



THE *PRO SE* HANDBOOK

**A Guide to Representing Yourself
in King County Superior Court**

A Public Service of the King County Bar Association

• August 2006 •

ATTENTION!

This handbook alerts you to some of the problems that you can expect to encounter while representing yourself in the King County Superior Court in a civil matter.

THIS HANDBOOK IS NOT INTENDED TO BE A SUBSTITUTE FOR THE ADVICE AND ASSISTANCE OF A LAWYER. On the contrary, one of the most important messages of the handbook is that your chances of obtaining a good result are better if you are represented by a lawyer than if you are representing yourself.

THIS HANDBOOK DOES NOT CONTAIN LEGAL ADVICE FOR YOUR LEGAL PROCEEDING. The handbook does not tell you how to solve your legal problems.

THIS HANDBOOK MAY BECOME OUT-OF-DATE. The law is constantly changing. The statutes, ordinances, or court rules that are referred to in this handbook may have been changed or repealed since the handbook was written, or there may be new laws or rules that apply to your case. There is no substitute for checking to make sure that the sources of law that you intend to rely on--for example, statutes, ordinances, regulations, court rules, and court decisions--have not been changed since you last looked at them.

THIS HANDBOOK MAY CONTAIN INACCURATE LEGAL INFORMATION. Neither the King County Bar Association, the Legal Foundation of Washington, nor the authors or editors of this handbook are responsible for the completeness, adequacy, or accuracy of the information contained in the handbook. IT IS YOUR RESPONSIBILITY ALONE TO VERIFY THE INFORMATION THAT YOU FIND IN THIS HANDBOOK AND TO MAKE SURE THAT THERE HAVE BEEN NO RECENT CHANGES IN THE APPLICABLE RULES OR LAWS.

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If you find any errors in the handbook, or if you would like to suggest any improvements for future editions, please write to: Pro Se Handbook, c/o King County Bar Association, Judiciary and Courts Committee, 1200 5th Avenue, Suite 600, Seattle, WA 98101.

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REPRESENTING YOURSELF IN KING COUNTY SUPERIOR COURT

The "Pro Se" Handbook

1. GENERAL INFORMATION

This handbook is designed to help you to represent yourself in court (especially in King County Superior Court). The legal term for representing yourself is "acting pro se," which means "acting for oneself." If you decide to represent yourself, you may hear lawyers or court personnel refer to you as a "pro se."

1.1 The Decision to Represent Yourself

As a "pro se," the first thing to do is to ask yourself, "Am I sure that I want to represent myself?" In answering that question, you must keep this in mind: **YOU WILL BE HELD TO THE STANDARDS OF A LAWYER.** You should follow all the rules that apply to lawyers. If you fail to follow the rules, you may be subject to the same penalties as if you were a lawyer.

Although the court personnel, such as the court clerk, can answer some questions about the court's procedures, the law prohibits court personnel from giving you legal advice because they are not trained to do so.

There is an old saying: "The person who represents himself has a fool for a client." There are at least two reasons for this saying. First, you will find that the legal process is complex and difficult to understand. The person on the other side of your case will probably be represented by a lawyer. Without a lawyer, you will be at a disadvantage. Second, you have a personal interest in the outcome of your case, which will deprive you of the objectivity you need to present your case effectively in court.

You improve your chances of winning your case when you have a lawyer to represent you. So, you should make the decision to represent yourself carefully.

1.2 Where to Find a Lawyer

If you cannot afford to hire a lawyer, or if you don't know which lawyer to ask to represent you, there are several places where you might be able to get help. In section 5.1 this handbook lists some of the places in King County where you may find a lawyer. Call

the King County Bar Association, the bar association in your county, or the Washington State Bar Association in Seattle for information about referral to a lawyer.

Before you decide to represent yourself, you owe it to yourself to see if it is possible for you to obtain representation by a lawyer. Many lawyers will give you a free thirty minute consultation in person or over the telephone.

1.3 About This Handbook

Although this handbook is designed to help you, it does not contain everything that you will need to know--far from it. What happens in a courtroom is governed by many different things, including the official court rules, the practices of the particular judge, and the law that applies to the case. In section 1.5, there is a discussion of how to find out about the court rules, the practices of the judge, and the applicable law. This handbook is intended only to answer a few of the questions commonly asked by persons acting "pro se" and to suggest some sources of additional information.

Neither the King County Bar Association nor the Legal Foundation of Washington, nor the authors, editors, nor revisers of this handbook are responsible for the completeness, adequacy, or accuracy of the information contained in the handbook. There are frequent changes in both the court rules and the law. **IT IS YOUR RESPONSIBILITY ALONE TO VERIFY THE INFORMATION THAT YOU FIND IN THIS HANDBOOK AND TO MAKE SURE THAT THERE HAVE BEEN NO RECENT CHANGES IN THE APPLICABLE RULES OR LAWS.**

This handbook contains no information about cases in the U.S. District Court, Washington State Courts of Limited Jurisdiction (District Courts), Juvenile Courts, or Municipal Traffic Courts.

1.4 Who Can Act "Pro Se"?

In a civil case, you will almost always be permitted to represent yourself, but you must be prepared and on time and you must comply with the court rules. Just as a lawyer may be penalized for being late or unprepared, you can be penalized if you are late or unprepared.

If "you" are a corporation, however, you must be represented in court by a lawyer. A non-lawyer employee, officer, director, or shareholder of a corporation is not permitted to represent the corporation in King County Superior Court (however, in small claims court, a non-lawyer is permitted to represent a corporation). The reason for this is that representing someone else in court is practicing law, and only lawyers are permitted to practice law. However, if you are the sole shareholder, director, and chief executive officer of a corporation, many judges will permit you to represent your corporation in court.

If you are the defendant in a criminal case, the situation is more complicated. The court cannot allow you to represent yourself unless your decision not to have a lawyer has been made voluntarily and with full knowledge of the importance of the decision. Therefore, the judge will question you about why you want to represent yourself, to make sure that you fully understand what you are doing. This is done for your protection.

If you are receiving public assistance and you have petitioned for dissolution of marriage, you are required to tell the King County Prosecuting Attorney, Family Support Section, about the case. If this applies to you, you should call the King County Prosecuting Attorney, Family Support Section, 206-296-9020, to avoid problems and delays later on. See section 2.5.

1.5 The Court Rules and the Law--Where to Find Them

In representing yourself, one of the most important things that you must do is to become familiar with the court rules and the law that applies to your case. If you fail to follow the court rules, you may lose your motion or trial.

1.5.1 Court Rules

1.5.1.1 Washington Court Rules-State

There are two kinds of court rules that you need to be concerned about. First, there is the Washington Court Rules-State. These court rules are the same throughout the state; in other words, these rules do not change from one county or city to another. Thus, the Washington Court Rules-State will govern a civil case tried in Superior Court in Seattle or Spokane. However, the Washington Court Rules-State does consist of several sets of rules, depending on what your case is about and which court you are in. For example, there is one set of rules for civil cases in Superior Court and another set for criminal cases in Superior Court. There is still another set of rules for civil cases in the Court of Limited Jurisdiction and yet another for criminal cases in the Court of Limited Jurisdiction.

The Washington Court Rules-State are published every year in paperback books and can be found in every law library in the state. Call the Bar Association in your area to find out the location of the nearest law library. The public library will probably also contain the other legal materials described below. When you are reading the Washington Court Rules-State, make sure that you are looking at the current edition. The year is printed on the cover. The Washington Court Rules-State are also available online at www.courts.wa.gov/court_rules/.

1.5.1.2 Washington Court Rules-Local Rules

In addition to the Washington Court Rules-State, most courts have "local rules." These rules sometimes contain additional requirements not found in the Washington Court Rules-State, or they may tell you how to comply with the Washington Court Rules-

State in that particular court. You will find the local rules for King County in Washington Court Rules-Local. It is important to follow a court's local rules. To find out the local rules of a particular court, go to a law library (or possibly a public library) in the area and ask for a copy to review and photocopy. If there is no library available to you, ask the court clerk how to get a copy of the local court rules. Washington's District and Municipal Court local rules can also be found at www.courts.wa.gov.

In addition to the formal local rules, individual judges often have their own ways of doing things. If you know which judge is going to be presiding over your trial or hearing, it can sometimes be helpful to talk to the judge's bailiff, or assistant, if there is one, to find out how the judge likes things to be done in his or her courtroom. You may find the telephone number of the judge in the blue-edged government pages of the telephone book under "King County." It might also be helpful for you to sit in on someone else's case in that judge's courtroom so that you can see for yourself how the judge operates. Remember to always be respectful when addressing court staff.

1.5.1.3 The Rules of Evidence

There is a special set of court rules that are extremely important in all trials (except in small claims court). These court rules are the Rules of Evidence. The courts follow the rules of evidence to determine which kind of evidence to permit at trial and which kind of evidence to exclude.

The Rules of Evidence ("ER," for short) are part of the Washington Court Rules-State. As we discussed in section 1.5.1.1, the Washington Court Rules-State and Washington Court Rules-Local are published in two volumes every year. You can find the Washington Court Rules in every law library in the state. In addition to the Rules of Evidence contained in the Washington Court Rules-State, several rules of evidence are contained in statutes that have been adopted by the state legislature. These additional rules of evidence can be found in Title 5 of the Revised Code of Washington ("RCW," for short). The RCW is described in section 1.5.2.1.

Although the Rules of Evidence apply to most court proceedings, there are some proceedings to which they do not apply. For example, they do not apply to small claims court or to some parts of criminal cases, such as preliminary hearings and sentencing. The court proceedings that the Rules of Evidence do not apply to are listed in Rule 1101 of the Rules of Evidence (ER 1101).

Before your case goes to trial, it might be helpful for you to make a list of all the facts that you intend to prove at trial, together with all the evidence that you intend to submit to the court in order to prove those facts. Once you have made that list, you should read over the Rules of Evidence and see if any of your evidence is prohibited by the rules. If it is, then you will have to find some other evidence to take its place. Otherwise, you will not be able to prove that part of your case.

Although the Rules of Evidence are complicated and can be frustrating to try to understand, even for lawyers, there is a good reason for every one of them. They are designed to make it more likely that the truth will come out at trial. *They are not arbitrary "technicalities."*

1.5.2 The Law of Your Case

Besides knowing the court rules, you must also know the law that applies to your case. The law of your case will depend on what your case is about. Unfortunately, it is often difficult to find out what the law is. One of the reasons for this is that the law is created by all the different branches of the government--namely, the legislature, the executive (for example, the governor or a state agency), and the courts. The legislature might pass a law, called a "statute," and a government agency might then adopt regulations to enforce the statute; later, the courts might be called upon to decide what the statute or the regulations mean in a particular case.

In addition, all statutes and regulations must be consistent with the state and federal constitutions. After deciding what a particular statute or regulation means, the courts sometimes decide that it is unconstitutional--for example, because it violates an individual's constitutional rights. Besides the federal constitution, federal law also consists of federal statutes and regulations and the decisions of the federal courts, but those are beyond the scope of this handbook.

