

How to Ask a Judge for a New Trial or to Reconsider an Order

Use this instruction if you want to ask a **judge** for a new trial or you would like the **judge** to reconsider an order already signed by the judge.

Deadline: this motion **must** be filed with the Clerk's Office and served to the other party within **10 calendar days** of the date the order (or judgment) is signed by the judge.

Talk to a lawyer, if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms.

If you **cannot** afford a lawyer, you can:

- You can obtain a list of low-cost and free legal resources.
<https://kingcounty.gov/~media/courts/superior-court/docs/family/facilitator/family-law-resources.ashx?la=en>
- Get help from the Family Law Facilitators office. You can get information about their services at <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>.

Step 1: Fill out these forms.

This form can be downloaded at: <http://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
Notice of Court Date (Judges)	Seattle or Kent	See Step 2.	<input type="checkbox"/>

All of these forms can be downloaded at: www.courts.wa.gov/forms

Motion	FL All Family 181	Tell the judge what you are asking for: a new trial or what parts of the order you want the judge to change.	<input type="checkbox"/>
Declaration	FL All Family 135	Tell the Court why you think the judge should give you a new trial <u>or</u> change his or her mind.	<input type="checkbox"/>
Order	FL All Family 182	Fill this out the way you would like the Judge to decide.	<input type="checkbox"/>
Attach a copy of the order/judgment you are asking to be reconsidered to the Motion.			

After the other party is served, you will need:

Form Name	Form Number	Notes	Completed
Proof of Mailing or Hand Delivery	FL All Family 112	See Step 5.	<input type="checkbox"/>

Step 2: How to choose a court date.

To set your court date, you must fill out and file the *Notice of Court Date (Judges)*, Kent or Seattle. The date you choose must be at least **9 court days** from the date you plan to have the other party served **and** less than **30 calendar days** from the date the order is signed.

Next to “Nature of Motion” write “Motion for New Trial” or “Motion for Reconsideration.”

In the section “Cases Assigned to Individual Judges” check the box “Without Oral Argument” and below that write the Judge’s name and the trial date.

Step 3: Make copies and file the forms with the Clerk's office.

How many copies do I need?

- **Original** set to file with the Clerk's Office.
- Copy 1 is to be served to the other party.
- Copy 2 is for your records.
- Copy 3 is for the Judge.

File the originals of the Motion and the Notice of Court Date (Judges) from Step 1 (Seattle: E-609, Kent: 2C). **Do not** file the Order (proposed order). The originals must be filed with the clerk **within 10 calendar days** of the commissioner's order.

Or

You can file your case online on the Clerk's website at:

<https://www.kingcounty.gov/courts/clerk/documents/efiling.aspx>. The clerk's office is responsible for the e-filing system. If you have questions about e-filing call 206-477-3000, or email eServices@kingcounty.gov

Step 4: Deliver the Judge's Copy.

The Judge's copy is a set of **all** forms from Step 1 including the *Order* and the *Proof of Mailing or Hand Delivery*. Take this set of copies to the Judge's Mailroom (C203 in Seattle and 2D in Kent) and turn it in by **12:00 noon at least 9 court days** before your hearing date.

NOTE: Your assigned judge will tell you how they like to receive working copies. Make sure to follow all instructions from your assigned judge. If the judge does not specify how they would like to receive working copies, you may:

1. E-file the Judge's working copies via the Clerk's Office E-Working Copies:
<https://www.kingcounty.gov/courts/clerk/documents/eWC.aspx>;

OR

2. Take this set of copies to the Judge's Mailroom (C203 in Seattle and 2D in Kent) and turn it in any time before **12:00 noon at least 9 court days** before your hearing date.

You must include a stamped envelope addressed to **each** party so the Judge can mail each party a copy of the final Order with the Judge's decision.

Copy and complete the chart below to the upper right-hand corner of the first page of the set of forms you are delivering to the Judge:

Judge's Copies

Name of Judge: _____

Calendar Date: _____

Without Oral Argument

Presented By: (your name): _____

Step 5: Have the other party served.**What to Serve**

You must have the other party served with copies of all forms in Step 1, except the Proof of Mailing or Hand Delivery form.

Deadline for Service

The other party must be served at least **nine court days** before the hearing and within **10 calendar days** of the date the judge's order was signed.

How to Serve

You may deliver or mail the documents yourself (provided that no order restrains you from having contact). If the other party has an attorney, deliver or mail the forms to the attorney instead.

After you have delivered the forms to the other party or attorney, fill out the [Proof of Mailing or Hand Delivery](#) form. File the original with the Clerk's Office, keep a copy for your records, and bring it with you to the hearing.

You may also have someone else serve the other party or his/her attorney for you. The server must be over 18. After serving, the server fills out the [Proof of Mailing or Hand Delivery](#) form and returns it to you. File the original with the Clerk's Office, keep a copy for your records, and bring it with you to the hearing.

Step 6: Wait for the Judge's Decision.

The other party can file a response to your motion for reconsideration only if the judge specifically requests a response.

If the judge requests a response, you may file a reply on a *Declaration* form with the Clerk's Office. You would need to file the Reply Declaration within **two court days** of being served with the response.

Since this motion is heard without oral argument, the parties will be informed of the Judge's decision by mail in the pre-addressed, stamped envelopes you provided or via email.