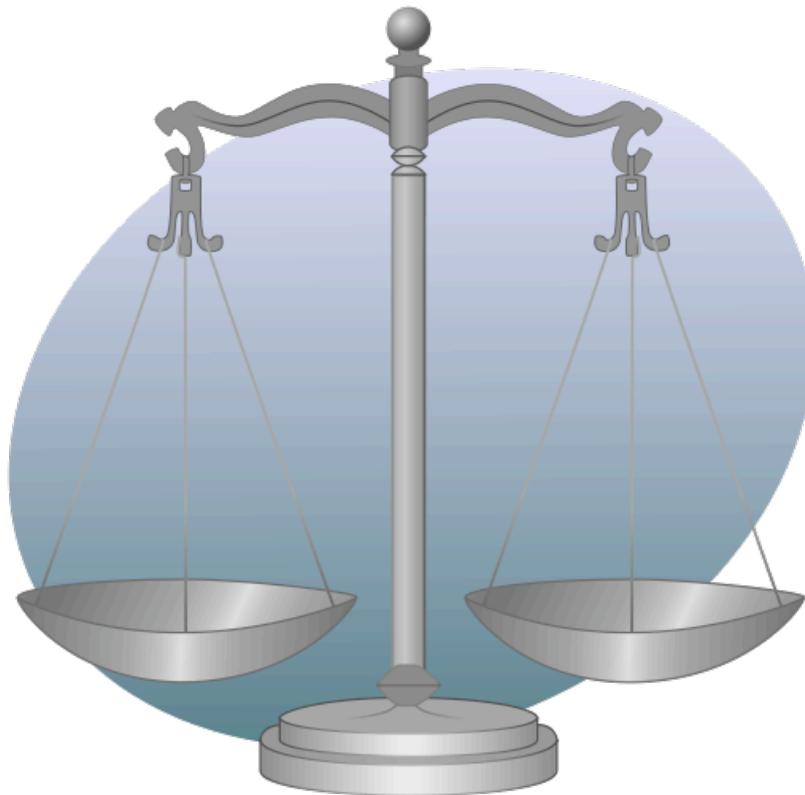


Preparing For Your Day in Court

**A Handbook to Self-Representation in the
King County Superior Courts**



Sofia Salazar-Rubio

**Summer 2010 Judicial Extern for the Honorable Mary I. Yu
University of Washington School of Law, Class of 2012**

October 2010

Table of Contents

INTRODUCTION	5
INFORMATIONAL MATERIALS	7
KNOW YOUR OPTIONS – ALTERNATIVES TO LAWYERS AND LITIGATION	9
WASHINGTON COURT RULES	11
COURTHOUSE GUIDE	12
EXAMPLE DOCUMENTS	13
FORMAT REQUIREMENTS FOR PLEADINGS	15
EXAMPLE FORMATTING	16
COMPLAINT	19
CASE INFORMATION COVER SHEET	22
ANSWER	25
DECLARATION	29
SERVICE OF PROCESS	31
SUMMONS	35
SERVICE CONTACT INFORMATION SHEET	37
CERTIFICATE OF SERVICE	38
PRE-TRIAL MOTIONS	39
NOTE FOR MOTION	43
PROPOSED ORDER	45
APPENDIX	47
LEGAL RESOURCES LIST	49
CHECKLIST – BRINGING A CLAIM TO COURT	50
SEATTLE KING COUNTY COURTHOUSE DIRECTORY	51
IN FORMA PAUPERIS (IFP) INSTRUCTIONS	52
BLANK PLEADING PAPER	55
GLOSSARY OF TERMS	56

Introduction

How to Use This Handbook

The courthouse can be an intimidating and confusing place. This handbook is designed to shed some light on what you can expect as you prepare for your day in court. It is our hope that the information provided might make this process less stressful.

This handbook is designed as a supplement to the “Your Day in Court” video guide by providing example documents and more detailed instructions for the procedures outlined in the guide. Additionally, this handbook alerts you to some of the common challenges that you can expect to encounter while representing yourself in the King County Superior Court in a civil matter.

The example documents and accompanying instructions are meant to assist you with drafting your own. Example documents should not be copied, but instead tailored to your specific needs.

Limitations of This Handbook

The legal issues faced by most self-represented litigants often require only brief hearings – this handbook is geared toward the front end of the process, getting your case into court and preparing for your hearing. *This handbook is not designed to guide you through all the intricacies of a full trial.* Additionally, information in this handbook relates only to civil matters in the King County Superior Court. It does not contain information regarding criminal or appellate proceedings. Please note that while much of this handbook can be applicable to family law cases, family law has its own set of rules and procedures.

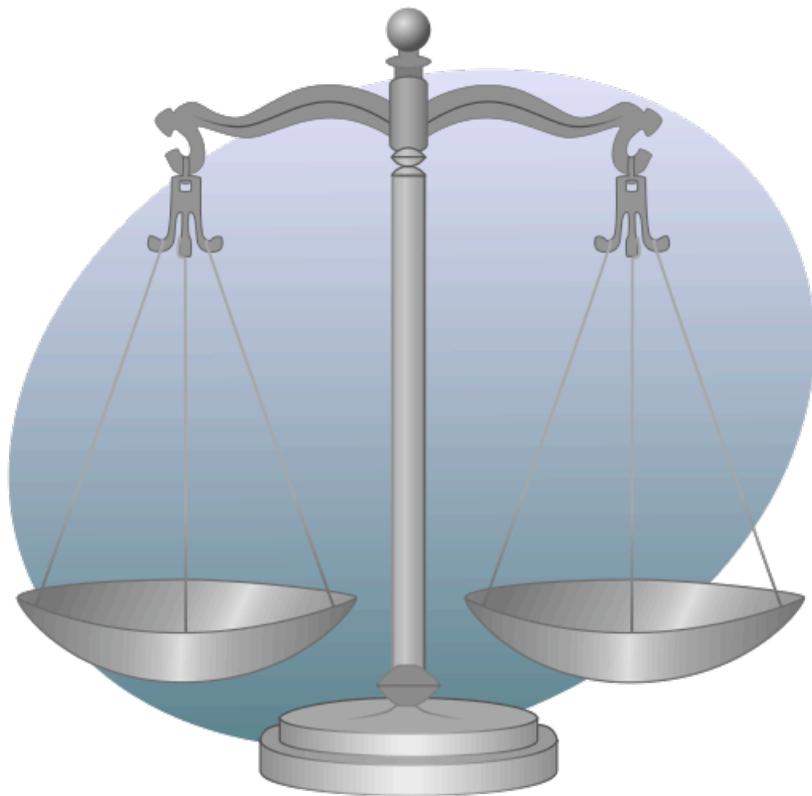
This handbook is not intended to substitute for the advice and assistance of a lawyer. While it is possible for you to successfully represent yourself, your chances of obtaining a good result are better if you have legal representation.

This handbook does not contain legal advice. The information provided is purely procedural. It is designed to serve as a guide for navigating the King County Superior Court, not to tell you how to solve your legal problem.

Information in this handbook may be outdated or incomplete. While the goal was to create a fairly comprehensive guide, the law is constantly changing. The statutes, ordinances, or court rules referred to in this handbook may have been amended or repealed since the last date of publication, or there may be new laws or rules that apply to your case. *There is no substitute for checking to make sure that the laws you intend to rely on have not changed.*

It is your responsibility to verify the information provided in this packet and to make sure that there have been no recent changes in the applicable rules or laws.