Finally, there are many cases for which there is no statute or regulation that applies. Those cases are decided by the courts on the basis of what is called the "common law," which consists of the decisions of other courts in earlier, similar cases.

Therefore, in order to find out "what the law is" in your case, you have to find out (1) whether the state legislature has passed a statute--or the city or county council has passed an ordinance--that applies to your case; (2) whether a government agency has adopted regulations to enforce the statute; (3) whether the courts have interpreted the statute, ordinance, or regulation; (4) whether the statute, ordinance, or regulation is consistent with the state and federal constitutions; and (5) if there is no applicable statute, ordinance, or regulation, whether earlier decisions of the courts in similar cases have established rules of "common law" that apply to your case. If that sounds like a lot of work, you're right.

What now follows is a discussion of how to find out what the law is. This will be a very brief and incomplete description. Long books have been written about how to find out what the law is--for example, Effective Legal Research, by Price, Bitner, and Bysiewicz, which you might be able to find in your local law library or public library.

1.5.2.1 Statutes, Regulations, and Ordinances

As we discussed in the previous section, the legislature passes statutes, and government agencies adopt regulations to carry out those statutes. The statutes passed by

the Washington State Legislature are collected in a series of books called the Revised Code of Washington, or "RCW," for short. There is an edition of the RCW called the RCW Annotated, which also contains a brief summary of court decisions (also called "cases") that have interpreted the statutes. If you can, you should use the RCW Annotated. In the back of each volume of the RCW Annotated is a small booklet, called the "pocket part," which contains the most recent version of the statutes and a summary of the most recent cases.

The law is constantly changing. For that reason, it is absolutely essential that you check the pocket part to make sure that you have the most recent information. If the legislature has been in session since the pocket part was published, even the pocket part might not be up-to-date; there are paperback volumes at the end of the RCW that describe the legislature's most recent actions.

To find the particular statute that you are looking for, the best place to start is usually the index, which consists of several volumes at the end of the RCW series. The index is arranged alphabetically by subject.

Like almost all the books described here, the RCW Annotated can be found in the nearest public law library. Call the local bar association to find out where it is. The librarian at the law library might be able to help you find the books that you are looking for. You can also access the RCW's online at the Washington State Legislature website, www.leg.wa.gov/rcw/index.cfm.

The regulations that have been adopted by the different state agencies, such as the Department of Labor and Industries, are collected in a series of volumes called the Washington Administrative Code, or the "WAC" for short. The WAC is regularly updated by the State Register. Both the WAC and the State Register contain indexes to help you find the relevant pages. You can find the WAC online at www.leg.wa.gov/wac.

If your case involves the law of a county or a city, rather than the law of the state, you will have to check the county or city "ordinances," which are similar to state statutes, but have been adopted by the county council or city council, rather than by the state legislature. The best place to find county or city ordinances is either the local public law library or the office of the county or city clerk.

1.5.2.2 Case Law

The law that applies to your case is also determined by what the courts have decided in earlier cases. Like the state statutes and regulations, the decisions of the Washington courts are published in a series of volumes. The decisions of the Washington Supreme Court are published in a series called the Washington Reports. The decisions of the Washington Court of Appeals are published in a series called the Washington Appellate Reports. Both series of books can be found in a public law library. The decisions of the other Washington courts are not published.

If your case involves a state statute, the easiest way to find the decisions that apply to your case is to check the case summaries in the RCW Annotated (discussed in section 1.5.2.1 above), which will give you the volume and page number of each decision summarized. Another way to find relevant cases, especially if no statute or regulation applies to your case, is to use a publication called the Washington Digest 2d, which is yet another series of volumes. Like the RCW Annotated, the Washington Digest 2d contains summaries of court decisions. Unlike the RCW Annotated, the Washington Digest 2d is organized by subject matter and does not contain the state statutes. The Digest can also be found in a public law library.

Once you have found one or more court decisions that seem relevant to your case, it is important to make sure that those decisions have not been modified or "overruled" by any later cases. The way to do that is by using a publication called Shepard's Citations, which can also be found in a public law library. You will probably need to ask a law librarian to explain how to use Shepard's Citations.

It is a good idea to make photocopies of any statutes, regulations, ordinances, or court decisions that you think are important to your case, since it is usually necessary to refer back to them later.

1.5.2.3 The State and Federal Constitutions

The United States Constitution is "the supreme law of the land." Consequently, all statutes and regulations must be consistent with the U.S. Constitution. This is true regardless of whether those statutes or regulations have been adopted by the U.S. Congress, by the legislature of this or any other state, or by any government agency.

The Constitution of the State of Washington is the supreme law of this state. All state statutes, local government ordinances, and state or local government regulations must be consistent with the state constitution.

If a statute, ordinance, or regulation appears to hurt your case--especially if it seems to violate your individual rights--you should check to see whether it is constitutional. You should check both the state constitution and the federal constitution, because all laws in this state must be consistent with both.

Both the Washington State Constitution and the U.S. Constitution are printed in special volumes of the RCW Annotated (discussed in section 1.5.2.1). The RCW Annotated contains not only the text of the state constitution but also brief summaries of court decisions that have interpreted each provision of the state constitution. In the back of each volume of the RCW Annotated is a small booklet, called the "pocket part," which contains any recent amendments to the constitution (though the constitution is rarely changed) and a summary of the most recent cases interpreting it.

Although the RCW Annotated also contains the text of the U.S. Constitution, it does not provide summaries of the cases that have interpreted the U.S. Constitution. You

may find summaries of cases that have interpreted the U.S. Constitution by checking a series of volumes called the U.S. Code Annotated (U.S.C.A.). The U.S.C.A. can be found in law libraries. The U.S.C.A. has several volumes that contain the text of the U.S. Constitution and summaries of cases that have interpreted it. Each volume also has a pocket part in the back, which you should check for the most recent cases.

1.6 Other Sources of Useful Information

1.6.1 The Clerk of Court

A good source of information is the Superior Court Clerk's Office. You should keep in mind, though, that court clerks and court personnel are prohibited from giving legal advice, such as interpreting the law or the court rules or filling out legal forms for you. Court personnel are not trained to give legal advice and could unintentionally mislead you about the law. The Superior Court Clerk's Office can be helpful, however, in explaining some court procedures, as long as it doesn't require them to interpret the court rules for you, or in telling you where to go for additional information. You should try to avoid times when the clerk's office is unusually busy, so that the office staff will have time to help you.

One of the most valuable services of the clerk's office is to allow you to inspect the court file in your case. In King County, the Superior Court Clerk's Office has some "sample cases" that you can check out and use as examples. The Clerk's Office cannot guarantee, however, that those sample cases were done properly; in addition, the law may have changed since the sample cases were decided. Unless a court file has been sealed by court order, it is a public record.

You may find the Superior Court Clerk's Office on Floor 6 of the King County Courthouse and on Floor 2 of the Kent Regional Justice Center.

1.6.2 Washington Lawyers Practice Manual

Many law libraries have a publication called the Washington Lawyers Practice Manual, which consists of eight loose-leaf binders containing legal forms and many frequently-used areas of Washington law. Although the manual is written by lawyers for lawyers, you might find it helpful. You should keep in mind that, though updated annually, the information contained in the manual may not be completely up-to-date.

1.6.3 Washington Practice

Another useful publication is a series of volumes called Washington Practice, which can also be found in most law libraries. Volumes 14, 14A and 15 of the series discuss practice and procedure in civil cases. Volumes 12, 13, 13A and 13B discuss practice and procedure in criminal cases. Each volume may contain a "pocket part" inside the back cover, which you should check for the most up-to-date information.

1.6.4 State or Local Bar Association

The Washington State Bar Association has its offices in Seattle and has self-help leaflets and other information that you might find helpful, depending on the nature of your case.

For a free copy of the WSBA's general informational leaflet, which also contains a list of the other leaflets, send a self-addressed, stamped, No. 10 business-sized, envelope to:

Legal Information Leaflet
WSBA
2101 Fourth Avenue, Fourth Floor
Seattle, WA 98121

The current topics of the other leaflets are as follows: Alternatives to Court; Bankruptcy; Communicating with Your Lawyer; Consulting a Lawyer; Criminal Law; Dissolution of Marriage; Elder Law; Landlord-Tenant Rights; Law School; Lawyers' Fund for Client Protection; Legal Fees; Marriage; Parenting Act; Probate; Real Estate; Revocable Living Trusts; Signing Documents; Trusts; and Wills. If you would like a copy of one of these leaflets, follow the same instructions given above, but include the name of the leaflet in the address on the envelope--for example:

Wills Leaflet
WSBA
2101 Fourth Avenue, Fourth Floor
Seattle, WA 98121

You can also find information about ordering pamphlets at the WSBA's website, www.wsba.org. Some of the pamphlets are viewable online.

1.6.5 Attorney General's Office

The Attorney General's Office publishes consumer education brochures and has recorded tapes on a variety of topics, especially on consumer problems.

The current topics of the brochures include: Auto Repair Law, Auctions Online, Buying and Leasing Cars, Camping Clubs, Cancellation Rights, Charities, Consumer Disputes, Consumer Line, Credit, Health Clubs, Dealing with Death, Hiring a Contractor, Identity Theft, Junk Email, Landlord Tenant Law, Motor Vehicle "Lemon Law," Obtaining Public Records, Pyramid Schemes, Senior Scams, Telemarketing Fraud, Travel, Unwanted Mail, Utility Rates, and Wireless Services. To request brochures, either write or call the Attorney General's Office. The mailing address in Seattle is:

Office of the Attorney General
Consumer Resource Center

900 Fourth Avenue, Suite 2000
Seattle, WA 98164
www.atg.wa.gov/consumer/download.shtml

The phone numbers for requesting brochures are:
Seattle: 206-464-6684
Elsewhere in the state (toll-free): 1-800-551-4636

To hear taped messages on topics of interest to consumers, call 206-464-6811 in Seattle or 1-800-692-5082 elsewhere in the state.

In addition, self-help brochures are available at:

Northwest Women's Law Center
3161 Elliot Ave., Ste 101
Seattle, WA 98121
206-682-9552
www.nwwlc.org

Northwest Justice Project,
401 Second Avenue South, Suite 407
Seattle, WA 98104
206-464-1519 or 1-888-201-1012
www.nwjustice.org

1.6.6 Administrator for the Courts

For general information about the Washington state courts, the Administrative Office of the Courts has published two booklets. The Washington Court Directory contains a listing of the addresses and phone numbers of all the state courts, including some of their key personnel. The Citizen's Guide to Washington Courts contains an overview of the courts and how they work. To obtain a copy of either booklet, write to the Administrative Office of the Courts, 1206 Quince St. SE, PO Box 41170, Olympia, WA 98504. To obtain information by internet, go to the Washington Courts Home Page at www.courts.wa.gov.

The Administrator of the Courts has current Washington state pattern forms for civil and criminal matters available to download to your computer at www.courts.wa.gov.

