

Self-Represented Persons in Municipal Court

PRO SE LITIGANT INFORMATION

Understanding and making your way through the court process is not easy and can be quite frustrating, especially for those handling their own legal representation (pro se litigants). There are extensive state and local court rules and everyone appearing before the Municipal Court is expected to follow them. The following may be of help in clarifying some of the mysteries of representing yourself.

COMMON PROCEEDINGS IN MUNICIPAL COURT

Protection and Restraining Orders: Different counties have different procedures regarding protection and restraining orders. Contact your local superior, district or municipal court for procedures within your county.

Infractions: An infraction is an act prohibited by law which is not legally defined as a crime. The court will impose a financial penalty when an infraction has been committed. Because infractions are not criminal violations, the court cannot commit the defendant to jail. A person cited for an infraction may choose to be represented by an attorney but is not entitled to court-appointed counsel.

There are three ways to respond to a citation for an infraction. The instructions are printed on the back of the citation. You may request a mitigation hearing at which you admit committing the infraction but may explain what happened to the judge. The judge may then reduce the fine. You may request a contested hearing at which you maintain that you did not commit the infraction. Or you may simply pay the fine. Some persons may qualify for a deferred finding which can result in the dismissal of a traffic infraction. A hearing must be requested within 15 days from the date the citation was issued. Failure to respond will result in an additional mandated \$52.00 penalty. With most traffic violations, the Department of Licensing will also be advised of the failure to respond and this may result in the suspension of the person's driver's license. Parking violations and photo infractions will not be part of your driving record regardless of the type of hearing that you choose. Some courts may allow an infraction hearing by mail or by e-mail.

Criminal Charges: It is important that a person charged with a crime seek legal representation. If you have been charged with a crime you are facing potential jail time and fines as well as other significant consequences. You are entitled to have an attorney present at each of these hearings. If you feel you cannot afford an attorney, the court may appoint an attorney to represent you at public expense. A criminal defense attorney can protect your rights and fully represent you at each of the potential hearings, as well as provide advice as to the available options with regard to the case.

-Turn over for more information-

TERMS YOU NEED TO KNOW:

1. **Calendar** (sometimes called a Docket) – List of cases arranged for hearing in court.
2. **Complaint/Citation** – A document that starts a criminal prosecution.
3. **Ex parte** – A Latin phrase indicating action done for, on behalf of, or on the application of, one party only without notice to the opposing party.
4. **Motion** – A formal request usually in writing made by a party to a court for an order granting relief; a formal written request of the court.
5. **Order** – A direction or command delivered by a court and entered into the court record.
6. **Petition** – A formal written application to the court requesting a remedy available under law.
7. **Pro se** – A Latin phrase meaning “For Oneself” (refers to people who represent themselves).
8. **Summons** – Notification of a mandatory appearance in court.

WHAT DO I WEAR AND HOW DO I ACT IN COURT? Courts are respectful and formal settings. You are trying to present and win your side of the issue. Dress, speak and conduct yourself appropriately.

1. Wear clean, mended clothing that does not bring undue attention to you.
2. Do not wear hats, caps, shorts, bare midriffs, tank tops or revealing clothing. Religious attire may be an exception.
3. Turn off cell phones or pagers.
4. Speak clearly and respectfully. Address the court, not the opponent.
5. Do not interrupt another person who is speaking to the judge.
6. Get to your point. Do not ramble. Only address matters being decided by the judge.
7. Do not chew gum, yell, swear, or use improper language.
8. Try to imagine you are the judge and someone is appearing in front of you seeking a favorable decision. How would you want them to act so you could assess the facts fairly and not be distracted in that effort?

LIST OF HELPFUL PHONE NUMBERS AND WEBSITES:

1. Legal Information: www.WashingtonLawHelp.org or www.lawforwa.org
2. Forms On-line: www.courts.wa.gov/forms
3. State and Local Court Rules: www.courts.wa.gov/court-rules/
4. Your local court Web site.

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

Court staff cannot tell you if your paperwork is filled out correctly.

**You will only be able to see or talk to a judge about your case
when you appear before the judge in court.**