Informational Materials



Know Your Legal Options

Alternatives to Litigation – Alternative Dispute Resolution

Going to trial is not necessarily the only or best option for resolving your dispute. “Alternative dispute resolution” (ADR) may be faster and cheaper than going to trial and may result in an outcome that is unavailable through litigation and more acceptable to both parties. ADR can be conducted in any manner that the parties agree upon – it can be as casual as a discussion around a conference table or as structured and discreet as a private court trial. The most commonly used techniques are mediation and arbitration.

Note that all family law cases not involving domestic violence are subject to mandatory ADR before proceeding to trial. Local Family Law Rules 16(a).

Mediation

Mediation is a confidential, voluntary, non-binding process that uses a neutral third party to guide parties toward a mutually beneficial resolution of their disagreement. Resolutions are created to suit both parties and may include an agreement not available through the court system.

The mediator does not impose his or her will or judgment on the parties, but helps them reach agreement by identifying issues, exploring possible bases for agreement, and weighing the consequences of not settling.

Arbitration

In arbitration, a neutral third party is chosen to hear both sides of the case and issue a decision or award. An arbitration proceeding is similar to a regular court trial. The main difference is that arbitration can be either binding or non-binding, as agreed in advance by the parties. If binding arbitration has been chosen, the decision or award is final. In King County, all civil cases in which only money damages are requested for an amount less than \$50,000 are subject to mandatory arbitration.

Any party dissatisfied with a non-binding decision by an arbitrator can appeal the result by requesting a trial. The appeal is known as a request for “trial de novo.” The judge or the jury hearing the trial will not know or consider the decision of the arbitrator.

Be aware that a party who appeals an arbitrator’s decision, but fails to improve the outcome at trial, will have to pay the other party’s costs and reasonable attorney’s fees incurred after the filing of the appeal. This rule is intended to encourage the parties to accept the decision of the arbitrator.

Alternatives to Lawyers

In some cases, going to court might be the only or best way to protect your legal rights. If you can't afford full representation, there are still options available to you.

Consultation

If you can't afford a lawyer for the whole case, you should consider paying for at least half an hour of a lawyer's time. Many lawyers will give half an hour's advice for free. Under certain circumstances, free legal help may be available for your whole case. A lawyer referral service can tell you whether your case might be the type for which free legal advice is available and where to go to find it.

Unbundled Services

If you can't afford full representation, you may still want to consider using a lawyer for certain parts of the litigation process. Some lawyers offer unbundled services where you pay only for certain legal services, such as drafting your complaint or to provide assistance at trial.

Legal Assistance

The WSBA offers numerous neighborhood legal clinics that provide legal assistance to those with financial limitations. Limited representation at reduced or no cost may be available depending on your financial need and the nature of your case.

Self-Representation – Going *Pro Se*

While you are strongly encouraged to seek legal advice, some disputes may not require you to retain a lawyer and it may be possible for you to successfully represent yourself. In legal terms, this is referred to as "pro se" representation.

Washington Court Rules

One of the most important things you can do to prepare for your day in court is to familiarize yourself with the applicable court rules. There are two kinds of court rules that you should know about: state and local court rules.

State Court Rules

These rules are the same throughout the state. While these rules do not change from county to county, there are several sets of rules that apply depending on what your case is about and what court you are in. For example, there are separate rules for civil and criminal cases.

The state court rules are published every year and can be found in every law library in the state and probably at the public library. The Bar Association can provide you with information about the law library nearest to you. Make sure you are looking at the current edition of the rules by checking the year printed on the cover.

Local Court Rules

In addition to the state rules, most superior, district and municipal courts have local rules. These rules sometimes have requirements in addition to the state rules. It is just as important to follow the local rules as well as the state rules.

State and local rules can be accessed online at www.courts.wa.gov/court_rules/.

Source: The King County Bar Association's "The Pro Se Handbook" (August 2006).

Courthouse Guide

What to Expect

Bringing your claim to court or responding to a claim brought against you is a time-consuming process. Be prepared to handle a lot of paperwork and spend considerable time gathering, completing and filing your papers.

In general, courthouse staff cannot provide you with legal advice. The staff can give you legal information, but they cannot advise you about your claim. However, there are many local clinics and aid organizations that do provide legal assistance.

If you get lost or can't locate a room, feel free to ask courthouse employees for assistance.

Going Through Security

Upon entering the courthouse, you must pass through a security checkpoint. Lines are often long, so make sure you arrive well before your scheduled hearing.

Prepare to go through the metal detector by removing **all** items from your pockets and placing them in the provided trays for x-ray inspection. Any other belongings that you bring with you will also need to go through the x-ray machine. You do not need to remove shoes or jackets.

Do Not Bring:

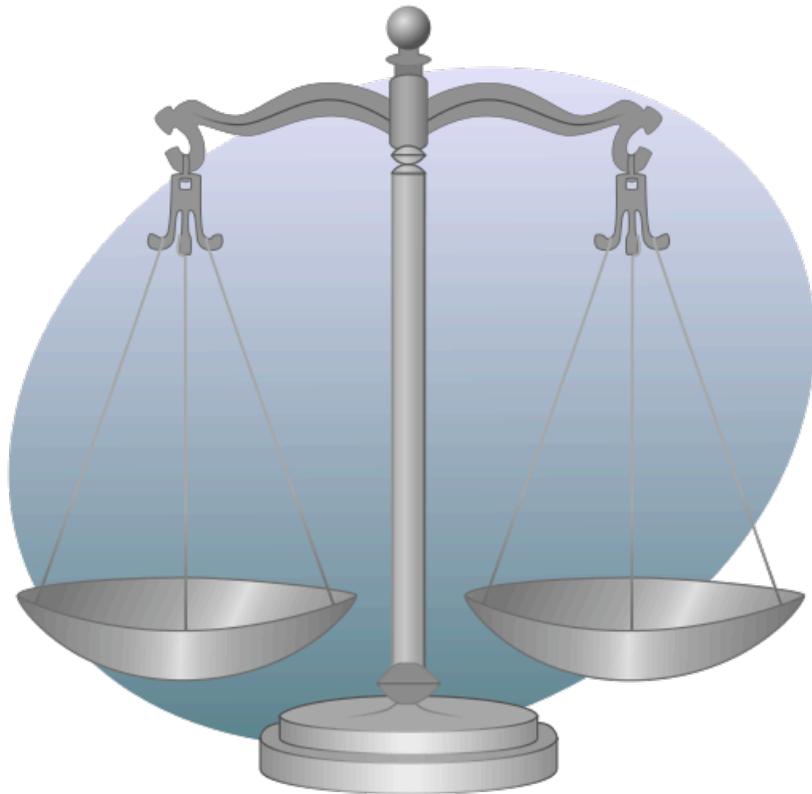
- Sharp Instruments (i.e. knives, corkscrews, razor blades or knitting needles)
- Firearms (including ammunition)
- Weapons
- Tools (i.e. screwdrivers, hammers)
- Chemical Agents

Courtroom Etiquette

Unless otherwise indicated, courtrooms are open to the public. You are welcome to observe court proceedings, but be sure to follow these guidelines:

- Turn your cell phone off prior to entering the courtroom.
- Do not bring food or beverages into the courtrooms.
- Enter and leave quietly.
- Do not engage in noisy or distracting behavior while in the courtroom.

Example Documents



Format Requirements for Pleadings

Every document filed in a lawsuit is known as a pleading. Pleadings are subject to specific formatting rules. The attached documents are designed to model these requirements and give you an idea of what information should be included. Documents that do not meet the necessary requirements will be returned and may result in a \$15 faulty document fee. Following the guidelines presented here will save you time and money.

