KITSAP COUNTY DISTRICT COURT
GUIDE TO REPRESENTING YOURSELF

IMPORTANT NOTICE – District Court personnel are not permitted to fill out any forms. District Court personnel are also not authorized to give legal advice. District Court strongly encourages an unrepresented party to seek legal advice from an attorney. If you need help, please review the "*Guide To Website Forms*" on the District Court website.

The information contained here is intended to address the most frequently asked questions. It is not comprehensive and should not be construed as legal advice.

IMPORTANT NOTICE REGARDING LITIGANT CONFIDENTIAL INFORMATION – District Court needs information about every party involved in a case so the court can accurately identify the parties and be able to contact them.

If you have not already done so, please complete a Litigant Confidential Information Form and provide it to the court. You should also use the form to update information previously provided to the court. The form is available at many locations on the District Court website (**www.kitsap.gov/dc**).

GETTING STARTED

CAN I EFFECTIVELY REPRESENT MYSELF? Representing yourself in a civil case may seem intimidating, scary, and terrifying. In a general civil lawsuit, there are many laws and rules which apply equally to lawyers and unrepresented litigants which may result in self-representation being problematic and not in your best interests.

While District Court strongly encourages an unrepresented party to seek legal advice from an attorney, the legislature has created a few types of cases specifically designed to allow an unrepresented party to have access to Washington courts without the necessity of an attorney.

For these types of cases, Washington courts have significantly reduced the applicable rules so that unrepresented parties can have their case heard by a judge upon the filing of just a few documents with the court. District Court has attempted to provide on its website most if not all of the forms an unrepresented party might need which can be completed electronically and filed with the court without the assistance of an attorney.

The types of civil cases designed for unrepresented litigants include – protection orders; small claims (where attorneys are not permitted without court approval); name changes; vehicle and vessel impounds; and infractions.

YOUR SIGNATURE ON COURT DOCUMENTS IS REQUIRED – A party who is not represented by an attorney shall sign (either electronically or by a written signature) and date every complaint, answer, claim, counterclaim, petition, reply, motion, and legal memorandum the party files with District Court. If a document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party who failed to sign the document. CRLJ 11(a).

YOUR SIGNATURE MEANS THAT DOCUMENTS YOU FILE ARE COMPLETE, TRUE, AND ACCURATE – The electronic or written signature of a party or an attorney on a document filed with District Court constitutes a certificate by the party or attorney that each of the following six items is true, CRLJ 11(a) –

- (1) Read The Document. The party or attorney has read the document; and
- (2) Conducted A Reasonable Inquiry. To the best of the party's or attorney's knowledge, information, and belief formed after an inquiry reasonable under the circumstances; and
- (3) Fact. The document is well-grounded in fact; and
- (4) Law. The document is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, or the establishment of new law; and
- (5) No Improper Purpose. The document is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and
- (6) Factual Denials Warranted. The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

The bottom line – Judges expect parties and witnesses to tell the truth, the whole truth, and nothing but the truth. Make sure every document you file with District Court is complete, true and accurate! You must include all the important facts known to you even if those facts are unfavorable. The failure to include unfavorable facts known to you may result in you being sanctioned.

If a document is signed in violation of these CRLJ 11(a) rules, the court upon a motion by an opposing party or on the court's own motion may impose an appropriate sanction, including economic sanctions, against the party who signed the document.

WHAT DO I NEED TO DO TO START A CIVIL CASE? Generally, an unrepresented party who wants to begin a civil case in District Court must do each of the following –

- The Initial Documents (Complaint, Petition, Notice, Motion, Request, Summons). The party beginning a civil action is named either a "plaintiff" or a "petitioner" depending on the type of case. The party against whom the civil action is brought is named either a "defendant" or a "respondent."

  A written document must be completed by the plaintiff/petitioner and filed with District Court to start any civil action. This initial document will include a sworn statement by the plaintiff/petitioner explaining what happened and what the plaintiff/petitioner wants the court

to do. This initial document may have many different names, including – complaint; petition; notice; motion; request or summons.

- Filing Fee. Depending on the type of case, a filing fee may need to be paid when you file a civil case in District Court. If you cannot afford to pay the filing fee, you may ask the court to waive the fee due to indigency.

- Service Of Initial Documents On Your Opponent. After the initial documents are filed with District Court, the documents must thereafter be promptly served on the defendant/respondent so that your opposing party will become aware of your civil case and have the opportunity to respond and appear at any scheduled court date.