1.6.7 Public Library

Depending on the nature of your case, your local public library might have helpful information. The Public Library has computers that you may use to download forms and other information from web sites listed in this handbook. Ask a librarian for help if you can't find what you're looking for.

1.6.8 Attorneys' Information Bureau

You may purchase legal forms of all kinds from the Attorneys' Information Bureau (AIB). The business is located at C-603 King County Courthouse and 1-C Kent Regional Justice Center. The telephone numbers are 206-622-0734 and 206-205-2930 respectively. You do not need to be an attorney to buy the forms and other information for sale at the Attorneys' Information Bureau.

1.7 ALWAYS GIVE PROPER NOTICE TO ALL PARTIES

Whenever you file a document with the court (including "motion papers" as explained in section 2.1.4), you must mail or deliver a copy of the document to all other "parties" in your case (that is, to all other persons who are named in the lawsuit, either on your side or the other side). If a party is represented by a lawyer, you must mail or deliver that party's copy of the document to the lawyer. When you have provided notice according to the court rules, you have given "proper notice" to the other parties.

The court rules and certain statutes explain exactly how and when to give notice to the other parties. The method and timing of giving notice can be different for different kinds of cases. In most cases, the court rules do not permit you to give notice to the other parties by delivering the documents to them yourself. Some other adult must do it for you. You may use a commercial messenger service to deliver your notices. It is extremely important that proper notice be given, otherwise, the court might refuse to grant your request or a higher court might reverse the action of a lower court, if the lower court took action without proper notice.

If you are beginning a lawsuit, you must provide written notice to an opposing party by "service of process." Service of process is the formal notice to the other side to respond to your lawsuit. The court rules (CR 7) and state statutes explain how and when to serve process. Service of process is the most important notice in the lawsuit, so make sure it's done right. You may use a commercial messenger service to serve process or deliver notices. A commercial messenger service will provide you with an affidavit of service upon completion of service of process for filing with the Clerk of Court.

1.8 ALWAYS BE PREPARED AND ON TIME

The state court system is expensive to run, and the cost is paid almost entirely by our tax dollars. If someone shows up in court late or unprepared or fails to provide the opposing party with proper documents in advance according to the court rules, the court proceedings may be delayed. When court proceedings are delayed tax dollars are wasted -and the judge is likely to be annoyed. Therefore, **ALWAYS BE PREPARED AND ON TIME**. If you are going to be late, call the judge or their bailiff. Phone numbers for judges can be found in the white pages of the phone book.

2. CIVIL CASES

There are two general kinds of cases: criminal and civil. Criminal cases are cases in which a defendant is being prosecuted by the state or local government for allegedly committing a crime. All other cases are civil cases. Civil cases most often involve claims for money damages or disputes over property. In this handbook, several special kinds of civil cases are discussed separately. Those are "family law" cases, name changes, domestic violence cases, harassment cases, small claims court cases, "probate" cases, and "guardianship" cases. They are discussed in section 2.5 of this handbook.

Sections 2.1 through 2.4 of the handbook apply to all civil cases (except small claims court cases), not just to the special cases discussed in section 2.5.

2.1 Procedure Before Trial

2.1.1 Commencement of the Lawsuit in Superior Court

Most civil lawsuits begin when the plaintiff files (in the office of the court clerk) and serves upon the defendant a "summons" and "complaint." This procedure is called "service of process" and is described in Rules 3 through 7 of the Superior Court Civil Rules (CRs), if the case is filed in Superior Court. The summons commands the defendant to respond to the claim in writing in court. The complaint contains a statement of the plaintiff's claims against the defendant and the request for relief.

After the plaintiff arranges for services of process, the defendant must respond to the plaintiff's claims within a certain number of days. The exact number is stated in the applicable court rules and in the summons. Generally, the defendant must respond within twenty days of receiving the summons and complaint. The defendant does so by filing a "notice of appearance" or an "answer" with the court clerk and serving a copy of it on the plaintiff (or, if the plaintiff is represented by a lawyer, on the plaintiff's lawyer). The notice of appearance shows the appearance of an attorney on behalf of the defendant or it shows the individual acting on his or her own behalf as a pro se litigant. The answer contains a statement of the defendant's responses to each of the plaintiff's claims.

The defendant may include with the answer a "counterclaim" containing claims that the defendant wishes to make against the plaintiff. The defendant does not have to file a counterclaim against the plaintiff unless the defendant's claims are based on the same dispute that the plaintiff's claims are based on; this is explained in CR 13. The defendant must include any counterclaims he or she has against the plaintiff if the claims arose out of the same transaction or occurrence. If the defendant fails to assert such counterclaims in his or her answer then the defendant may lose the opportunity to assert those claims at a later date. Therefore, if the defendant has a claim that arose out of the same incident as the original claim against the plaintiff who has filed suit then the defendant must file a counterclaim. Finally, if the defendant has filed a counterclaim, the plaintiff must respond to it by filing and serving a "reply."

If the defendant fails to file an answer with the Clerk of Court and serve it upon the opposing party or attorney within 20 days, the plaintiff may bring a Motion for Default against the defendant. The Motion for Default is a civil motion, which requires notice to the attorney or Defendant, if he or she filed a notice of appearance, but which does not require a notice to the Defendant, if he or she filed no notice of appearance or answer.

There are special kinds of civil cases--such as family law cases, probate cases, and guardianship cases--that are commenced by filing a "petition," rather than a "complaint." You should check the applicable statutes and court rules for details, as well as online form providers.

2.1.2 Civil Trial

Upon filing a civil case in King County, the Clerk of Court provides the plaintiff with a Case Schedule which sets a series of events, including a trial date, to keep your case moving towards completion. Immediately after filing, the plaintiff must send a copy of the Case Schedule to the defendant and any other parties, so they know the trial date and the order of events leading up to trial.

The Superior Court Clerk's Office assigns the case to a trial judge. The trial judge may adjust the trial date or other events on the Case Schedule on his or her own motion or upon the request of any party.

If the parties do not comply with the requirements of the Case Schedule, the Court may set a Status Conference to determine why the case is not moving toward trial at a reasonable rate. If the Court sets a Status Conference, you should personally appear on the date for the hearing. Prior to the hearing, you should determine if you have failed to follow the Case Schedule and correct your failure. For instance, if you have failed to file the confirmation of service of process, you should prepare the document and file it with the Clerk of Court as soon as possible. You should also be aware that the court imposes a fine for missing Case Schedule deadlines.

2.1.3 Discovery

In Superior Court, the court rules provide you with an opportunity to find out the facts that the opposing party intends to prove at trial and the evidence that the opposing party intends to submit to the court in order to prove those facts. In the same way, the rules provide the opposing party with an opportunity to find out about your evidence and the facts that you intend to prove. This process is called "discovery."

The court rules provide several different methods of discovery. The most common and least expensive form of discovery is "interrogatories," which are written questions that you submit to the other party, who must answer the questions in writing.

Another common form of discovery is the "deposition," where a party may subpoena any person with knowledge of relevant facts (including persons who are not parties to the lawsuit) to appear at a particular time and place, and question that person about what he or she knows. Since the questions and answers of a deposition must be recorded in some way, and since they are usually recorded by a paid court reporter, depositions can be expensive. One way to make them less expensive is to reach an agreement with the other parties that the deposition may be tape recorded by each party, instead of being recorded by a court reporter. Each party would then make arrangements for a typist to listen to the tape recording and type a transcript. If the other party won't agree to this, you can ask the court (by making a "motion," as explained in section 2.1.4 below) to enter an order authorizing you to tape record the deposition.

The court rules that regulate the discovery process in Superior Court are Civil Rules 26 through 37 of the Superior Court Rules, which can be found in the Washington Court Rules (discussed in section 1.5.1.1.) If you must respond to discovery, you should answer deposition questions or interrogatories completely and honestly. For interrogatories, you should supplement your answers as you obtain new information.

Discovery supplements other exchanges of information already required in the process leading toward trial. In King County Superior Court, the King County Local Civil Rules require the parties to do several things before trial. These rules require, among other things, that both parties disclose to the other possible witnesses and rebuttal witnesses before trial. LR 4 and 16 require that the parties exchange a list of actual witnesses and exhibits and documents 21 days before trial and submit a joint statement of the evidence 7 days before trial. If you fail to disclose possible witnesses or rebuttal witnesses in a timely fashion, the trial judge may refuse to allow the witness to testify.

Discovery is one of the most important parts of a civil lawsuit. It helps to prevent either party from surprising the other at trial with evidence that has been kept secret. As a result, trials go more smoothly and most cases are settled even before trial begins. More information regarding discovery can be found at the King County Law Library.

2.1.4 Civil Motions

Before the actual trial of a lawsuit, one or more of the parties may ask the court to take some action or make some decision about the case. For example, the plaintiff might want the defendant to reveal certain information that the plaintiff requested during the discovery process. The defendant might think that the plaintiff is not entitled to that information. In order to resolve the dispute, the plaintiff must make a "motion" to the court, asking the court to order the defendant to reveal the requested information.

Civil motions in cases in King County Superior Court must comply with King County Local Civil Rule 7, which can be found in the Washington Court Rules. The form of a motion must comply with LR 7, except Family Law motions, which must comply with Local Family Law Rules (LFLR) 5, 6 and 8. The motion must have separate sections to state the following: the relief requested, a statement of facts, a statement of

issues, the evidence relied upon, the legal authority for the motion, and must have an attached copy of the proposed order. You must file the motion with the court clerk, together with a document, called a "Note for Motion Docket," which must contain the date and time that you request the court to decide the motion. LR 7 requires that you file most civil motions with the court and arrange for delivery to the opposing party at least six court days (that is, not counting weekends, holidays, and not counting the date of service, but counting the date of the hearing) before the date of the hearing.

Generally, the King County Superior Court will hear civil motions without oral argument, except for Summary Judgment motions, Family Law motions, Ex Parte motions, and dispositive motions. A "dispositive" motion is a motion, which ends all or a substantial part of the case in favor of one party. For a civil motion without oral argument, you do not need to telephone the courtroom staff of your trial judge to select a date for the oral argument. If you want oral argument for a civil motion, you must request it on the Note for Motion Docket and you must call the courtroom staff of the trial judge ahead of time to request a time for the oral argument on the civil motion. You may find the telephone number of your trial judge in the blue-edged government pages of the telephone book under "King County." If you are responding to a civil motion by the opposing party, you must file and deliver your response no later than noon two court days before the civil motion is to be heard. If you wish to reply to the response to a civil motion, you must file and deliver your reply no later than noon one day before the civil motion is to be heard. Summary Judgment motions and Family Law motions have different time periods, which you may find in LR 56 and LFLR 6.