The main types of pleadings you will encounter are:

- **complaint** – filed by the suing party to start a lawsuit by alleging claims against an opposing party
- **answer** – reply by the party being sued to the allegations made in the complaint
- **motion** – formal request to the judge to take specific action, such as grant an order or judgment
- **proposed order** – a preliminary form detailing the action that will be taken if the judge rules in your favor

Provide Copies of All Pleadings to Every Party

It is required that you timely provide all parties involved in the lawsuit with copies of any pleadings submitted to the Court.

Provide Your Judge with Working Copies

In addition to the original pleading that is file with the Clerk's Office, you must also provide copies of all pleadings to the judge assigned to your case. These are known as working copies. Working copies should contain the following notation in the top-right corner of the first page [LCR 7(b)(4)(F)(iii)]:

Working Copies
Judge's Name
Date of Hearing

Ask a Law Librarian

Librarians at the King County Law Library can point you to helpful resources with more examples of pleadings.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Required – Use a 3-inch margin at the top of your first page to leave space for the clerk’s filing stamps. All other pages require only a 1-inch

Recommended – Use numbered pleading paper. Available at most office supply stores. Blank pleading paper included after sample

Required – This section, called the caption, must be on the first page of any pleading. It must include the name of the court, case file number, pleading title and names of the parties to the

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

_____)
_____)
Plaintiff(s) _____)
v. _____)
_____)
Defendant(s). _____)
_____)
_____)

No. _____

SAMPLE PLEADING

Required – Name **all** parties to the case. Later documents need only include the first party on each side and an indication that there are

Recommended - Use numbered headings and subheadings

I. ADDITIONAL FORMATTING REQUIREMENTS

In addition to the displayed formatting, you must apply the following requirements:

- Letter-sized paper (8 ½ x 11 inches).
- Legibly print or type on one side of each page only.
- No colored paper, highlighting or other colored markings.

II. RESOURCES AND REFERENCES

The King County Law Library is open to the public and houses many print materials that may be useful for drafting your complaint.

1 Rules for pleading format requirements:

- 2 • Format for Pleadings and Other Papers – General Rule (GR) 14
- 3 • Pleadings Allowed; Form of Motions – Civil Rule (CR) 7
- 4 • General Rules of Pleading – CR 8
- 5 • Form of Pleadings and Other Papers – CR 10

7 **III. SIGNING**

8 Every pleading must be dated and signed according to Civil Rule (CR) 11. By signing a
9 pleading, you are asserting that the pleading is:

- 10 1. Well grounded in fact.
- 11 2. Justified/supported by the law.
- 12 3. Brought for a legitimate reason and not to harass or cause unnecessary delay.
- 13 4. The denials of factual claims are supported by evidence or reasonably based on
14 a lack of information or belief.

15 If you sign a pleading in violation of this rule, you may have to pay fines to cover the
16 costs the other party paid to respond to your pleading, which may include attorney fees.

17 DATED: _____

19 Respectfully Submitted,

20 Signature

21 Print or Type Name
Pro Se Plaintiff/Defendant

Street Address _____

Telephone Number _____

22 Recommended – A
23 bottom notation that
24 includes the title of the
pleading and page
numbers.

Complaint

The complaint is the pleading that starts a lawsuit by setting forth the claims against the person being sued.

Civil Rule (CR) 8 requires that a complaint include:

- (1) a short and plain statement of the key facts that make up your claim and show why you are entitled to relief
- (2) a statement of the action you want the court to take (also known as relief).

Guidelines

1. Be simple, concise and direct. The purpose of the complaint is to give the defendants knowledge of the basic nature of your claims. While you must eventually prove all the stated facts, you don't need to do this in your complaint.
2. Use numbered paragraphs and limit each paragraph to a single set of circumstances.
3. You may set forth alternative claims, even if they are inconsistent.
4. State specifically what you would like the court to do.

Be aware that certain areas of law, particularly family law (i.e. divorce, child custody), use mandatory forms instead of complaints. Most forms are available online at the King County Superior Court website (<http://www.kingcounty.gov/courts/scforms.aspx>).

What Next?

After your complaint is finalized, you must have a copy served (delivered) upon the defendant along with the summons (see Service of Process Factsheet) and file a copy with the Clerk's Office.

If you are the party being sued, you must file your answer to the complaint (see Example Answer) and provide the plaintiff with a copy.

1 5. Smith has not paid any part of the \$160,000 or the accrued interest.

2
3 **II. REQUEST FOR RELIEF**

4 Jane Johnson asks the Court to:

- 5 1. Enter judgment against Bob Smith for \$160,000 plus interest; and
6 2. Order Smith to pay Doe's attorney fees and costs of this action.

7
8 DATED: January 27, 2009, in Seattle, Washington

9
10 Respectfully Submitted,

11
12 _____
Signature

13 Jane Johnson
14 Pro Se Plaintiff
15 123 Maple Drive NE
Seattle, WA 98103
16 (206) 555-5555
17
18
19
20
21
22
23
24

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION
and
CASE INFORMATION COVER SHEET
(cics)**

In accordance with LCR82(e), a faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to King County Code 4.71.100.

CASE NUMBER: _____

CASE CAPTION: _____

I certify that this case meets the case assignment criteria, described in King County LCR 82(e), for the:

_____ **Seattle Area**, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

_____ **Kent Area**, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Signature of Petitioner/Plaintiff

Date

or

Signature of Attorney for
Petitioner/Plaintiff

Date

WSBA Number

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION
and
CASE INFORMATION COVER SHEET**

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time but helps in forecasting judicial resources. A faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to Administrative Rule 2 and King County Code 4.71.100.

ADOPTION/PATERNITY

- Adoption (ADP 5)
- Challenge to Acknowledgment of Paternity (PAT 5)*
- Challenge to Denial of Paternity (PAT 5)*
- Confidential Intermediary (MSC 5)
- Establish Parenting Plan-Existing King County Paternity (MSC 5)*
- Initial Pre-Placement Report (PPR 5)
- Modification (MOD 5)*
- Modification-Support Only (MDS 5)*
- Paternity, Establish/Disestablish (PAT 5)*
- Paternity/UIFSA (PUR 5)*
- Out-of-State Custody Order Registration (OSC 5)
- Out-of-State Support Order Registration (FJU5)
- Relinquishment (REL 5)
- Relocation Objection/Modification (MOD 5)*
- Rescission of Acknowledgment of Paternity (PAT 5)*
- Rescission of Denial of Paternity (PAT 5)*
- Termination of Parent-Child Relationship (TER 5)

DOMESTIC RELATIONS

- Annulment/Invalidity (INV3)*
with dependent children? Y / N; wife pregnant? Y / N
- Nonparental Custody (CUS 3)*
- Dissolution With Children (DIC 3)*
- Dissolution With No Children (DIN 3)*
wife pregnant? Y / N
- Enforcement/Show Cause- Out of County (MSC 3)
- Establish Residential Sched/Parenting Plan(PPS 3)* ~~££~~
- Establish Supprt Only (PPS 3)* ~~££~~
- Legal Separation (SEP 3)*
with dependent children? Y / N; wife pregnant? Y / N
- Mandatory Wage Assignment (MWA 3)
- Modification (MOD 3)*
- Modification - Support Only (MDS 3)*
- Out-of-state Custody Order Registration (OSC 3)
- Out-of-State Support Court Order Registration (FJU 3)
- Relocation Objection/Modification (MOD 3)*

APPEAL/REVIEW

- Administrative Law Review (ALR 2)*
- DOL Implied Consent—Test Refusal —only RCW 46.20.308 (DOL 2)*

CONTRACT/COMMERCIAL

- Breach of Contract (COM 2)*
- Commercial Contract (COM 2)*
- Commercial Non-Contract (COL 2)*
- Meretricious Relationship With No Children (MER 2)*
and Not Pregnant
- Third Party Collection (COL 2)*

DOMESTIC PARTNERSHIPS-REGISTERED

- Dissolution of Domestic Partnership With Children (DPC 3)*
- Dissolution of Domestic Partnership- No Children- (DPN3)* pregnant? Y / N
- Invalidity of Domestic Partnership (INP 3)*
with dependent children? Y / N; pregnant? Y / N
- Legal Separation of Domestic Partnership (SPD 3)*
with dependent children? Y / N; pregnant? Y / N

DOMESTIC VIOLENCE/ANTI-HARASSMENT

- Civil Harassment (HAR 2)
- Confidential Name Change (CHN 5)
- Domestic Violence (DVP 2)
- Domestic Violence with Children (DVC 2)
- Foreign Protection Order (FPO 2)
- Sexual Assault Protection Order (SXP 2)
- Vulnerable Adult Protection (VAP 2)

£ Paternity Affidavit or Existing/Paternity is not an issue and NO other case exists in King County * The filing party will be given an appropriate case schedule at time of filing. ** Case schedule will be issued after hearing and findings.