  [Note – The court does not serve the initial documents.]

  - You Cannot Serve The Initial Documents. It is the plaintiff/petitioner's responsibility to arrange for someone to timely and properly serve the initial documents on the defendant/ respondent by using a proper method of service.

    [Note – This is important! The plaintiff/petitioner cannot serve the initial documents.]

  - Methods Of Service. Service of the initial documents (including notice of any court date) on the defendant/respondent may be accomplished by one of several methods, including by– (1) law enforcement; or (2) a process server; or (3) any person of legal age (18 or older) who is a competent witness and who is not connected with the case either as a witness or as a party.

  - District Court Lacks Jurisdiction If The Method Of Service Is Not Proper. District Court obtains jurisdiction over a defendant/respondent when they are properly served with the initial documents. Your case cannot go forward if a defendant/respondent is not served by a proper method of service.

WHAT IF A PROTECTION ORDER PROHIBITS ME FROM CONTACTING THE OTHER PARTY?

Violation of a protection order is a crime. A restrained person should not attempt to contact the protected person for any reason, even to provide copies of evidence the restrained person intends to submit to the court.

Instead, the restrained person should discuss the situation directly with the judge at the next scheduled court hearing. The judge will listen to the protected person and restrained person, and decide how evidence is to be exchanged.

GETTING PREPARED FOR TRIAL

PREPARING FOR YOUR TRIAL – Whether you are the plaintiff/petitioner or the defendant/respondent, you can greatly help your case by being well prepared for your trial. Experience has taught that prepared litigants are better able to present their cases and thereby achieve successful results.

Most unrepresented litigants are understandably afraid and nervous. The judge knows this, and will try to make you as comfortable as possible during your trial. It may be very helpful to write down, ahead of time, the facts of the case in the order that they occurred so you do not forget to tell the judge something during the trial. This will help you to organize your thoughts and to make a clear presentation of your case to the judge.

It may also be a good idea before your trial date to watch a court session involving your type of case. This will give you first-hand information about the way your type of case is heard. District Court makes all court hearings available online through its website so that you do not have to come into the courthouse to watch any hearing.

THREE TYPES OF EVIDENCE THE JUDGE WILL CONSIDER – The judge will consider the following three types of evidence during your trial –

- Testimony Of Witnesses. The parties may testify during the trial. Other witnesses may also be permitted to testify during the trial at the discretion of the judge. All witnesses who testify will be placed under oath before being allowed to testify.

  Please do not ask if the judge wants to hear from one of your witnesses. The decision how to present your case is entirely up to you and the judge cannot assist you in deciding what evidence you should present in support of your case.

- Witness Declarations And Court Documents. The judge will consider every document in the court file. A party may file written statements filled out by witnesses. These witness statements, called declarations, should be electronically or in writing signed under oath before they are filed with the court.

  Please use the Declaration Of Witness form on the District Court website. Witness declarations may be emailed to District Court for filing (**districtcourt@kitsap.gov**). Make sure the heading on the email includes the name of your case and the case number.

- Exhibits (Photographs, Text/Email/Social Media Posts, Audio, Video, Contracts, Estimates). In addition to the testimony of witnesses and the documents filed in the court file, parties often have a variety of items they would like to show to the judge. These items are called "exhibits" and are typically presented to the judge during the trial. Exhibits come in many different forms, such as – photographs, texts, email or social media posts, video and audio recordings, contracts, estimates, receipts, cancelled checks, physical objects and other documents.

  The judge will not consider images stored on a device such as a cellphone, camera or laptop because the image cannot be made a part of the court record. Electronic images (except audio

and video recordings) must be printed and presented in a paper version as discussed below.

SPECIAL RULES FOR EXHIBITS – Exhibits have special rules which a party must follow or the judge may not consider the exhibit. Please make sure to carefully follow these rules –

- Get Organized. As soon as possible, collect all the exhibits you want the judge to consider.
- Put Your Exhibits In Order. Think about what you are going to say to the judge. Generally testimony is easiest to understand when presented in chronological fashion starting with what happened at the beginning.

  Put your exhibits in the order you want to discuss them while you are testifying. This is very important because your testimony and exhibits will make much more sense to the judge if you coordinate your testimony with your discussion about your exhibits.
- Number Every Exhibit Page At The Bottom. Generally, the judge wants all your exhibits in one packet (not several separate packets).

