fill out (in ink or typed--no pencils) are a "Petition" and "Summons" for a family law case or else a "Complaint" and "Summons" for a civil case. Filing these forms and serving them on the defendant/respondent starts your case.

Always remember and keep a record of your case number (i.e. 06-2-12345-7).

You will need to serve the other party (through law enforcement, civil process, or an adult other than yourself) and have a declaration or return of service showing that you have served the other party.

You now wait. If the other party does NOT respond within the prescribed time, the other party is technically in default though you need to obtain a court order stating that the other party is in default. You will still need to enter final orders in court that are consistent with the petition or complaint that you filed.

If the other party/side responds in time, then further proceedings, such as motions and or trial, are necessary, unless you and the other party resolve the case.

For most motion calendars (list of cases to be heard by judge), it is mandatory to confirm that you will be present for the court hearing. Confirmation, if required, must be made in advance of the hearing. Call your county's Superior Court for specific requirements.

2. The Clerk's Office only takes original documents with original signatures for filing your case or adding to your file. Be sure to bring copies of what you are filing to conform (to make it match the original) for service, your personal records, and bench copies for the judge. Bench copies are required in most counties. Call your county's Superior Court for specific requirements.

3. Once you give the Clerk any paperwork to file, the Clerk is required by law to charge you to get copies made from your file. The fee is \$0.50 page for non-certified copies from paper records and \$0.25 page for non-certified copies from imaged (electronic form) records. Certified copies are \$5.00 for the first page and \$1.00 per page thereafter for each document (not your entire file) regardless of the form of the original.

4. Documents need NOT be signed in front of the Clerk. You may sign them ahead of time.

5. Fill out all documents/forms clearly, completely, and in ink or typed—no pencils.

B. YOU WANT TO DEFEND YOURSELF FROM AN ACTION STARTED BY SOMEONE ELSE. If an action has been started by another party against you, you are the defendant or respondent or responding party.

1. Your answer or response to the petition filed against you must be filed in the Clerk's Office within the time indicated on the summons. Be SURE to serve a copy on the opposing party.
2. After you have answered, the other party is required to notify you of any further proceedings.
3. If you do NOT answer/respond in a timely manner to a summons, you may be found in default and lose the right to have your side of the case heard by a judge.

C. TERMS YOU NEED TO KNOW. The following terms are important to know:

1. **Pro se** – A Latin phrase meaning “For Oneself” (refers to people who represent themselves).
2. **Ex parte** – A Latin phrase indicating action done for, in behalf of, or on the application of, one party only without notice to the opposing party.
3. **Litigant** – A general term to describe a party (plaintiff or defendant) to a legal action.
4. **Motion** – A written request made by a party, or an oral request made by a party during a hearing or trial, to a court for an order granting relief.
5. **Petition** – A formal written application to the court requesting a remedy available under law.
6. **Order** – A direction or command delivered by a court and entered into the court record.
7. **Summons and Complaint** – Two separate documents that go together to start a civil lawsuit.
8. **Summons and Petition** – Two separate documents that go together to start family law cases.
9. **Note the matter** – To fill out a Note for Hearing document that puts your case on the calendar. This is done with a document, never over the phone.
10. **Conform** – To make a document match the original.
11. **Calendar** (sometimes called a Docket) – List of cases arranged for hearing in court.
12. **Bench copies** – Copies for the judge of any motions, declarations, or proposed orders before the court for a hearing. Bench copies are due by NOON the day BEFORE the hearing.
13. **Settlement Conference** – A conference of all parties with the judge in chambers held to work out an agreement after a response has been filed and there is NOT agreement on all matters.

D. 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 midriffs, tank tops, or revealing clothing. Religious attire may be an exception.
3. Do not use cell phones, beepers, or 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 today by the Court.
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?

E. LIST OF HELPFUL PHONE NUMBERS AND WEBSITES.

1. **Administrative Office of the Courts (AOC):** 360-753-3360
Website: www.courts.wa.gov
2. **Northwest Justice Project/CLEAR:** 1-888-201-1014
Website: www.nwjustice.org
3. **Legal Information:** www.WashingtonLawHelp.org or www.lawforwa.org
4. **Forms on-line:** www.courts.wa.gov/forms
5. **State and local Court Rules:** www.courts.wa.gov/court_rules/

The services of a Courthouse Facilitator are available for help with some family law matters such as divorce (dissolutions), paternity and non-parental custody. Check with your local superior court or the Administrative Office of the Courts for information.

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

Clerk's Office 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.**

AOC Public Trust & Confidence Committee