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION
and
CASE INFORMATION COVER SHEET**

Please check one category that best describes this case for indexing purposes.

JUDGMENT

- Confession of Judgment (MSC 2)*
- Judgment, Another County, Abstract (ABJ 2)
- Judgment, Another State or Country (FJU 2)
- Tax Warrant (TAX 2)
- Transcript of Judgment (TRJ 2)

- Limited Guardianship (LGD 4)
- Minor Settlement (MST 4)
- Notice to Creditors – Only (NNC 4)
- Trust (TRS 4)
- Trust Estate Dispute Resolution Act/POA (TDR 4)
- Will Only—Deceased (WLL4)

PROPERTY RIGHTS

- Condemnation/Eminent Domain (CON 2)*
- Foreclosure (FOR 2)*
- Land Use Petition (LUP 2)*
- Property Fairness (PFA 2)*
- Quiet Title (QTI 2)*
- Unlawful Detainer (UND 2)

TORT, ASBESTOS

- Personal Injury-Schroeter Goldmark (PIN 2)*
- Personal Injury- Other (PIN 2)
- Wrongful Death- -Schroeter Goldmark (WDE 2)*
- Wrongful Death- Other (WDE 2)

OTHER COMPLAINT/PETITION

- Action to Compel/Confirm Private Binding Arbitration (MSC 2)
- Certificate of Rehabilitation (MSC 2)
- Change of Name (CHN 2)
- Deposit of Surplus Funds (MSC 2)
- Emancipation of Minor (EOM 2)
- Frivolous Claim of Lien (MSC 2)
- Injunction (INJ 2)*
- Interpleader (MSC 2)
- Malicious Harassment (MHA 2)*
- Non-Judicial Filing (MSC 2)
- Other Complaint/Petition(MSC 2)*
- Seizure of Property from the Commission of a Crime (SPC 2)*
- Seizure of Property Resulting from a Crime (SPR 2)*
- Structured Settlements (MSC 2)*
- Subpoena (MSC 2)

TORT, MEDICAL MALPRACTICE

- Hospital (MED 2)*
- Medical Doctor (MED 2)*
- Other Health Care Professional (MED 2)*

TORT, MOTOR VEHICLE

- Death (TMV 2)*
- Non-Death Injuries (TMV 2)*
- Property Damage Only (TMV 2)*
- Victims Vehicle Theft (VVT 2)*

TORT, NON-MOTOR VEHICLE

- Implants (PIN 2)
- Other Malpractice (MAL 2)*
- Personal Injury (PIN 2)*
- Products Liability (TTO 2)*
- Property Damage (PRP 2)*
- Property Damage –Gang (PRG 2)*
- Tort, Other (TTO 2)*

PROBATE/GUARDIANSHIP

- Absentee (ABS 4)
- Disclaimer (DSC4)
- Estate (EST 4)
- Foreign Will (FNW 4)
- Guardian (GDN4)

WRIT

- Habeas Corpus (WHC 2)
- Mandamus (WRM 2)**
- Review (WRV 2)**

* The filing party will be given an appropriate case schedule at time of filing. ** Case schedule will be issued after hearing and findings.

Answer

If you are served with a complaint and summons, you *must* respond by filing an answer. The answer sets forth your responses to the allegations brought against you. The summons you receive along with the complaint will tell you how much time you have to file an Answer, but generally, you will have 20 days to file your answer to the complaint after being. CR 4(a)(2). Civil Rule (CR) 8(b)-(f) lays out the requirements for answers.

If you fail to file an answer or file on time, the person suing you can get an automatic judgment against you. You will lose without being able to tell your side of the story.

Responding to Allegations in the Complaint

- Use numbered paragraphs to state your defense to each claim asserted by the plaintiff.
- You must either admit or deny each claim. An admission is a statement that a particular fact is true. A denial is a statement that the fact claimed by the plaintiff is not true.
 - Failure to deny is the same as an admission.
 - You may also state that you do not have enough knowledge or information to admit or deny a claim. Such a response is the same as a denial.
 - You may admit or deny part of a claim as long as you make clear which part is admitted and which is denied.
- Several claims may be addressed at the same time.
- A general denial in which you deny everything alleged in the complaint without specifically denying any particular allegation is permissible. (i.e. Defendant denies each and every allegation contained in the complaint.)

Affirmative Defenses and Counterclaims

- After you have addressed all of the allegations, you may then set forth affirmative defenses. Affirmative defenses are arguments presented to explain or justify your actions.
- You may also include counterclaims as allowed under CR 13. A counterclaim is an allegation made against the plaintiff.
 - You must assert all counterclaims arise out of the same incident at subject in the complaint or you will not be able to raise them later. These are known as compulsory counterclaims. CR 13(a).
 - You may assert counterclaims not arising from the same incident at subject in the complaint, but the Court has discretion to allow or strike the counterclaim. CR 13(b).
 - If a defendant asserts a counterclaim in the answer, the plaintiff must file a reply.

What next?

After you have written your Answer, you must serve all parties with a copy, file a copy with the Clerk's Office and submit a working copy to your assigned judge.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

)	
)	
JANE JOHNSON,)	No. 01-2-34567-8 SEA
)	
Plaintiffs,)	ANSWER TO THE COMPLAINT
)	
v.)	
)	
ROBERT SMITH,)	
)	
Defendant.)	
)	
)	
)	
_____)	

Defendant, Robert Smith, answers Plaintiff's complaint as follows:

1. Defendant admits the allegations in paragraph one and two of the complaint
2. Defendant denies the allegations made in paragraph three and five.
3. Defendant alleges a lack of knowledge or information sufficient to admit or deny the allegations in paragraph four.

AFFIRMATIVE DEFENSES

1. The statute of limitations under RCW 4.16.040 requires that suits to collect a debt on a promissory note be filed within six years of the note becoming payable.

2. Doe alleges that the debt became payable on November 2, 2002
3. Doe filed this suit on January 15, 2009.
4. The claim stated in the complaint did not accrue within six years before commencement of this action and is therefore barred by the provisions of RCW 4.16.040.

COUNTERCLAIMS

1. Plaintiff Jane Johnson owes the defendant \$12,000 for one year of back rent. Any judgment awarded to the plaintiff must be less the \$12,000 owed in rent.

DATED: February 5, 2009, in Seattle, Washington

Respectfully Submitted,

Signature

Robert Smith
Pro Se Defendant
456 Main Street NE
Seattle, WA 98103
(206) 555-5000

Declaration

Declarations are used to provide supporting statements by witnesses and other relevant parties.