  Every page of each exhibit must be separately and sequentially numbered on the front of the exhibit at the bottom of the page. Ignore all page numbers which already may be on an exhibit (such as a multi-page lease with each page numbered on the lease itself) because you still must number each page at the bottom before you submit your entire exhibit packet to the court . If you use a post-it note, make sure to staple the note to the exhibit so it does not fall off.

  The first page of your exhibit packet should have a "1" at the bottom. The second page a "2" at the bottom and so on. Without sequential numbers, it is very difficult for the judge and the opposing party to understand which exhibit you are discussing.

  Presenting all your exhibits in one binder is especially helpful so that exhibits do not become loose or get out of order. Please do not use dividers since each page of your exhibits will already be separately numbered by you at the bottom.

  For example, suppose you have 10 pages of text messages or 10 photographs. You will want to explain the importance of each particular message or photograph so the judge will understand your case. Without numbers on each page or photograph, it is very difficult and time consuming for the judge and opposing party to understand your testimony and the correct exhibit you are discussing.
- Audio Recordings. You can play audio recordings during trial from any device because the judge and opposing party can listen to it while it is being played. All judicial proceedings are being recorded so an audio exhibit will be made part of the record of the case when it is played.

  Audio recordings must be downloaded to a disk or thumb drive in a playable format and provided to all opposing parties in advance as discussed below. You are responsible for bringing a device to court on which to play the recording. The court will not provide you with this device.

- Video Recordings. Video recordings must be downloaded to a disk or thumb drive in a playable format and presented to the court as an exhibit so that the recording is made a part of the record. The judge will not view a video recording before the trial.

  Playing a video recording for the judge and opposing party to watch during trial is the responsibility of the party presenting the video. Submitting a video recording to the court can be challenging because you must figure out a way to show the video to the judge and opposing party during the trial. A party wanting to present a video recording must bring a device to play the video during the trial with a screen large enough to be capable of being viewed by the court and opposing party. Playing a video recording on a cellphone is not acceptable because the screen is too small.

  A party appearing via Zoom wishing to show a video recording may have difficulty doing so. If you are appearing by Zoom and want to show a video, you should practice doing so several times using Zoom before the trial to make sure you will be able to show your video during the trial.

YOUR EVIDENCE MUST BE PROVIDED TO THE OTHER SIDE AT LEAST 7 DAYS IN ADVANCE – At least 7 days before a small claims pretrial hearing, or a protection order hearing or other civil trial, District Court requires every party to provide each opposing party with copies of the following unless there is a court order prohibiting a party from contacting an opposing party –

- Court Documents. All court documents filed by the party unless the document has already been served; and
- Witness Declarations. All witness declarations filed by the party unless the document has already been served; and
- Exhibits. All exhibits the party intends on submitting to the court, including audio and video recordings.

SERVICE OF YOUR EVIDENCE ON AN OPPONENT – Unlike service of the initial documents which start a civil case and must be served by an independent person, a party may serve documents, evidence, exhibits, motions and other case-related papers on their opponent without the use of an independent person.

[Note – Protection Order In Effect – If a court order prohibits you (the restrained person) from having contact with the opposing party (the protected person), you must first obtain District Court approval before serving anything on your opponent. Failing to first obtain District Court approval before you serve a protected person could result in criminal charges being filed against you. You may, however, serve an attorney if the protected person is represented.]

[Note – Opposing Party Represented By Attorney – If a party is represented by an attorney, service of all documents, evidence, exhibits, motions and case-related papers must be made on the attorney or attorney's office and not on the represented party directly.]

First Method Of Service – Agreement Or Court Order[1] – The parties shall serve their opponent as follows where there is – (1) an agreement in writing between the parties concerning a method of service; or (2) a finding of good cause by the court to require a particular method of service.

Second Method Of Service – Electronic Service Preferred – Unless there is a court order prohibiting a party from contacting an opposing party, electronic service (such as email) is the preferred method of serving documents, evidence, exhibits, motions and other papers on an attorney or an unrepresented opposing party.

Third Method Of Service – Mail. Unless there is a court order prohibiting a party from contacting an opposing party, where electronic service is not practical (such as serving an exhibit binder or audio or video recording), District Court authorizes a party to serve another party by mail. Service by mail is accomplished by –

- (1) Depositing the items in the United States Post Office with postage prepaid;
- (2) Addressed to the attorney or unrepresented opposing party; and
- (3) Addressed to the last known address of the attorney's office or last known address of an unrepresented opposing party.