In most cases, you must file the original Note for Motion Docket and civil motion and any attached documents with the Clerk of Court, deliver one working copy of each document to the trial judge's courtroom staff or the judge's mailbox at the King County Courthouse or the Regional Justice Center, and deliver one copy to the opposing party or the attorney for the opposing party, if he or she has an attorney. The Clerk of Court will place the original in the court file and the trial judge's courtroom staff will give the working copy to the trial judge to read before the hearing date. The working copy for the judge should have the judge's name, the date, and the time of the hearing in the upper right hand corner of the first page of the document in red ink. The motion and note for motion docket should have your name, mailing address, and telephone number in the lower right hand corner of the first page. The same is true of any document that you file with the court.

Under Civil Rule 56 of the Washington Court Rules, a party must provide 28 calendar days advance notice of a Motion for Summary Judgment. The opposing party must respond in writing to the Court and to the moving party at least 11 calendar days before the hearing. Since a Motion for Summary Judgment may dispose of the case, the trial court will want to hear oral argument. So, you must call the courtroom staff of the trial judge to select a date for oral argument. For a Motion for Summary Judgment, you must file the original Note for Motion Docket and motion and any attached documents with the Clerk of Court and deliver one copy to the trial judge's courtroom staff or the judge's mailbox at the King County Courthouse or the Regional Justice Center. The

Clerk of Court will place the original in the court file and the trial judge's courtroom staff will give the copy to the trial judge to read before the hearing date.

Under King County Local Family Law Rule 6, a party must provide 14 calendar days notice of a family law motion before a court commissioner. The opposing party must respond in writing to the court and to the moving party by noon at least four court days before the hearing. For a Family Law Motion before a court commissioner, the moving party must confirm the motion with the Family Law Motions Coordinator between 2:30 p.m. three court days before the hearing and noon two court days before the court hearing; otherwise, the motion will be stricken from the calendar and the judge will not hear the motion. You will have to note it again for a different time if you still want it to be heard. For other motions, King County Local Rule 7 does not require confirmation, but the parties must notify the court in the event that the parties agree to cancel the motion. If the local court rules require that family law motions be confirmed and you fail to confirm your motion, the court clerk will strike the motion from the court's calendar and your motion will not be heard. For a family law motion, you must file the original Note for Motion Docket and motion and any attached documents with the Clerk of Court and deliver one copy to Family Law Motions Coordinator in Room W292 of the King County Courthouse or Room 1222 in the Regional Justice Center in Kent. The Clerk of Court will place the original in the court file and the family law coordinator's staff will give the copy to the family law court commissioner to read before the hearing date.

For motions for which the court allows oral argument, you should be sure to show up early for the hearing and tell the courtroom staff that you are there. Then, listen for your case to be called by the judicial assistant or bailiff. If the party making the motion fails to show up at the time of the hearing, the court will strike the motion from the court's calendar and the moving party will have to note the hearing again. If the party opposing the motion fails to show up, the court will not strike the motion, but the court will not automatically grant the motion; instead, the judge will decide what action is appropriate.

For motions for which the court does not allow oral argument (speaking), you do not need to appear in court on the date of the hearing. King County Local Rule 7 provides for all nondispositive motions and motions for default to be decided without oral argument, with a number of exceptions. Nondispositive motions are that do not end a case. However, you may request that the trial judge hear oral argument on a nondispositive motion and the trial judge may grant your request. The exceptions include Summary Judgment motions, Family Law motions, and Ex Parte motions. To request oral argument for a nondispositive motion, you must make the request on the Note for Motion Docket and telephone the trial judge's courtroom staff to request a special time for the oral argument.

Under LR 7, the moving party in a civil motion has the responsibility to include a proposed order for the judge to sign in the civil motion. The responding party has the opportunity to submit a proposed order for the judge to sign in his or her response to the civil motion. The judge will choose the most applicable order, modify it as necessary,

then ask the courtroom staff to file the order and send a copy to each party in stamped envelopes provided by the moving party.

2.1.5 Settlement Conferences

The local court rules provide a means for having a judge conduct a settlement conference involving all the parties to a dispute. Under LR 16(c), the parties may agree on a settlement conference or the individual calendar (trial) judge may order the parties to participate in a settlement conference. Except for cases involving domestic violence, the trial judge is likely to require all parties to participate in a settlement conference. The settlement judge or mediator cannot be the individual calendar (trial) judge and the settlement judge or mediator must not discuss the negotiations with the individual calendar (trial) judge. You must prepare a settlement letter or legal pleading to set forth your position on the issues, such as liability, causation, and damages in a personal injury case, and deliver the letter to the settlement judge or mediator and the opposing party ahead of time. For family law settlement conferences, your settlement letter or legal pleading must include a financial declaration and you must submit it to the settlement judge or mediator and to the opposing party two days in advance of the settlement conference. Generally, you must attend the settlement conference, unless excused by the settlement judge or mediator for an exceptional, compelling reason. If you fail to attend or to provide the settlement letter or pleading, the settlement judge or mediator may impose sanctions, such as a fine. The settlement judge or mediator may make a recommendation about how the case should be settled and may encourage the parties to actively participate in the negotiations. Settlement conferences provide an effective means of resolving legal disputes before trial.

2.2 Mandatory Arbitration

State law permits the Superior Court of each county to adopt a procedure whereby civil lawsuits involving claims for money of no more than \$50,000 (and no other claims) are subject to mandatory arbitration. In addition, when for purposes of arbitration only all parties waive claims in excess of \$50,000.00, exclusive of attorney's fees, interest, and costs, or the parties stipulate to arbitration, the case will be referred to mandatory arbitration.

Under this "mandatory arbitration" procedure, each party presents its evidence to the arbitrator in an informal hearing. The arbitrator is an attorney, who acts as the decision-maker. The arbitration hearing usually takes place in the arbitrator's law office. Arbitration often takes less time than a trial by judge or jury. King County has adopted local rules for mandatory arbitration (LMAR). Those rules state that the purpose of mandatory arbitration is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims subject to arbitration by state law. One of the advantages of mandatory arbitration is that the cases move more quickly to an arbitration hearing than they do to trial by judge or jury.

The case schedule (discussed in section 2.1.2) sets a date for the filing of a Confirmation of Joinder, but where a party believes the case to be proper for mandatory arbitration, a Statement of Arbitrability in the form prescribed by the court should be filed instead of the Confirmation of Joinder. LMAR 2.1(a). Any other party has 14 days to object to the Statement of Arbitrability, or the case will be deemed to be arbitrable. Thereafter, the Arbitration Department will send the parties a list of possible arbitrators. In a typical case with one plaintiff and one defendant, the list will have five names and each side may strike two names and indicate a preference for two other names. The Arbitration Department notifies the parties of the name of the designated arbitrator, who will then schedule the hearing.

Once the Arbitration Department assigns a case to an arbitrator, the Mandatory Arbitration Rules (MAR) limit the amount of discovery (discovery is discussed in Section 2.1.3). The limitations are set out in MAR 4.2 and LMAR 4.2. These rules explain what information you must provide to the arbitrator in the Prehearing Statement of Proof. The Prehearing Statement of Proof informs the arbitrator of your evidence and view of the case. MAR 5.3 and LMAR 5.3 set forth the procedure for conducting of the hearing. The arbitrator should place witnesses under oath before testifying. While the arbitration hearing is more informal than a courtroom trial, the rules of evidence apply, subject to the arbitrator's discretion. The arbitrator should begin the hearing with an explanation of the manner in which he or she will conduct the hearing. The arbitrator's award must be written, then filed with the Court no later than 14 days after the conclusion of the arbitration hearing.

Any party dissatisfied with the arbitrator's decision can appeal the result by requesting a trial. The judge or the jury hearing the trial will not consider or know the decision of the arbitrator. The appeal is known as a request for "trial de novo." The time limits for requesting a trial de novo may be found in MAR and LMAR 7.1 through 7.3. You must strictly comply with the requirement to file the request for trial de novo and serve the document on the opposing party within 20 days of the date of filing of the arbitration decision with the Clerk of Court, or you will lose your right to a trial. If one party requests a trial de novo, the clerk will assign an accelerated trial date to the case and send out an Amended Case Schedule. A party who appeals a decision of an arbitrator, but fails to improve his or her position at the trial de novo, will be assessed costs and reasonable attorney's fees incurred after the filing of the request for trial de novo. The intent of this rule is to encourage the parties to accept the decision of the arbitrator.

2.3 Trial

2.3.1 An Overview

In order to find out how trials are handled in a particular court, it is essential that you read and become familiar with all the applicable court rules (see section 1.5.1).

Most courts require each party to prepare a written document called a "trial brief," which should clearly and briefly state the facts that the party intends to prove and the

legal arguments that support the party's position. More information regarding trial briefs can be found in books available in the King County Law Library, such as The Winning Brief: 100 tips for Persuasive Briefing in Trial and Appellate Courts, by Bryan Garner.

Most courts hold a Pre-Trial Conference, during which the judge sets the time for submission of trial briefs about five days in advance of trial. In addition, in jury trials, each party must present the judge with proposed instructions for the jury (see section 2.3.3 below).

The first step in the actual trial is for each party to give an "opening statement" about the facts that the party intends to prove. You should use the opening statement only to give the judge or the jury a preview of the evidence that you intend to present during the trial. You should not try to argue your case during the opening statement; your argument comes at the end of the case, after all the evidence has been presented and the judge has instructed the jury. The plaintiff is permitted to give an opening statement first, followed by the defendant.

After the opening statements are given, the plaintiff begins presenting evidence. The most common types of evidence are witnesses and exhibits (for example, photographs, relevant letters, bills, and other documents). Generally speaking, a witness will be permitted to testify only about what the witness knows from his or her own personal knowledge, not about what someone else may have told the witness. However, there are exceptions to this rule, as explained in the rules of evidence (see section 1.5.1.3). After the plaintiff has questioned a witness ("direct examination"), the court will permit the defendant to ask his or her own questions ("cross-examination"). If any of the answers that the witness gives on cross-examination require further explanation, the court will permit the plaintiff to ask additional questions, which are within the scope of cross-examination ("re-direct examination"). The court will then permit the defendant to ask further questions ("re-cross-examination")--and so on, until the witness's knowledge has been thoroughly explored.

Under King County Local Rule 16, each party must present a list of witnesses and exhibits to the other party no later than 21 days before trial. If you fail to disclose a witness, the judge may refuse to allow you to present the witness's testimony. (See Section 2.1.3)

If you want to object to a particular question that is asked by the other side, you must do so before the question is answered and you must be prepared to tell the judge the legal basis of your objection. For example, you may object to a question on the basis that it calls for hearsay evidence. You are not allowed to wait and see if you like the witness's answer before making your objection.

Under King County Local Rule 16, a party must submit a list of the exhibits to the opposing party 21 days before the trial. Later, at the Pre-Trial Conference, usually seven days before trial, the court may rule on the objections to admission of an exhibit into evidence. Despite the pretrial preparation at the Pre-Trial Conference, which may declare

the exhibit admissible, you must still present the exhibit through a witness capable of identifying the document in his or her testimony. If you want an exhibit (a document, for example) to be considered by the court, you must "offer" the exhibit "into evidence." Before doing so, you must "lay a foundation" for the exhibit by showing, usually through the testimony of a witness who is familiar with the exhibit, what the exhibit is and why it is important to the case.