In the declaration, be sure to:

- Specify who the person making the declaration is and their relationship to you.
- State each fact your witness claims in a separate numbered paragraph.
- If exhibits (evidence) are being submitted with the declaration, state the exhibit title (i.e Exhibit A or Exhibit 1) and briefly describe what the exhibit contains.
- The declaration must include a statement of truth and be signed by the person making the declaration.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

JANE JOHNSON,

Plaintiff,

v.

ROBERT SMITH,

Defendant.

No. 01-2-34567-8 SEA

DECLARATION OF STEVEN
JOHNSON IN SUPPORT OF
PLAINTIFF'S COMPLAINT

Steven Johnson states and declares as follows:

1. I am the brother of plaintiff Jane Johnson.
2. I was with Jane when she met with defendant Robert Smith to discuss the money he owes her on November 2, 2002.
3. Robert stated that he would not pay the amount he owed until Jane paid the back rent she owed in full and refused to engage in any negotiations.
4. Attached as Exhibit 1 is e-mail correspondence between myself and Robert in which he reiterates his refusal to pay the amount he owes on the promissory note an his unwillingness to engage in any negotiations.

1 I declare under penalty of perjury under the laws of the State of Washington that I have
2 read this declaration, know its contents, and I believe the declaration is true.

3 DATED: _____

4 _____
5 Signature

6 Steven Johnson
7 3800 Aurora Avenue North
8 Seattle, WA 98103
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Service of Process

General Information

“Service of process” refers to providing the opposing party or parties with a summons and a copy of the complaint. The summons notifies the defendant that a suit has been brought against him or her and sets forth when the answer must be made. Service of process is governed by Civil Rule (CR) 4 and RCW 4.29.080-.100. You may serve the defendant before filing your complaint with the Clerk’s Office.

Personal Service

Service directly upon the defendant is referred to as personal service. For a fee, the Sheriff’s Civil Unit for the county in which you file your complaint will accept legal documents for service upon the defendant by the sheriff or sheriff’s deputy. You will need to provide the summons, a copy of the complaint and a completed Service Contact Information Sheet (included).

Any competent person over the age of 18 who is not a party to the suit may also serve process upon the defendants. This means that you *cannot* provide service to the defendant yourself. You may also hire a process server.

Proof of Service

You must provide proof of service to the court. If the sheriff serves process for you, the return of the sheriff or the sheriff’s deputy will be endorsed upon or attached to the summons. If a third party serves process, you must have the person who served the documents sign and date a certificate of service (included).

Service by Mail or Publication

If you are unable to personally serve the defendant, you may be able to serve process by mail or publication. For detailed instructions on how to serve by mail or publication, please consult the comprehensive guide created by Northwest Justice Project, available online at Washington Law Help (www.washingtonlawhelp.org).

Service by Publication

If you are unable to personally serve the defendant within the state, service by publication is allowed in limited circumstances (see RCW 4.28.100). If your (situation) is covered by RCW 4.28.100, service of publication requires that you:

- (1) Mail a copy of the summons and complaint to the defendant's place of residence.
- (2) File an affidavit with the Clerk's Office stating your belief that the defendant is not a resident of Washington or cannot be found within the state and that service of process has been mailed.
- (3) Publish the summons in a newspaper of general circulation in the county where you filed the complaint once a week for six consecutive weeks (see RCW 4.38.110).

Service by Mail

When personal service cannot be achieved, service of process may also be made by mail if authorized by a court (see Rule 4(d)(4)). After attempting to personally serve the defendant, you must:

- (1) Get authorization from the court by filing an affidavit with the Clerk's office showing that service by mail is just as likely to give actual notice as service by publication.
- (2) Upon receiving authorization, arrange for a third party, over the age of 18, to mail copies of the summons and complaint to the defendant's last known address.
- (3) Have two copies mailed: one by ordinary, first-class mail with prepaid postage and another requiring a signed receipt showing when and to whom it was delivered. Both envelopes must have your return address and the summons must contain the date it was mailed. The summons must inform the defendant that he or she has to appear and answer the complaint within 90 days from the date of mailing.
- (4) After mailing the envelopes, you must file another affidavit stating that copies of the summons were sent by mail in accordance with the rules as authorized by the court and stating when and to whom the envelopes were mailed.

Note: Domestic relations actions are subject to different requirements for service of process under Civil Rule (CR) 4.1.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

)	
)	
JANE JOHNSON,)	No. 01-2-34567-8 SEA
)	
Plaintiffs,)	SUMMONS (20 DAYS)
)	
v.)	
)	
ROBERT SMITH,)	
)	
Defendant.)	
)	
)	
)	
_____)	

TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court by JANE JOHNSON, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not

1 responded. If you serve a notice of appearance on the undersigned person, you are
2 entitled to notice before a default judgment may be entered.

3 You may demand that the plaintiff file this lawsuit with the court. If you do so, the
4 demand must be in writing and must be served upon the person signing this summons.
5 Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the
6 court, or the service on you of this summons and complaint will be void.

7 If you wish to seek the advice of an attorney in this matter, you should do so
8 promptly so that your written response, if any, may be served on time.

9 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of
10 the State of Washington.

11

12 DATED: January 27, 2009, in Seattle, Washington

13

14

Respectfully Submitted,

15

16

Signature

17

Jane Johnson
Pro Se Plaintiff
123 Maple Drive Ne
Seattle, WA 98103
(206) 555-5555

18

19

20

21

22

23

24

Please type or print clearly – Our detectives work **daytime, weekday** hours

Serve-by Date _____

Who is the Plaintiff/Petitioner?

Who is the Defendant/Respondent?

_____ v _____

Party to be Served (for a company, also list name of contact person if you know it):

<input type="checkbox"/> Name/	Contact @
<input type="checkbox"/> Company _____	Company _____
Home Address _____	Home # (_____) _____
City/State/ZIP _____	Work # (_____) _____
Employer Name _____	Cell # (_____) _____
Employer Address _____	E-mail _____
City/State/ZIP _____	Date of Birth _____
Social Security # _____	DL# _____

Physical Description

Is there anything more we need to know?

Possible hazards: guns knives dogs substance abuse mental illness

Proof of Service and/or questions should be addressed to (*your information*):

Name _____	Home # (_____) _____
Company _____	Cell # (_____) _____
Address _____	Work # (_____) _____
City/State/ZIP _____	E-mail _____

**This information is available in alternative formats upon request.
TDD relay 1-800-833-6388**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

JANE JOHNSON,

Plaintiffs,

v.

ROBERT SMITH,

Defendant.

No. 01-2-34567-8 SEA

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that, on the date January 27, 2009, I hand-delivered a true copy of the Summons and Complaint to Robert Smith at 456 Main Street NE, Seattle, WA 98103.

Dated: January 27, 2009, in Seattle, WA.

Respectfully Submitted,

Signature

Steven Johnson
123 Maple Drive NE
Seattle, WA 98103
(206) 555-5555

Pre-Trial Motions

A motion is a formal request asking a judge to take specific action. Motion practice is subject to many rules and is often very complicated.

Terms

- Moving party – the party bringing the motion
- Non-moving party – the party against whom the motion is being brought
- Response – non-moving party’s answer to the motion
- Reply – moving party’s answer to the response

Local Civil Rule (LCR) 7 and State Civil Rules (CR) 7 and 8 require that:

- Motions must be filed at least six days before the date of consideration and should not be longer than 12 pages.
 - Write “Oral Argument Requested” on the first page of your motion if you would like the Court to consider oral argument when ruling on your motion.
 - The time and date of the consideration is scheduled by contacting the staff (usually the bailiff) of the judge or commissioner assigned to your case.
 - The motion must be filed with a Note for Motion (see Note for Motion).
- Responses are due to the hearing judge by noon two court days before the date of consideration and should not exceed 12 pages.
- Replies are due to the hearing judge by noon the day before the date of consideration and should not exceed 5 pages.
- A working copy of motions, responses, and replies must be submitted to the hearing judge no later than the day the parties are served.
 - A copy of your proposed order should be attached to working copies. If your motion is without oral argument (see LCR 7(b)(3)), you should provide the court with a pre-addressed stamped envelope to each party.
- A Note for Motion (included) must be filed along with your motion.