  Mailed service is complete on the third day following the day the document was mailed unless the third day is a Saturday, Sunday, or legal holiday in which event service is complete on the first day thereafter.

Final Method Of Service – Personal Service (Caution) – Personal service directly on an attorney (or attorney's office) or unrepresented opposing party may only be used if there is – (1) an agreement in writing between the parties; or (2) a finding of good cause by the court authorizing in-person service methods. Where agreed or court authorized, personal service methods include –

- Service On Person. By handing a copy to – (1) the attorney of a represented party; or (2) an unrepresented opposing party; or
- Service At Office – Staff Present. By leaving a copy with a clerk or other person in charge thereof at – (1) the attorney's office of a represented party; or (2) the unrepresented opposing party's office; or
- Service At Office – No One In Charge. If there is no one in charge at the office, by leaving a copy in a conspicuous place therein; or
- Office Closed Or No Office – Dwelling Or Place Of Abode. If the office is closed or the person to be served has no office, by leaving a copy at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

[1] Methods of service are set forth in the Washington Supreme Court *Fifth Revised And Extended Order Regarding Court Operations*, No. 25700-B-658, ¶5(b) (Feb. 19, 2021) and CRLJ 5.

TRIAL BY AMBUSH PROHIBITED – A party's failure to timely provide evidence to an opposing party will likely result in the trial being continued (which is frustrating for all parties as well as the court), or may result in the judge refusing to consider the "new" and untimely disclosed evidence.

EXHIBITS MUST BE PROVIDED TO THE CLERK AT LEAST 7 DAYS BEFORE TRIAL – All exhibits must be provided to the clerk in paper format at least 7 days before the trial. Do not email exhibits to the clerk because the clerk will not print paper copies of exhibits for the trial.

BENCH COPIES TO THE CLERK AT LEAST 7 DAYS BEFORE TRIAL – A "bench" copy is a separate paper copy of documents and evidence provided to the judge in advance of trial. Although a judge has access to all items filed in District Court electronic court files and exhibits timely provided to the clerk, reviewing electronic court files online, especially witness declarations, and reviewing "original" exhibits before trial can be difficult because the judge is unable to make notes on the item and bring those notes to court for use during the trial.

Lengthy witness declarations and exhibits inevitably require the judge to print the document (if in electronic format from the court file) or make a copy (if an exhibit in paper format is provided to the clerk) so the judge can make notes during a review of the evidence. Often, the judge lacks sufficient time to print or make copies, especially if the items are lengthy.

If you want the judge to be prepared by being able to review your evidence before your trial, you should at least 7 days before trial provide an additional paper version of your witness declarations and exhibits (except video and audio recordings) in a binder for the judge marked as a "bench" copy.

A party who wants to submit a "bench" copy should mark on the top of the first page of the "bench" copy the following –

- **"Bench Copy for [insert date, time and courtroom of hearing]"**

This will provide notice to the clerk to give the "bench" copy of your evidence to the judge in advance of the trial. "Bench" copies will not be returned.

"Bench" copies of video and audio recordings are not necessary because the judge will not insert a party's disk or thumb drive into county equipment in accordance with county policy.

YOUR TRIAL

WHAT WILL HAPPEN AT MY TRIAL? Your trial will proceed as follows –

- Try Not To Be Nervous. Most individuals are nervous when they appear in court. The judge understands this. But if you are well-prepared, you need not be nervous because your preparation will help you to effectively tell the judge everything you want the judge to consider about your case.
- Ask The Judge. If you do not understand something, please ask the judge. It is important you understand what is happening during your trial.
- How Long Will My Trial Take? Most trials involving well-prepared parties representing themselves take 30 minutes to an hour to complete. Depending on the number of cases ready for trial, though, your case might not be called for trial first.

  Be prepared to be present during the entire morning trial calendar (9:00 AM through noon) or the entire afternoon trial calendar (1:30 PM through 4:30 PM). But, a case scheduled in the morning will not be heard that afternoon nor will a case scheduled in the afternoon be heard in the morning.