After the plaintiff's evidence has been presented, the court will permit the defense to present its evidence. Just as the court permitted the defense to cross-examine the plaintiff's witnesses, the court will permit the plaintiff to cross-examine the defense witnesses. After the defense has presented all its evidence, the court will permit the plaintiff to respond to the defense's evidence by presenting additional evidence, if the plaintiff chooses, so long as it is not simply a repetition of the evidence that the plaintiff already presented earlier.

After all the evidence of both parties has been presented, the judge will instruct the jury, if the trial is by jury.

Each party is then permitted to give a "closing argument." As its name implies, the closing argument is the place for telling the jury (or the judge, if there is no jury) why the case should be decided in your favor. The plaintiff argues first, then the defendant, and lastly the court will permit the plaintiff to make a brief reply, called a "rebuttal," to the argument of the defendant. Then the judge or jury will consider the case and reach a decision. For a jury trial, the jury makes its decision by filling in a jury verdict, which is one of the jury instructions. For a bench trial, the judge makes his/her decision with oral findings, conclusions, and decisions. The judge will ask the prevailing party to reduce his decision to writing and present the documents to the court for approval at a later time.

If you want to find out more about trial techniques, a good reference book is the paperback Trial Techniques by Thomas A. Mauet, which can be found in some law libraries and bookstores. If you want to find out more about practice and procedure in civil cases in the state of Washington, you should look at volumes 14, 14A and 15 of the multi-volume series called Washington Practice, which can be found in law libraries.

As we explained at the beginning of this handbook, you will be required at the trial of your case to obey all the rules and standards that apply to lawyers. The sections below discuss some common problem areas for persons who are representing themselves.

2.3.2 The Right to a Jury Trial

In many civil cases, each of the parties has a right to demand that the case be decided by a jury, rather than by a judge. In other words, if one of the parties demands a jury trial, and the case is one in which a jury trial may be demanded, then the case will be decided by a jury. It does not matter if the other parties do not want a jury trial.

If a party demands a jury trial, a judge will still preside over the trial. The judge will rule on motions, decide which evidence is admissible, and instruct the jury about the law that applies to your case. But the jury will decide the case and determine how much money, or other relief, if any, to award to a party.

Generally, in dissolution of marriage, paternity, and juvenile cases, no party has a right to a trial by jury.

If you intend to demand a jury trial, you must follow the court rules for doing so. If your case is in Superior Court, you should read Rules 38 and 39 of the Superior Court Civil Rules. You should also read any local court rules regarding the demand for a jury trial. If you fail to follow the court rules for demanding a jury trial--especially if you wait too long before making the demand--you risk losing your right to a jury trial. In King County Superior Court, the Clerk of Court issues a case schedule at the time the plaintiff files the case. The case schedule establishes the deadline for making a jury demand. If you fail to make a jury demand on time, the court may conduct your trial without a jury. Under King County Local Rules 38 and 4, a party must demand a jury at least 14 days before the trial date. For a jury of twelve, the Clerk of Court requires a jury fee of \$250.00.

2.3.3 Jury Instructions

If your case is going to be tried before a jury, the jury will decide the case, but the judge will first instruct the jury about the law that must govern their decisions. These instructions will have an important effect on the outcome of the case.

It is the responsibility of each party to prepare a set of proposed jury instructions and to present them to the judge before the trial. At the Pre-Trial Conference, the court will require that the parties exchange proposed jury instructions, usually five days before trial.

During the trial, the judge will decide which instructions should be given. Before instructing the jury, the judge will tell the parties which instructions have been chosen and will give each party an opportunity to make objections to those instructions. You may not challenge a jury instruction on appeal unless (1) you objected to it before the judge instructed the jury; (2) you explained the basis of your objection; and, in most cases, (3) you proposed a suitable alternative instruction.

In many cases, appropriate pattern jury instructions can be found in a volume entitled Washington Pattern Jury Instructions--Civil (WPI for short), which is volume 6 and 6A in the series Washington Practice, which can be found in most law libraries. You should check the pocket part in the back of the volume for the most recent versions of the instructions. If you cannot find an appropriate instruction in the WPI, you will have to draft one yourself, based on what you think the law is. Section 1.5.2 of this handbook) discusses how to find the law that applies to your case.

You should check the court rules, including any local rules, to find out how many copies of your proposed instructions should be given to the judge at the beginning of trial and in what form they should be presented to the judge. The King County Local Rules require each party to deliver one cited set of jury instructions to the Clerk of Court; two uncited, original sets of jury instructions and one cited set of jury instruction to the judicial assistant or bailiff; and one cited copy to the other parties at least five days in advance of the trial. A cited jury instruction is a jury instruction with a citation to the WPI or other precedent in the lower left corner of the page. The citation provides legal authority for the jury instruction to the trial judge to justify its delivery to the jury.

2.3.4 Jury Selection

If you are going to have a jury trial, one of the first steps at trial will be the selection of a jury. First, the judge will ask general questions of the prospective jurors. Next, under the judge's supervision, each party will be given a chance to question each prospective juror briefly in order to determine the juror's qualifications to serve in that particular case. Each party may question prospective jurors to determine if the juror can be fair and impartial in deciding your case.

If the questioning reveals a specific reason why a juror is likely to be prejudiced in favor of one side or the other, a party may challenge that juror "for cause"; the judge will then decide whether the juror should be allowed to remain on the jury. There is no limit on the number of challenges "for cause" that a party may make, but challenges for cause should be made sparingly, because they are often rejected by the judge and they might leave the challenged juror feeling that you have attacked his or her integrity. For that reason, if a challenge for cause is rejected by the judge, the party who made the challenge should then use a "peremptory" challenge (explained in the next paragraph) to dismiss the challenged juror.

In addition to challenges for cause, each party is allowed a limited number of "peremptory" challenges. Peremptory challenges dismiss a certain number of jurors from the jury panel without giving any reason. The purpose of peremptory challenges is to permit each party to dismiss jurors who that party has a "feeling" might be prejudiced or unfavorable to his or her case. The number of peremptory challenges each party is entitled is determined by state statute. Under RCW 4.44.130, each party may have three peremptory challenges. However, before jury selection begins, you should make sure that you and the judge agree on the number of peremptory challenges to which you are entitled.

If a juror is dismissed from the jury after being challenged, that juror's place will be taken by another prospective juror, who may then be questioned. Before making either a peremptory challenge or a challenge for cause, you should keep in mind that the juror who replaces the one who is dismissed might be no better, and could be worse.

There are two styles of jury selection that a judge may decide to use. One is the traditional method of questioning and the other is the "struck" method of questioning. The questioning is referred to as "voir dire." The traditional method questions jurors for

qualifications one at a time, first with questions from the plaintiff, then with questions from the defendant. The struck method of questioning jurors for qualifications allows questions to more than one juror at a time. You should be ready to question jurors under both styles of jury selection at the time of trial.

2.3.5 Special Forms

Appearance Form: Persons representing themselves must sign a form called a "Notice of Appearance Pro Se" when they first appear in court. This form is available in the courtroom.

Exhibit Stipulation Form: Exhibits that parties submit at trial are stored in an "exhibit room" at the courthouse. The supervisor of the exhibit room will need to know whether you want your exhibits back when the trial is over. If you do, you should say so on an "exhibit stipulation form" that you can obtain from the courtroom clerk. Otherwise, the supervisor of the exhibit room will dispose of the exhibits at the end of the trial or the appeal period.

Trial Notebook: Each party is required to provide notebooks to the judge, court reporter, and opposing counsel. Each notebook must include your witness list, exhibit list, and exhibits.

2.3.6 The Trial Record--What You Need to Do

The Superior Court arranges for a transcript of all trials. In most Superior Courts, the court reporter makes a record, word-for-word, of everything that is said during the trial. In some Superior Courts, a video recording machine makes a video tape recording of the words and actions of the trial. If you order a copy of the video tape recording at the beginning of the trial, the expense is less than placing an order for a copy after the end of the trial. The courtroom clerk keeps an abbreviated record (called "minutes") of what happens during the trial, too. In order to help make a clear record, you need to do the following:

- A. Speak loudly and clearly. Identify yourself by name and address (including zip code) at the beginning of the trial.
- B. When you call a witness, the first thing you should ask the witness to state his or her full name (spelling the last name, unless it is a common one) and complete address, including zip code. Under King County Local Rule 16(a), the parties must prepare a Joint Statement of the Evidence, which includes a list of witnesses that each party intends to call at trial. If the witness is not on the Joint Statement of the Evidence, the trial judge may not permit that witness to testify.
- C. When you intend to offer an exhibit into evidence, hand the exhibit to the courtroom clerk and ask that it be marked for identification. The courtroom

clerk will then write a number on it, such as "Defendant's Exhibit Number 3." Always use that number when you are referring to the exhibit. The number will remain with the exhibit throughout the trial and any proceedings after the trial. Under King County Local Rule 16(a), the parties must prepare a Joint Statement of the Evidence, which includes a list of exhibits that each party intends to submit at trial. The Joint Statement must contain a statement indicating to the court whether the parties agree to the admission of the exhibit or object to its admission. Some courts will request that the parties number the exhibits. If the exhibit is not on the Joint Statement of the Evidence, the Court may admit the exhibit "as justice requires."

- D. Return the exhibit to the courtroom clerk when the witness has finished testifying about that exhibit. Never remove any exhibit from the courtroom. The courtroom clerk must maintain absolute control over all the exhibits; otherwise, a mistrial could result, causing the parties to begin the trial again on another day.
- E. Remember that an exhibit cannot be considered by the judge or the jury in deciding the case unless the exhibit has been "offered" and "admitted" into evidence. At any given time, the courtroom clerk can tell you the status of any exhibit (that is, whether it has been admitted into evidence, been refused, or been withdrawn by the party who offered it). If you need that information, you should ask the courtroom clerk for it. The courtroom clerk is not permitted to remind you that an exhibit has not been admitted into evidence.
- F. Use words, not gestures, to get your idea across. The court reporter cannot record gestures, and you may later need to rely on the written record to explain what you or a witness said. For example, a nod of the head is not enough; the witness should say "yes." If a witness is trying to describe the size of something, the witness should use words such as inches, feet, or yards.
- G. Do not try to hand things directly to the judge. If you want the judge to examine or read something, hand it to the courtroom clerk, who will then hand it to the judge.
- H. Before your trial or hearing, make an outline of what you intend to prove or the points you intend to make. Take the outline with you into the courtroom, and refer to it when you need to. You might want to add this outline to your copy of your trial notebook along with questions for witnesses, outlines of your opening statement, and your closing argument. These techniques will make your presentation smoother and will reduce the chance of forgetting something. (This does not apply to witnesses; witnesses tend to be more believable if they can testify from memory). If you have time, it can also be helpful to rehearse your presentation at home or with a friend before you go to court.