Structure of a Motion – LCR 7 requires that a motion include the following sections:

1. **Relief Requested** – The specific action that you would like the court to take.
2. **Statement of Facts** – A concise statement of material facts.
3. **Statement of Issues** – A concise statement of the issues of law that the Court is requested to rule on.
4. **Evidence Relied Upon** – Specify the evidence upon which the motion is based. Deposition testimony, discovery pleadings, and documentary evidence relied must be quoted word for word or a photocopy of relevant pages must be attached to an affidavit identifying the documents. Parties should highlight those parts upon which they place substantial reliance. Do not attach copies of cases to original pleadings. These rules also apply to responsive pleadings.
5. **Authority** – Any legal authority relied upon must be cited. Attach copies of all cited non-Washington authorities to working copies and copies provided to the other parties.

Note: The above rules also apply to responses and replies to motions.

Additional Rules Governing Motions

- Civil Rule (CR) 12
- Civil Rule 40
- Default Judgment – CR 55
- Summary Judgment – LCR 56 and CR 56
- Dismissal for Failure to State a Cause of Action – LCR 7 or CR 12(b)(6)
- Temporary Restraining Order (TRO) and Preliminary Injunction – CR 65 and LCR 65
- Order to Show Cause and Return Hearing Dates – LCR 7(b)(9)
- Revision of Commissioner’s Ruling – LCR 7(b)(8); RCW 2.24.050

About Motions for Default Judgment

The following example motion and proposed order are for a Motion for Default Judgment. If a defendant fails to file a timely answer to the complaint or otherwise appear in court, the plaintiff can ask the judge to rule in his or her favor against the defendant. If the plaintiff can prove that the defendant was properly served with a summons and complaint, default judgment will be granted. The procedures for default judgment are found in CR 55.

Make sure to include this notation if you would like the judge to consider oral argument when ruling on your motion.

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

JANE JOHNSON,

Plaintiff,

v.

ROBERT SMITH,

Defendant.

No. 01-2-34567-8 SEA

MOTION FOR DEFAULT JUDGMENT

I. RELIEF REQUESTED

Plaintiff Laura Rodriguez requests that the Court enter an order of default and default judgment against defendant Duncan Johnson.

II. STATEMENT OF FACTS

Defendant was personally served on (date). See Declaration of Steven Johnson, Exhibit A. More then 20 days have elapsed since the date of service and Defendant has failed to answer or otherwise defend against this action.

III. STATEMENT OF ISSUES

(1) Are Defendants in default, and if so, should an order of default be entered?

1 (2) Is Plaintiff entitled to default judgment against defendants?

2 **IV. EVIDENCE RELIED UPON**

3 The file and record herein, including:

4 (1) Declaration of Steven Johnson in Support of Motion for Default and the attached
5 exhibits.

6 **V. AUTHORITY**

7 CR 55(a)(1) provides that a Motion for Default is proper where a defendant fails to
8 appear, answer, or otherwise defend within the time required by CR 4(b). Defendants
9 were properly served. More than 20 days have elapsed since the date of service, and
10 Defendants have failed to answer, or otherwise defend against this action. Plaintiff's
11 claim is an amount certain, and default judgment may be entered pursuant to CR
12 55(b)(1).

13 **VI. PROPOSED ORDER**

14 A copy of Plaintiff's Proposed Order of Default and Default Judgment is submitted with
15 this Motion.

16
17 Dated _____.

18 Respectfully Submitted,

19 _____
Signature

20 Jane Johnson
21 123 Maple Drive NE
22 Seattle, WA 98103
23 (206) 555-5555
24

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING**

**NO.
NOTE FOR MOTION DOCKET
SEATTLE COURTHOUSE ONLY
(Clerk's Action Required)
(NTMTDK)**

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: _____ Day of Week: _____

Nature of Motion:

EX PARTE MOTIONS [LCR 7 (b)(3)(D) - Seattle in W325

The original of this notice must be filed at the Clerk's Office **not less than six court days** prior to requested hearing date. Motions are scheduled **9:00-11:30 a.m. & 1:30-3:45 p.m.** (except as indicated):

Eviction Hearing Time: 9:00 a.m. Other Ex Parte Motion. Hearing Time:

The original of this notice must be filed at the Clerk's Office **not less than fourteen calendar days** prior to requested hearing date - *Deliver Working Papers (on accountings, contested or complex cases) to W325. Ex Parte hearings do not require confirmation.*

Adoption Final Hrg. Hearing Time: 9:00: _____ 1:30: _____ (LCR 93.04)

Family Law Final Decree Atty to Appear Hearing Time: _____ No Attorney Hearing Time: 1:30 p.m.

Probate/Grdnshp Hearing Time: 10:30 a.m. (LCR 98.04, 98.16, 98.20)

FAMILY LAW MOTIONS [FLR 6] - Seattle in W291

The original of this notice must be filed at the Clerk's Office **not less than fourteen calendar days** prior to the requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance). **Must confirm at 296-9340 (FLR 6).** Deliver Commissioner's copies to same room number 3 lines above. **SEE PAGE 2 FOR IMPORTANT NOTICE!**

Domestic Motion (9:00) Sealed File Motion (1:30) Parenting Plan Modification (threshold 1:30)

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: _____ Print/Type Name: _____

WSBA # _____ (if attorney) Attorney for: _____

Address: _____ City, State, Zip _____

Telephone: _____ Date: _____

Party requesting hearing must file motion & affidavits separately along with this notice. List names, addresses and telephone numbers of all parties requiring notice, (including Guardian Ad Litem) on page 2. Serve a copy of this notice of hearing, with motion documents, on all parties. **DO NOT USE THIS FORM TO SET HEARINGS BEFORE CHIEF CIVIL JUDGE OR THE ASSIGNED JUDGE FOR THE CASE.**

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty For: _____
Telephone #: _____

IMPORTANT NOTICE REGARDING FAMILY LAW CASES

IF YOU ARE THE PERSON SCHEDULING THIS MOTION, you must confirm this hearing by calling the Family Law Motions Coordinators at 296-9340 between 2:30 p.m. and 4:15 p.m. (3) court days before the hearing and between 8:30 a.m. and 12:00 p.m. (noon) two (2) court days prior to the hearing.

IF YOU OBJECT TO THIS MOTION, under King County Superior Court Rule LFLR 5, your response and accompanying paperwork **must be in writing** and must be delivered, not later than by 12:00 p.m. (noon) of four (4) weekdays (not including court holidays) prior to the hearing to:

- 1) the Superior Court Clerk in Room E609 (the originals go to the Clerk);
- 2) all parties' attorneys (or directly to any party who does not have an attorney); and,
- 3) the Family Law Motions Coordinators in Room W291.

Any statements of a party or witness must be signed, dated and sworn to under penalty of perjury, and must contain the state and city where signed.

The moving party's reply is due by noon two court days prior to the hearing. Check-in time is **9:00 am** for morning hearings and **1:15 p.m.** for afternoon hearings.

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES. ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The **KING COUNTY COURTHOUSE** is in Seattle, Washington at 516 Third Avenue.