  Occasionally, a trial cannot be completed in the time available for a variety of reasons. While the judge tries to avoid making parties return for another court date, your case may need to be rescheduled to another date when more time is available. If this happens, your case will have priority at the next court date.
- Be On Time! You do not want to be late for your trial. Whether you are appearing in-person in a courtroom or via Zoom, it is wise to be present at least 15 minutes before your case is scheduled to begin. The judge will likely rule against you if you are not present on time.
- I Am Late. If you are going to be late, call District Court (**360-337-7109**) as soon as possible.
- Who Is Present? The judge will start by calling the calendar to determine which parties are present. The judge will first handle the cases where no party is present and where only one side is present.
- How Do You Want To Proceed? The judge will then ask each party how they want to proceed. Sometimes the plaintiff/petitioner wants to drop the case. Other times, the defendant/respondent has no objection to the court summarily ruling for the plaintiff/petitioner. The judge will likely handle these cases next since there is no need for a trial.
- Which Case Will Be Called For Trial? The judge will then decide how to proceed with the remaining cases. If more than one case is ready for trial, the judge will generally hear the trials starting with the case which has been pending the longest.

- Evidence. After deciding which case will be called for trial, the judge will call that case and verify what evidence each party wants to present. The discussion will include all items in the court file (including witness declarations) and exhibits.

  The clerk will ask you what the court should do with your exhibits. While all documents filed in a court file remain for a lengthy period of time, exhibits are not "filed" with the court. Instead, exhibits are kept by the court until any appeal is finished. After that time, the exhibits will either be destroyed by the clerk or the party submitting the exhibit will need to pick them up. The clerk will ask you which option you prefer.

- Burden Of Proof. The plaintiff/petitioner has the burden of proving their case by a preponderance of the evidence. This means that after considering all of the evidence in the case, the judge must be convinced that the proposition asserted by the plaintiff/petitioner is "more probably true than not true." If the judge is so convinced, the judge will rule for the plaintiff/petitioner. If not, the judge will rule for the defendant/respondent.

- Trial Process. The plaintiff/petitioner and their witnesses will testify first. Then the defendant/ respondent and their witnesses will be called next. Finally, the plaintiff/petitioner will be given a brief opportunity to provide additional testimony in response to the evidence presented by the defendant/respondent.

- Questions Might Be Asked By The Judge. After swearing in a witness, the judge prefers to just listen and let the witness tell the judge their story. Sometimes though, the judge may need to interrupt and ask questions because the judge does not understand the witness's testimony or perhaps how the testimony relates to the case. If the judge asks a question, please listen carefully to the question and answer the question to the best of your knowledge.

- Who Are "He, She, They, Or Them"? We know you are trying to be polite and correctly identify a party or a witness at all times. However, the judge may interrupt when a witness says "he, she, they or them" if the judge cannot tell from the context of the testimony to whom the witness is referring. So please use names of parties or witnesses whenever possible.

- Do Not Interrupt! Most people are nervous when they appear in court. By the time a case gets to trial, most parties are passionate about their perspective and are convinced they are 100% correct and the other side is 100% wrong.

  The case would not be going to trial if you and your opponent agree, so it is very important for each party to remember who they need to convince – the judge. A party will not convince the other side and should not try to do so.

  It is difficult to listen to more than one person speak at a time and the judge wants to give full attention to the party addressing the court. For these reasons, a party should not interrupt the other side when the other side is speaking to the judge.

If the other side says something that is wrong (or you believe a lie), write a note to yourself and address the topic when the judge calls on you to respond. Do not interrupt!

- Do Not Lose Your Temper! As just discussed, it is reasonable for a party to be passionate about their case. But a party who is not polite, interrupts, and/or loses their temper will not help their chances of winning. Often when a party becomes angry, they are not able to think clearly and not able to present their case clearly.

  If you are about to lose your temper, ask the judge to take a brief recess which will give you a chance to calm down and collect your thoughts.

- When Will The Judge Decide? Most of the time, the judge will take a recess after both sides have presented their cases. The judge will let you know when to return to court. During the recess the judge will review the evidence, the judge's notes and the law. When the judge returns to court, the judge will let the parties know the decision.

  Although rare, sometimes the judge needs more time to make a decision. If a judge does not rule on the day of your trial, the judge will "take the matter under advisement" and prepare a written ruling which will be sent to you after it is completed.

- The Judge Is Wrong – Can I Appeal? Yes, a party can appeal a judge's final decision. To do so, you must within 30 days of the judge's written decision file a document with District Court called a "Notice Of Appeal." The form is available on the court's website.

  If you do not file a Notice of Appeal within the 30 day timeframe, you will never be permitted to appeal.

  For more information about appeals, see the "**APPEALS**" link on the District Court website.

NEED MORE HELP

If you would like more help, please see the WashingtonLawHelp.org website at –

Washington LawHelp