2.3.7 Suggestions for Witnesses

If you are answering a question, you should understand the question before you answer. When in doubt, you should ask to have the questions repeated or explained.

When you answer a question, just answer the question that was asked. Do not add any comments that have nothing to do with the question. Otherwise, you are likely to irritate the judge or jury.

2.4 Procedure After Trial

Your job is not done when the trial is over. On the contrary, there are important things to be done after trial. The following list is not complete, but it includes some of your most important responsibilities. For additional information, you should consult the court rules.

2.4.1 The Trial Court's Decision

In order to be official, one of the parties must prepare a Judgment based upon the jury verdict or the judge's decision. A Judgment is not final until the judge signs it and a party files it with the court clerk. If the judge decided the case alone (a "bench trial"), the judge will often ask the prevailing party to prepare, in addition to the Judgment, written Findings of Fact and Conclusions of Law, based on what the judge said in his or her oral decision. The parties may purchase a transcript of the judge's decision from the court reporter or purchase the video tape recording to assist with the preparation of the Findings of Facts and Conclusions of Law and Judgment.

A copy of the Findings of Facts and Conclusions of Law and Judgment must be given to the losing party before being presented to the trial judge for approval. In that way, the losing party will have a chance to object to any parts that the losing party thinks are different from what the jury or the trial judge decided.

2.4.2 Notice of Appeal

If you want to appeal the decision of the trial court, you must file a written notice of appeal in the Office of the Superior Court Clerk. It is not enough simply to tell the court or the other party in your case that you intend to appeal, even if your statement is recorded by the court reporter. The trial judge cannot provide legal advice to either party on how to appeal his or her decision.

THE NOTICE OF APPEAL MUST BE FILED ON TIME. There are no exceptions to this rule. If your written notice of appeal is filed late, your right to appeal is lost forever. In order to find out the time limit for filing a notice of appeal, you must check the applicable court rules. Under the Rules of Appellate Procedure 5.2, the time for appeal from the Superior Court to the Court of Appeals is 30 days from the date of the entry of judgment or other final order of the trial court. To be safe, figure out the time

limit for your case before the trial is over. Then you will know ahead of time how much time you have.

Usually, the written notice of appeal must be filed at the clerk's office of the trial court, but again, check the court rules. The rules will also tell you what the notice of appeal should say.

If you want to appeal the decision of the trial court, you must pay a filing fee when you file the notice of appeal, unless you have obtained a court order excusing you from paying the fee. If you are indigent--that is, you don't have enough money--the court might excuse you from paying the filing fee. Again, you should check the court rules to find out how to ask the court to excuse you from paying the fee. Currently, the appeal fee for appeal to the Court of Appeals is \$250.00.

If you are appealing a decision of a Superior Court, the court rules that will apply to your appeal are the Rules of Appellate Procedure ("RAP," for short). Like the Superior Court Civil Rules ("CRs"), they are printed in the paperback Washington Court Rules-State, which can be found in most public law libraries. You should read the RAPs carefully, from beginning to end, as soon as you have decided to file a notice of appeal.

2.4.3 Return of Exhibits

The procedure for getting back the exhibits that were used at trial is described in the court rules. Generally, the courtroom clerk will ask you to fill in a written form to state what should be done with your exhibits after the expiration of the period for appeals. If you appeal the case, the court will have to keep all of the exhibits until the appellate court completes the appeal and any retrial, if one is ordered. You **MUST** arrange to pick up your exhibits after the trial is completed. King County charges an exhibit destruction fee for all unreturned exhibits.

2.5 Special Types of Civil Cases

2.5.1 Family Law Cases

The term "family law" refers to matters such as dissolution of marriage (formerly called divorce), parenting plan modification (formerly called custody), and parentage (formerly called paternity) and child support modifications. All dissolution of marriage cases must go through the Superior Court.

You may find it difficult to represent yourself in a marriage dissolution, unless you have no opposition from your spouse. Even then, it would be worthwhile for you to consult a lawyer. To assist you with dissolution of marriage, there are several sources of extremely useful information.

First, the King County Bar Association has a Self-Help Plus Program to assist people, who meet certain low income guidelines, to do their own uncontested dissolution of marriage, child support modification, and parenting plan modification.

Next, the King County Superior Court has Family Court Facilitators who provide information to help people who have no lawyer to obtain marriage dissolutions, modification of parenting plans, and modification of child support. The information includes checklists and packets of forms that meet the requirements of the King County Superior Court. At the King County Superior Court, you may ask for information from the Family Court Facilitator, who will review your Petition for Dissolution of Marriage, Findings of Facts and Conclusions of Law, Decree of Dissolution of Marriage, your Modification of Parenting Plan, Modification of Child Support, and other documents, before you submit the documents to the King County Superior Court for consideration.

In addition, lawyers have written books and leaflets to help people obtain dissolutions on their own. For example, the Washington State Bar Association distributes a free leaflet on dissolutions of marriage (see section 1.6.4). There are also books on self-help dissolutions of marriage that are designed for the State of Washington in particular. For example, Divorce in Washington by Halverson and Kydd, which you can obtain from Pacific Family Institute Press, Hoge Building, Seattle, WA 98104; which is available for sale at the Attorneys' Information Bureau, So You Want a Divorce by Giboney, and Family Law in Washington--Your Rights and Responsibilities, by the Northwest Women's Law Center, and Doing Your Own Divorce in Washington by Columbia Legal Services. You may ask for them at your local bookstore. The King County Law Library also has many useful publications, one of which is mentioned below.

You might find useful information in the Washington Family Law Deskbook, which is available at the King County Law Library reference desk, or in the Washington Lawyer Practice Manual, referred to in section 1.6.2 of this handbook. The Office of the Administrator of the Courts, 1206 South Quince Street, P. O. Box 41170, Olympia, WA 98504-1170 has dissolution of marriage, paternity, and domestic violence prevention forms on computer disc or in loose-leaf form for a modest price. You may download the same forms and related statutes onto your computer from their web site at <http://www.wa.gov/courts>. If you do not have a computer, you may find one available at your public library.

When you file for dissolution of marriage in the King County Superior Court, the Clerk of Court will provide you with a Case Schedule, which sets a trial date eleven months from the date of filing, with a series of deadlines for you to comply with. You must arrange for service of process on your spouse and file proof of service of process with the Clerk of Court. If your spouse answers, you must file a confirmation of issues form, which confirms to the King County Superior Court which issues you and your spouse disagree upon. If you and your spouse do not agree on parental rights and the parenting plan, the Court will refer your case to Family Court Services for mediation. If you and your spouse do not agree to the division of property, the Case Schedule provides

a deadline for a settlement conference prior to trial. A Settlement Conference may be conducted by individual mediators, mediation services, and volunteer lawyers. If you want information from your spouse, you must complete your discovery prior to the discovery cutoff date on the Case Schedule, which is 35 days before trial. If you fail to comply with the Case Schedule, the King County Superior Court may require you to attend a Status Conference to bring you into compliance or dismiss your dissolution of marriage case.

If you want to bring a family law motion before the King County Superior Court, you must strictly comply with the provisions of the King County Local Family Law Rules. You must file the original Notice of Hearing, Motion, proposed Order and supporting documents or declarations under oath to the Clerk of Court and provide a copy of the same documents to the opposing party and to the Family Law Motions Coordinator at least 14 days in advance of the hearing date. The opposing party must file an original Response and supporting documents and declarations under oath with the Superior Court Clerk's Office by 12:00 noon four court days in advance of the hearing and provide a copy of the same documents to the Family Law Motions Coordinator and to you. You may reply by filing the original Reply with the Clerk of Court with supporting documents and declarations by 12:00 noon two days in advance of the hearing date and by providing a copy of the same documents to the Family Law Motions Coordinator and to opposing party. You must confirm the motion with the Family Law Motions Coordinator in the King County Courthouse by telephone between 2:30 p.m. three days before the hearing and 12:00 noon two days before the hearing; otherwise, the Court will strike your Family Law Motion. On the date of the hearing, you may summarize your documents in oral argument to the Family Law Court Commissioner, who will then decide upon your Motion. The trial judge assigned to your case will not hear your family law motion.

If you request child support or financial relief in a Family Law Motion, you must complete the Financial Declaration under oath. The Financial Declaration details your assets, liabilities, income, and expenditures. The Financial Declaration requires attachment of your Income Tax Returns for the past two years, current pay stubs, bank statements, and other financial records.

If you have children of your marriage, the King County Superior Court will require a Parenting Plan to set the parental rights of each parent for weekdays, weekends, summer vacation, winter vacation, spring vacation, and holidays.

2.5.2 Domestic Violence Cases

If you or someone you know is a victim of domestic violence, it is important for you to know about the Domestic Violence Prevention Act. The Washington State Legislature passed the law in 1984 in order to protect the victims of domestic violence. That statute can be found in Chapter 26.50 of the Revised Code of Washington (RCW).

The Act defines "domestic violence" to include physical harm, bodily injury, assault, sexual assault of one family or household member by another or the infliction of

fear of imminent physical harm, bodily injury, assault, or sexual assault (RCW 26.50.010(1)).

The Act defines "family or household members" to include "spouses, former spouses, adult persons related by blood or marriage, persons who are presently residing together, or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time" (RCW 26.50.010(2)).

The Act permits the courts to intervene in a number of ways--for example, by restraining the "respondent" (the person accused of domestic violence) from committing acts of domestic violence; by ordering the respondent to stay away from the dwelling where the violence occurred, even if the respondent lived there too; by awarding temporary parental rights for minor children; and by ordering the respondent to participate in treatment or counseling. The court's order is usually called an "order for protection." The Order for Protection lasts for one year, but the court may extend it for an additional year. The Order for Protection cannot dissolve a marriage, provide for long-lasting parental rights in a Parenting Plan, or provide for child support, so it cannot be a substitute for a dissolution of marriage.

If you are concerned about a situation involving domestic violence, you should contact the court clerk of the King County Superior Court, the King County District Court, (for example, the Issaquah or Shoreline Division of the King County District Court) or the Municipal Court, and tell the clerk that you need an "Order for Protection" against domestic violence. The clerk's office will provide you with forms and instructional brochures, which will help you fill out the forms. To begin you should file a "Petition for Order of Protection," in which you detail the incidents that cause you to seek the help of the court.

The clerk is not permitted or qualified to give you legal advice. In the King County Courthouse, the King County Prosecuting Attorney's Office has advocates to help the victims of domestic violence prepare the Petition for Order for Protection and other documents. These advocates can also accompany victims to the courtroom and stand with them during their presentation to the King County Superior Court, but the advocate cannot speak for them in court as a lawyer. There is no filing fee for the Petition for Order of Protection in the King County Superior Court.