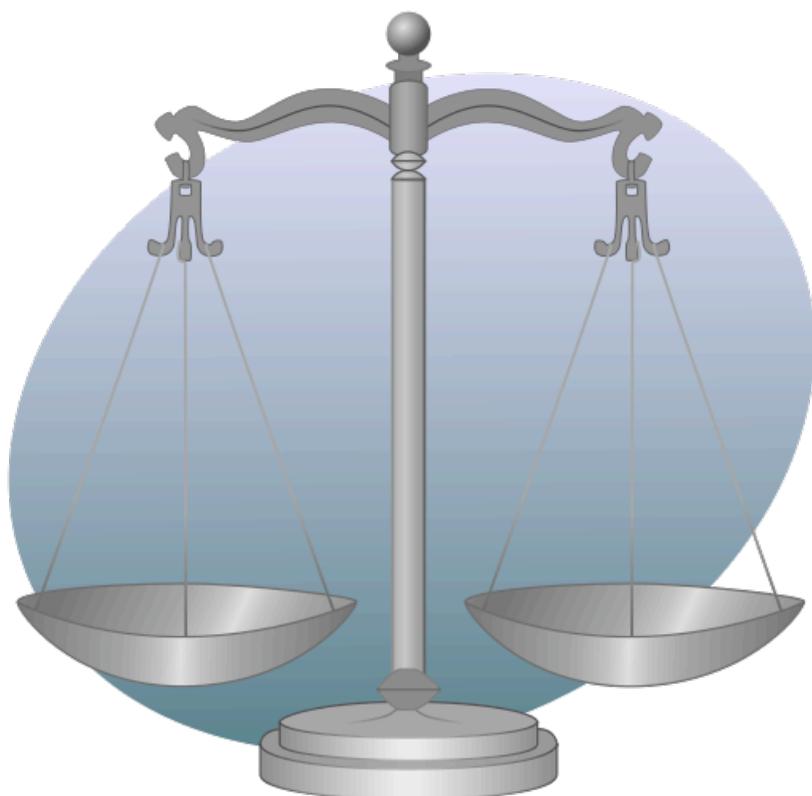
Proposed Order

An order is the Court's ruling that states findings of fact and law and awards to one side of the lawsuit. A proposed order is a draft of the order that the providing party would like entered should they prevail, with spaces for the date and judge's signature left blank.

Understand that if the Court rules in your favor, it may use the proposed order you have provided, amend the order to reflect its ruling or draft its own order altogether. While the Court is not required to use proposed orders provided to it, proposed orders help the court know how to rule in your favor. For this reason, the order should be specific, stating exactly what relief the order is granting. Taking the time to carefully and thoughtfully craft your order will make the Court's job easier and you may be able to leave your hearing with a signed order in hand.

A proposed order *must* be attached to the working copies submitted to the judge assigned to your case. LCR 7(b)(5)(C).

Appendix



Legal Resources

Northwest Justice Project – www.nwjustice.org

Not-for-profit statewide law firm that provides free civil legal assistance and representation to low-income people and communities throughout Washington.

Washington Legal Help – www.washingtonlegalhelp.org

Offers detailed instructional packets. Keep in mind that none of the materials are specific to King County and there may be local rules that you must follow. Be sure to check the local rules.

CLEAR

Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

King County – 211 or (877) 211-WASH (9724), 8 a.m. to 6 p.m.

Deaf and hearing-impaired – 711 or (800) 833-6384

Seniors (persons 60 and over) – (888) 387-7111, 9:15 p.m. to 12:15 p.m.

Columbia Legal Services – www.columbialegal.org

A non-profit law firm representing low-income individuals.

King County Bar Association – www.kcba.org

Offers a wide range of legal clinics.

Eastside Legal Assistance Program

Provides services to low-income residents of East and Northeast King County advice and counsel, unbundled legal services, full legal representation, legal clinics (425) 747-7274

www.elap.org

Legal Voice

Offers self-help and legal information and education publications for legal issues affecting women: family law, violence against women, consumer & debt, employment rights, court procedures, GLBT rights, criminal law, civil rights, health & reproductive rights, wills, estate planning and death.

Legal Information and Referral telephone line (I&R):

- 206-621-7691
- Toll Free: 866-259-7720
- TTY: 206-521-4317

Recommended Reading (available online):

- Citizen's Guide to Washington Courts – www.courts.wa.gov
- KCBA Pro Se Handbook
- KCBA "On Your Own" Booklet

Checklist – Bringing a Claim to Court

Before Filing

- If possible, consult a lawyer about your claim (see **Legal Resources**)
- Read the state and local court rules (www.courts.wa.gov)
- Review the **Courthouse Guide** and **Directory** prior to your visit
- If eligible, complete and file ***In Forma Pauperis* (IFP) application**

Filing Your Claim

- Write your complaint (see **Example Complaint**)
- Make 4 copies of your complaint:
 - 2 for the court
 - 1 for yourself
 - 1 for the person you are suing (see **Services of Process**)
- Complete a **Case Information Coversheet (CICS)**
- Serve opposing parties with the summons and a copy of the complaint (see **Service of Process**)
- File your complaint and pay the filing fee at the Clerk's Office (E-609) along with the following documents:
 - Completed **Case Information Coversheet**
 - **Certificate of Service**
- Drop off properly noted working papers at the Judge's Mailroom (Room C-203)
 - Note: If your complaint is a family law case, your working papers should be dropped off with the Family Law Confirmations Coordinator (W-292)
- Carefully review your case schedule and note any deadlines and hearing dates

Pre-Trial/Hearing Motions

- Draft your motion (see **Example Motion**)
- Compile and make copies of supporting documents, photos and receipts
- Gather witness statements in signed declarations (see **Example Declaration**)
- Draft a proposed order (see **Example Proposed Order**)
- Provide the defendant with a copy of the motion, all supporting materials and proposed order
- Complete a Certificate of Service for the above materials
- File your motion, along with supporting materials, proposed order and the Certificate of Service with the Clerk's Office

Preparing For Your Trial/Hearing

- Confirm your hearing or trial date and your assigned courtroom
- Gather and organize the following items to bring with you to court:
 - Copies of all of the court papers you have filed or received
 - Proposed Order
 - Written outline of what you want to tell the judge
 - Pen and paper to take notes
 - Evidence – 4 copies of each (one for the judge, clerk, opposing party and yourself)

Seattle King County Courthouse Selected Directory

First Floor (3 rd Ave. Entrance)

Information Desk
Full Directory

1st Floor Café

King County Sheriff's Office - Civil Process Unit

Room W-150, (206) 296-3800

Mon. – Fri., 8:30 a.m. – 4:30 p.m.

Accepts legal documents for service, conducts evictions, and enforces court orders.

Second Floor (4 th Ave. Entrance)
--

Family Court Services

Room W-280, Phone Number

Program of social workers specializing in family law. Offers seminars, parenting plan evaluation, mediation, domestic violence assessments, and adoption services.

Hours?

Family Law Confirmations Coordinator

Working Paper Drop-Off

Room W-292, (206) 296-9340

Protective Order Advocates Program

Room C-213, (206) 296-9552

Offers protection order paperwork, assistance with completing and filing forms, and domestic violence prevention and education resources.

Mon. – Fri., 9 a.m. – 12 p.m. & 1:30 p.m. – 4:30 p.m.

Judge's Mailroom

Working Paper Drop-Off

Room C-203

Third Floor

Housing Justice Project

Room W-314

(206) 267-7090 (English) or (206) 267-7091 (Spanish)

Free legal assistance with landlord disputes and negotiations, completing eviction paperwork, representation of eligible tenants at eviction hearings.

Mon. – Fri., 8 a.m. – 10:30 a.m.

Mon. & Thurs., 4 p.m. – 6 p.m.

(arrive before 5:30 to meet with a lawyer)

No appointments necessary.