After you file the petition, you may submit to the court a Temporary Order for Protection without notice to the respondent at a preliminary hearing. The Temporary Order for Protection may immediately restrain the respondent from committing acts of domestic violence, provide temporary parental rights for children, and set a date for a final hearing when you, the respondent, and any other witnesses will have a chance to testify. A Temporary Order of Protection may remove the respondent from a shared residence with the help of law enforcement officers. At the final hearing, the court will decide upon an Order for Protection, including whether or not to continue the temporary restraining orders against the respondent for one year and to decide what other action is

appropriate. A King County Sheriff is close at hand during the final hearing. The King County Superior Court generally sets the final hearing within 14 days of the preliminary hearing.

If the respondent knowingly violates an Order for Protection or Temporary Order for Protection issued under this Act, the respondent is guilty of contempt of court and a criminal misdemeanor. A police officer is permitted to arrest a person without a warrant if the officer has probable cause to believe that the person has knowingly violated a protection order. The successful petitioner should carry a certified copy of the Temporary Order of Protection and the Order of Protection on his or her person so that the documents may be shown to police as needed.

2.5.3 Harassment Cases

If you or someone you know is being "harassed" by someone, but the harassment does not constitute "domestic violence" (for example, if the person doing the harassing is not a "family or household member," as described in section 2.5.2), there is a law that you should know. The Washington State Legislature has passed a statute that makes it a crime to commit "unlawful harassment," which means "a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses such person, and which serves no legitimate or lawful purpose." The harassment must be serious enough that it "would cause a reasonable person to suffer substantial emotional distress" and must "actually cause substantial emotional distress" to the person complaining of the harassment.

Like the domestic violence statute, the "anti-harassment" statute permits a person who is being harassed to contact any court clerk and request an Order for Protection against harassment. The clerk will provide you with free forms and instructional brochures to help you fill out the forms. (The clerk is not permitted or qualified to give you legal advice). The procedure under the anti-harassment statute is intended to be similar to the procedure under the domestic violence statute (described in section 2.5.2).

2.5.4 Name Changes

Washington law permits you to change your name by filing a petition, with a filing fee, in the District Court in the judicial district where you live, not in the King County Superior Court. For example, if you live in Issaquah, you must file your petition in the King County District Court, Issaquah Division. The petition for name change should state your current full name, the name you want it changed to, and the reasons for the change. The court will not permit you to change your name in order to avoid creditors. The court will not permit you to change your minor child's name without the joint petition of both father and mother. Check with the court clerk of the District Court to find out when you should present your petition.

You can ask to have your name changed as part of a marriage dissolution in the King County Superior Court. In that case, you do not have to file a separate petition or filing fee for the name change.

2.5.5 Probate Cases

Some Basic Facts About Probate. When a person dies, his or her real or personal property may have to go through a court-supervised process called "probate." The technical legal term for the deceased person is the "decedent." The purpose of probate is to transfer legal ownership of the decedent's property (called the decedent's "estate") to the persons who are the "beneficiaries" of the estate. Who those beneficiaries are depends both on the decedent's will, if there is one, and on the state probate statutes. The probate statutes are contained in Title 11 of the Revised Code of Washington (RCW).

If the decedent has left a will, any person who has the will in his or her possession has a statutory duty to file the will with the Clerk of Court. This duty is stated in RCW 11.20.010.

If the decedent's estate has less than \$60,000 worth of assets, not including the surviving spouse's community interest in any assets, it may qualify for a simplified probate process. If the decedent's estate includes real property, it will not qualify for the simplified probate process. RCW 11.62.010 explains the simplified probate procedure.

Not all of the decedent's property has to go through probate. For example, the following property does not: life insurance proceeds, when the decedent's estate is not the named beneficiary; joint bank accounts with right of survivorship, which automatically go to the surviving co-owner at death; and property that passes under a community property agreement.

Which Court to Go to. The Superior Court of King County supervises probate matters for decedents who are residents of King County or persons with property in King County. The Ex Parte Department of the King County Superior Court provides most of the supervision of the probate matters for King County decedents.

What to Do. When the decedent left a will, the named Personal Representative should file a petition with the King County Superior Court requesting that the court appoint him or her to serve as personal representative of the decedent's estate. When the decedent left no will, the next of kin should file the petition. The personal representative has the duty to distribute the assets of the estate according to the terms of the will or according to the laws of inheritance in the State of Washington.

After the court appoints a personal representative, he or she must provide Notice to Creditors form by mail to all creditors, the Department of Social and Health Services and the Office of Financial Recovery. The personal representative must resolve or pay the valid claims of creditors from estate assets.

In addition to paying and resolving creditor's claims, the personal representative must prepare and file an inventory of assets, must file tax returns, and must manage the estate assets during the probate process.

After paying or resolving creditor's claims, the personal representative must distribute those assets to the proper beneficiaries under the law or under the terms of the will.

Finally, the personal representative must file a declaration of completion or a detailed final account that the estate is completely administered, providing a notice to all heirs, so that any heir may raise objections at a hearing before the court.

Where to Go for Help. Two books that may help you understand probate in Washington are The Probate Process from Start to Finish in Washington by the National Business Institute and Washington Probate Practice, Procedure, and Tax Manual by Robert S. Mucklestone. RCW Title 11 also has sample forms. The website www.wa-probate.com has instructions and forms for numerous probate-related issues. Both the Washington State Bar Association and the Office of the Attorney General distribute free leaflets about probate (see sections 1.6.4 and 1.6.5). The Washington Lawyers Practice Manual, Chapter 10, contains an outline of the probate process and samples of many forms. Finally, the King County Bar Association may be able to refer you to a lawyer who can handle a probate matter for a reduced fee for low-income applicants.

2.5.6 Guardianship Cases

Some Basic Facts About Guardianship. If a person is unable to manage his or her own affairs, state law permits a court to appoint a guardian or a guardianship committee to manage that person's affairs. The person who is subject of the guardianship is called the "alleged incapacitated person," prior to a Court decision on incapacity and "the ward" after a court decision of incapacity.

Which Court to Go to. The King County Superior Court supervises guardianship proceedings for alleged incapacitated persons or wards who reside in King County. The "Ex Parte" department of the King County Superior Court provides most of the supervision of the guardianship matters for King County alleged incapacitated persons or wards.

What to Do. An interested party may file a petition for appointment of guardian. At an initial hearing, the King County Superior Court will appoint a Guardian ad Litem to visit the alleged incapacitated person to determine whether or not the individual needs a guardian and whether or not the proposed guardian is suitable. The Guardian ad Litem must submit a report to the court to assist the court to decide upon issues of capacity and extent of the proposed powers of the Guardian. The guardian's duties are similar to those of a personal representative. The guardian must prepare an inventory of the ward's assets, resolve the claims of any creditors, file any necessary tax returns, and manage the ward's assets. The guardian must file an annual report with the court.

Where to Go for Help. Resources for understanding guardianship include The Year 2000 Model Statewide Guardianship Forms, Washington State Guardian Manual,

Washington Guardian Law, the Washington Lawyers Practice Manual, and the website www.metrokc.gov/kcscg/guardianship.htm contains an outline of the guardianship process and samples of many forms. The manuals can be found in most law libraries, but you should check with the law librarian to see if they are being kept up-to-date. RCW Title 11 also has samples of forms. Your local bar association may be able to refer you to a lawyer who can handle a guardianship matter for a reduced fee.

2.5.7 Small Claims Court Cases

Small claims court is a section of the King County District Court, a court of limited jurisdiction, not the King County Superior Court, a court of general jurisdiction. Small claims court handles claim less than \$4,000.00, but the King County Superior Court decides upon cases without a limitation on the amount that the plaintiff or defendant requests.

3. CRIMINAL CASES

If you are charged with a crime for which you could be sentenced to jail or prison, you have a constitutional right to be represented by a lawyer. If you cannot afford to hire a lawyer on your own, the court will, if you ask, appoint a lawyer to represent you. In order to show that you cannot afford to hire a lawyer, you will have to provide the court with certain financial information, such as your income and living expenses; the court clerk will usually give you a form to fill out for that purpose. Since the law provides a lawyer at no expense to an indigent, accused person in a criminal case, this manual does not furnish information for this area of law.

4. TRAFFIC CASES

The King County Superior Court does not deal with traffic cases, with the exception of appeals from the municipal courts and the King County District Courts. Since practice in the municipal courts and the King County District Court is not the subject of this manual, it does not furnish information concerning traffic cases.

5. PRACTICAL TIPS FOR KING COUNTY

5.1 Where to Find a Lawyer-Civil Cases

There are several agencies and organizations within King County that might be able to help you find a lawyer or might be able to provide you with helpful information about your legal rights. They include:

Lawyer Referral. This is a service of the King County Bar Association.
1200 5th Avenue, Suite 600, Seattle, WA 98101. Call 206-627-7010 or email
LRS@kcba.org. www.kcba.org

Columbia Legal Services, 101 Yesler Way, Suite 300, Seattle, WA 98104. 206-464-5933, www.columbialegal.org. This is a legal services program serving low-income clients. Call for an appointment.

Attorney General of Washington, Seattle Office, 2000 Bank of California Center, 900 Fourth Avenue, Seattle, WA 98164. 206-464-7744, www.atg.wa.gov/.

Counsel of Community Services: 100 23rd Avenue, Seattle, WA 98144. 206-324-6890, 1-800-499-5979.

American Civil Liberties Union, 705 Second Avenue, Suite 300, Seattle, WA 98104. 206-624-2180, www.aclu-wa.org/.

Northwest Justice Project, 401 Second Avenue, Suite 407, Seattle, WA 98104. 206-464-1519, www.nwjustice.org/.

5.2 The Local Court Rules.

You may find the local rules for the King County Superior Court in Washington Court Rules-Local Rules. In addition, this paperback book contains the Local Rules for the Superior Courts, the District Courts, and the Municipal Courts for all the counties in the State of Washington.

For nearly all types of legal actions, the King County Superior Court manages the progress of a case from filing to trial with a Case Schedule. The Case Schedule provides for a series of due dates for the confirmation of service of process, the confirmation of the issues, disclosure of possible witnesses, jury demand, discovery cutoff, final date for pretrial motions, settlement conference, joint statement of the evidence, and finally, the trial.

For nearly all types of legal actions, the Clerk of Court assigns an individual judge to a case. Except for Family Law Motions for a family law case, the assigned judge will decide all aspects of your case.

5.3 Sources of Useful Information

5.3.1 King County Bar Association – www.kcba.org

- A. **Volunteer Legal Services** (civil matters only)
206-267-7010
CLS@KCBA.org
- B. **Self-Help Plus** : for low or moderate income residents of King County who wish to conduct their own uncontested Family Law Actions.
206-267-7080

CLS@KCBA.org

- C. **Family Law Mentor Program:** Contested divorce or paternity cases with children. 206-267-7010, call between 9am and 5pm

5.3.2 Neighborhood Legal Clinics

The Young Lawyers Section of King County Bar Association co-sponsors a number of Neighborhood Legal Information and Referral Clinics throughout King County. The law clinics are open for limited hours. In order to avoid showing up at a clinic when it is closed, you should call to find out when the clinic is open and make an appointment. The clinics meet mostly in the evenings. At the Legal Clinic you will be given an opportunity to meet individually with a volunteer attorney for up to 30 minutes for free legal advice and consultation on civil matters. The attorneys will not represent you in court. Neighborhood Legal Clinics is open to all King County residents regardless of income.

General Family Law Clinic – Greenwood
Open Mondays 6:45-9 PM
Greenwood Neighborhood Service Center
8515 Greenwood Avenue North
Seattle, WA 98103
For an appointment, call (206) 267-7070
between 9-12 AM, Monday-Thursday

General Family Law Clinic – Federal Way
Open Tuesdays 6:30-8:30 PM
Federal Way Regional Library
34200 First Way South
Federal Way, WA 98003
For appointment, call (206) 267-7070
between 9-12 AM, Monday-Thursday

General Family Law Clinic – Kent
Open Wednesdays 6-9 PM
Kent Senior Center
600 East Smith Street
Kent, WA 98032
For appointment, call (206) 267-7070
between 9-12 AM, Monday-Thursday

Domestic Violence Family Law Clinic
Confidential Location
Seattle, WA
Call (206) 783-2848 for screenings on
Wednesdays between 1-3 PM only

Elder Law Clinic – Seattle
Open 1st and 3rd Fridays, 1-3 PM
Senior Rights Assistance
2208 Second Avenue, Suite 100
Seattle, WA 98121
For appointment call (206) 448-5720
between 9:30 AM and 3:30 PM, Mon.-Thu.

Elder Law Clinic – Kent
Open 2nd and 4th Fridays, 1-3 PM
Kent Senior Center
600 East Smith Street
Kent, WA 98032
For appointment call (206) 448-5720
between 9:30 AM and 3:30 PM, Mon.-Thu.

Debt Clinic – South Seattle
Open Mondays 7-9 PM
Southeast Neighborhood Service Center

Debt Clinic – Downtown Seattle
Open Thursdays, 5:30-7:30 PM
Senior Services

4859 Rainer Avenue South
Seattle, WA 98118
For appointment call: (206) 267-7070
between 9-12 AM, Monday-Thursday

Immigration Legal Clinic
Open Wednesdays 5:30-7:30
Senior Services
2208 Second Avenue
Seattle, WA 98121
For appointment call (206) 587-4009

International District Legal Clinic
Open Wednesdays 5:45-7:45
Asian Counseling and Referral
720 8th Avenue South, Suite 200
Seattle, WA 98104
For appointment call (206) 695-7639

Central Legal Clinic
Open Wednesdays 6:45-8:45
Central Neighborhood Service Center
2301 South Jackson Street, Suite 208
Seattle, WA 98144
For appointment call (206) 267-7070
between 9-12noon, Monday-Thursday

Downtown Legal Clinic
Open Thursdays, 12 noon-2 PM
Plymouth Congregational Church
1217 Sixth Avenue
Seattle, WA 98101
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

Federal Way Legal Clinic
Open Tuesdays, 6:30-8:30 PM
Federal Way Regional Library
34200 First Way South
Federal Way, WA 98003
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

Lake City Legal Clinic
Lake City Neighborhood Service Center
12707 30th Avenue Northeast

2208 Second Avenue
Seattle, WA 98121
For appointment call: (206) 267-7070
between 9-12 AM, Monday-Thursday

Bilingual Spanish Legal Clinic
Open Wednesdays 5:30-7:30
Senior Services
2208 Second Avenue
Seattle, WA 98121
Walk-in, first 8 clients served

Korean Legal Clinic
Open alternating Thursdays and Saturdays
Korean Community Counseling Center
302 North 78th Street
Seattle, WA 98103
For appointment call (206)784-5691

Country Doctor Legal Clinic
Open Wednesdays, 7-8:30 PM
500 19th Avenue East
Seattle, WA 98112
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

Eastside Legal Clinic
Open Wednesdays, 7-9 PM
Hopelink
14812 Main Street
Bellevue, WA 98007
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

Greenwood Legal Clinic
Open Tuesdays, 7-9 PM
Greenwood Neighborhood Service Center
8515 Greenwood Avenue North
Seattle, WA 98103
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

Kent Legal Clinic
Open Wednesdays, 6-9 PM
Kent Senior Center

Seattle, WA 98125
Open Wednesdays, 7-9 PM
For an appointment, call (206) 340-2593
from 9 AM to 12 noon Monday-Thursday

Lake City Legal Clinic
Open Wednesdays, 7-9 PM
Lake City Neighborhood Service Center
12707 30th Avenue Northeast
Seattle, WA 98125
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

Southwest Legal Clinic
Open Thursdays, 7-9 PM
Delridge Neighborhood Service Center
5405 Delridge Way Southwest
Seattle, WA 98106
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

West Seattle Legal Clinic
Open Tuesdays, 7-9 PM- closed 3rd
Tuesday. Senior Center of West Seattle's
California Room
4502 California Avenue Southwest
Seattle, WA 98136
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

600 East Smith Street
Kent, WA 98032
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

Southeast Legal Clinic
Open Mondays, 7-9 PM
Southeast Neighborhood Service Center
4859 Rainier Avenue South
Seattle, WA 98118
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

Vashon-Maury Legal Clinic
Open 1st Thur. of the month, 5:30-8:30 PM
Vashon-Maury Senior Center
10004 Bank Road
Vashon, WA 98070
For an appointment, call (206) 267-7070
from 9 AM to 12 noon Monday—Thursday

5.3.3 Court Clerk

Although the court clerks cannot give you legal advice, the clerks can be very helpful to you in explaining court procedures (as long as it doesn't require them to interpret the court rules for you) and in telling you where to go for additional information. In King County, the Superior Court Clerk's office also has some "sample cases" that can be checked out and used as examples. (The clerk cannot guarantee, however, that those sample cases were done properly; in addition, the law may have changed since the sample cases were decided.)

The office of the Clerk of the King County Superior Court is located on the 6th floor of the King County Courthouse, in Room E-609, 516 Third Avenue, Seattle, WA 98104, and in the Second Floor of Regional Justice Center, 401 Fourth Avenue, Kent, WA 98032. The Regional Justice Center also has a Family Law Information Center. The Family Law Facilitators at the Center will offer pamphlets, forms, and information, for

persons seeking dissolution of marriage, modification of child support, modification of a Parenting Plan, or out-of-home placement for children.

5.3.4 King County Law Library

The King County Law Library is where you can find all the legal resources described in section 1.5 of this handbook. The library is located on the 6th floor of the King County Courthouse and in the ground floor of the Regional Justice Center. Anyone who is a King County resident may check out books for a one-week period if they join the Subscriber Program and pay the appropriate annual fee. Both library branches have free wireless Internet access and coin-operated copy machines. The Seattle branch also has conference rooms for quiet study. You may use the library's public access computers to create and edit documents and conduct research in Westlaw, Lexis and other Internet sources. The King County Law Library also offers monthly Internet research training classes. Although the librarians cannot offer you legal advice, the library is an excellent place to obtain necessary legal resources. The King County Law Library is located at 516 3rd Avenue, Seattle, WA 98104, room W621. The phone number for the library is (206) 296-0940 and the website is www.kcpll.org.

5.3.5 Attorney's Information Bureau

The Attorney's Information Bureau offers a number of important services, though there is a charge for some of the services. Those services include: (1) legal forms for dissolution of marriage (divorce), name change, and probate; (2) other, miscellaneous legal forms, such as for a Note for Motion Docket; (3) a photocopier, and (4) a notary public. The Attorney's Information Bureau is located in Room C-603 in the King County Courthouse, on Third Avenue between James and Yesler, in Seattle, and in Room 1-C in the Regional Justice Center.

5.3.6 Public Libraries

The downtown branch of the Seattle Public Library, which has the largest collection, is located at 1000 Fourth Avenue in Seattle; the phone number is 206-386-4636. Other branches of the library are listed in the blue pages of the Seattle Metro telephone book, under "City of Seattle." The branches of the King County library system are also listed in the blue pages of the Seattle Metro telephone book, under King County.

You may use a public computer at the public library. Use may require a reservation and a library card. Also, access to wireless internet is available. Visit the library's website for more information. www.kcpl.org and www.spl.org.

5.3.7 Websites

An amazing amount of information can be found on the internet. You must be cautious, however, when using the internet as a resource. Anyone may publish information on the internet; therefore, you cannot always trust a website to contain

truthful information. Use common sense when deciding whether the information disseminated on the website is trustworthy. In general, government sponsored websites (those ending in “gov”) are trustworthy. Below is a list of helpful internet resources.

- King County Bar Association – www.kcba.org
This site is a good place to start. It contains lawyer referral services, information about neighborhood legal clinics, links to low-income services, and the Housing Justice Project.
- Washington State Bar Association – www.wsba.org
The website contains listings of lawyers, information regarding the rules of ethics that govern lawyers, a link to Access to Justice, and pamphlets on a number of topics.
- King County Government – www.metrokc.gov
Provides links to public records, King County government activities and services.
- Washington Courts – www.courts.wa.gov
This website provides links to all courts in Washington, both appellate and trial courts. It also provides links to state court rules and local rules for all levels of court.
- King County Superior Court Clerks Office – www.metrokc.gov/kcsc
A very help page if you are looking for forms concerning family law matters. You can also search for a specific civil case, other legal forms, fee schedules, and court calendars. The site contains links to self-help web-sites and information.
- King County Superior Court – www.metrokc.gov/kcsc
The official website of the King County Superior Court. It contains directions, lists of judges and commissioners, daily and civil calendars, as well as links to other useful websites.
- King County Law Library – www.kcll.org
This website gives directions to the library, information on classes held at the library, information about use of the computer lab, and information about legal research. You can search the book catalog online as well.
- Seattle Public Library – www.spl.org
This site contains general information about the public library such as locations and hours. You may also search the library catalog online to check if the library carries a certain book.
- Washington State Legislature – www1.leg.wa.gov
A link in this website takes you to a full and current list of the RCW’s (Revised Code of Washington) and WAC’s (Washington Administrative Code). This site also contains information regarding current and pending legislation.

- Washington Attorney General’s Office – www.atg.wa.gov
A user-friendly site providing information about the Attorney General’s office. Attorney General opinions about legal questions are posted on this website.
- Washington Secretary of State – www.secstate.wa.gov
You can search this site for information about corporations that are registered in the State of Washington. You can find corporation names and the registered agent for the corporation. You can also find digital archives and historical records for Washington State at this website.
- General Washington Law Information – www.washingtonlawhelp.org
The Washington Law Help page is a user-friendly website designed to provide information to self-helpers. The site covers topics such as family, health, education, immigration, domestic violence, and consumer debt. This website is a great place to begin your general research. Also, the website provides information in several languages

6. CONCLUSION

Before you make a final decision to represent yourself, we urge you to re-read section 1.1 ("The Decision to Represent Yourself") at the beginning of this handbook. Whatever you decide to do, good luck!