Family Law Facilitator

Room W-382, (206) 296-9092

Form packets for sale. Staff can review forms for completeness.

Mon. – Fri., 9:30 a.m. – 12 p.m.

Thurs. & Fri., 2:15 p.m. – 4 p.m.

Ex Parte Courtroom

Room W-325

A special department for certain short matters and emergency or unopposed orders.

Fourth Floor	Fifth Floor
---------------------	--------------------

King County Prosecutor's Family Support Division

Room E-400, (206) 296-9020

King County Prosecuting Attorney's Office

Room W-554, (206) 296-9000

Sixth Floor

King County Law Library

Room W-621, (206) 296-0940

Public access to legal research resources, computers, copy machines and conference rooms.

Mon. – Fri., 8 a.m. – 5 p.m.

Superior Court Clerk's Office

Room E-609, (206) 296-9300

Start a new case, file documents, pay court fees and fines, research case records, and obtain plain and certified copies of court documents.

Seventh Floor	Eighth & Ninth Floors
----------------------	----------------------------------

Interpreter Services

Room C-701, (206) 296-9358

Courtrooms

516 Third Avenue • Seattle, WA 98104 • (206) 296-9100 • Monday – Friday, 8 a.m. – 4:30 p.m.

**INSTRUCTIONS FOR
MOTION AND ORDER TO PROCEED *IN FORMA PAUPERIS* – SEATTLE LOCATION
(Procedure to Request Waiver of Filing Fee)**

Updated March, 2009

If you believe that you are unable to afford the filing fee in your family law or other type of court case, you may request that the court waive it. In determining whether the filing fee should be waived, the Court will apply a financial availability table based on 125% of the Federal Poverty Standard (see below). If there is a joint petition in a family law matter, your income will be added to your spouse's income in determining eligibility for a filing fee waiver.

Family Size	1	2	3	4	5	6	7	8	9 or more
Maximum Monthly Income*	\$ 1,128	\$ 1,518	\$ 1,907	\$ 2,297	\$ 2,687	\$ 3,076	\$ 3,466	\$ 3,855	Add \$390 for each additional person
Maximum Annual Income*	\$13,538	\$18,213	\$22,888	\$27,563	\$32,238	\$36,913	\$41,588	\$46,263	Add \$4,675 for each additional person

* "Income" means net income received, after taxes and child care costs are deducted.

FORMS TO USE: The Court has standard forms for obtaining fee waivers, which you are to use even though you may have obtained similar forms elsewhere. The forms are available at no cost from the Copy Center in the Clerk's Office (E609) or the Family Law Facilitator (W280).

1. Motion and Order to Proceed *In Forma Pauperis*
2. Financial Statement

INSTRUCTIONS:

1. Fill out all forms completely. Be sure to sign and date the "Motion and Order" and the "Financial Statement."
2. Take the completed forms along with your completed Petition or Complaint to the *Ex Parte* Department (Room W325, on the 3rd Floor of the King County Courthouse) to have a Commissioner review your request and sign the order.
 - If the Commissioner signs the Order, you will be able to file your case without paying the filing fee. In a family law matter, you may be required to pay the Courthouse family law facilitator fee; also, you or your spouse may be required to pay the filing fee later if there is a joinder to the petition.
 - If the waiver is denied, you will be required to pay the filing fee to file your case.
3. After obtaining a signed, approved Order, take it and all your case initiating forms to the Cashier's Window in the Clerk's Office (Room E609, on the 6th Floor of the King County Courthouse). You must file the originals of all forms the same day the Commissioner signs the order. **DO NOT** remove this order from the courthouse.
 - The Ex Parte Department (Room W325) is open 9:00 a.m. to 11:45 and 1:30 p.m. to 4:00 p.m.
 - The King County Superior Court Clerk's Office (Room E609) is open 8:30 a.m. to 4:30 p.m.
 - To contact Family Law Facilitators, call 296-9092.

**IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

vs.

Plaintiff/Petitioner,

Defendant/Respondent.

NO.

**MOTION AND ORDER TO PROCEED
IN FORMA PAUPERIS**
(Clerk's Action required)
(ORPRFP)

I. MOTION AND DECLARATION

I certify under penalty of perjury, according to the laws of the State of Washington, that the following is true and correct:

I am the Applicant, and I seek an order authorizing me to proceed as an indigent person. I believe that I have valid reasons for bringing this action and that I am entitled to relief. I am unable to pay the filing fee in this case. My Financial Statement is attached and this Statement accurately describes my financial condition.

Dated at _____, Washington on _____, 20 _____.

Applicant's Signature

II. ORDER

IT IS HEREBY ORDERED THAT:

- The case be filed without payment of the filing fee.
- The Petitioner shall pay the Family Law Facilitator surcharge fee only.
- This is a joint petition; the Respondent shall pay the filing fee prior to entry of the final decree and proof of payment be given to the court at the final hearing.
- If the Respondent joins in the Petition (i.e., joinder is filed), the filing fee shall be paid prior to the entry of the final decree and proof of payment must be given to the court at the final hearing.
- The motion is denied.
- Other: _____

DATED: _____

Judge/Court Commissioner

Presented By: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Glossary of Legal Terms

action Proceeding taken in a court of law. Synonymous with case, suit, lawsuit.

adverse party The opposite party in a lawsuit.

answer The pleading containing the formal response to a complaint, admitting or denying the alleged claims.

bailiff A court employee who maintains order in the courtroom and handles the jury.

civil The areas of law that do not involve criminal matters. Civil law usually deals with private rights of individuals, groups, or businesses.

certified copy A copy of a court file document made by the court clerk that has an official stamp on it. There is usually a charge for a certified copy.

complaint The first legal document filed in a civil lawsuit. It includes a statement of wrong or harm done to a plaintiff by the defendant and a request for a specific remedy from the court.

continuance Postponement of a trial, hearing or other court appearance.

court commissioner A judicial officer at who performs many of the same duties as a judge. Frequently used in ex parte and family law court.

court reporter A court employee who records the proceedings.

damages Compensation recovered in the courts by a person who has suffered loss or injury.

declaration (DCS) A written statement made to the court that the signer swears is true.

default A failure of a party to respond in a timely manner to a pleading or to appear for trial.

defendant Person being sued.

dissolution of marriage Legal ending of a marriage. Formerly called divorce.

ex parte Asking the Court for an order without notifying the other party.

filing Giving court papers to the court clerk to place in the case file.

hearing Going before a judge or court commissioner to request a court order.

in forma pauperis (IFP) A Latin term which means you may file your papers in court without paying the filing fee if you cannot afford the fee.

judgment The decision of a judge.

motion Oral or written request by a party asking the judge to issue a ruling or order.

moving party The party bringing a motion. i.e. Plaintiff files a Motion to Dismiss, plaintiff is the moving party.

litigant A person involved in a lawsuit.

order A court document signed by a judge or commissioner that directs a party to do or not do something.

pleading Formal, written allegations by the parties of their respective claims.

pro se Acting without the aid of an attorney; representing yourself.

plaintiff The person who is suing in a civil case.

reply The moving party's answer to the non-moving party's response.

response The non-moving party's answer to a motion.

ruling The court's decision on a case.

service Giving court papers to the other party.

summons The document that informs the defendant that a suit has been brought against him or her and when the answer must be filed.

statute A law.

summary judgment Deciding a case without going to trial.

working papers A copy of papers filed with the court delivered in advance of the hearing for the judge to review.

Abbreviations

RCW Revised Code of Washington

CR Washington Superior Court Civil Rules

KCLCR/LCR/LR– King County Local Rules/Local Court Rules/Local Rules

GR General Rules

More detailed glossaries are available online at the King County Superior Court website and from Washington Legal Help.