

Whatcom County Superior Court Clerk's Office

Office Hours: 8:30 AM to 4:30 PM Daily Except for Court Holidays

PRO SE LITIGANT INFORMATION (Civil)

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 Superior Court is expected to follow them. If you choose not to hire an attorney, you are held to the same standard as an attorney and you will have to comply with the state and local court rules. While this handout does not tell you everything you need to know, the following will hopefully be of benefit in clarifying a few of the mysteries of representing yourself:

- A. **YOU WANT TO START AN ACTION AGAINST SOMEONE ELSE.** If you are starting any action, you are the petitioner (AKA plaintiff or moving party) in the case.
- a. Before ***anything*** can happen in court, you need to fill out paperwork and file your case. This includes paying a filing fee (*no personal checks accepted*):
- Obtain the correct forms (if they exist) on-line.
 - The first forms you fill out (in ink or typed--*no pencils*) are "Summons" along with a "Complaint". *Please Print Legibly!* Filing these forms and serving them on the defendant/respondent starts your case.
 - *Please note that only very rarely will a case require only a Petition rather than a Summons and Complaint.*
 - You will need a "Case Type Cover Sheet" to open your case. This tells the court what kind of case you are filing. (i.e. Tort, Malpractice, etc).
 - Always remember to keep a record of your case number (for example 16-2-12345-7). This number goes on EVERY form/document you file.
 - The Clerk's Office does ***not*** have a notary - please have any documents notarized prior to filing if the form requires it.
 - You will need to serve the other party (through law enforcement, civil process, or an adult other than yourself) and have a declaration or return of service filed with the court showing that you have served the other party.
 - You now wait. If the other party does NOT respond within the prescribed time, the other party is technically in default though you need to obtain a court order stating that the other party is in default. You will still need to enter final orders in court that are consistent with the petition or complaint that you filed.
 - If the other party/side responds in time, then further proceedings, such as motions and/or trial, are necessary unless you and the other party resolve the case.
 - For most motion calendars (list of cases to be heard by a judge), it is *mandatory* to confirm that you will be present for the court hearing. Confirmation must be made by noon two days prior to the hearing.
- b. The Clerk's Office only takes original documents with original signatures for filing in/adding to your file. Be sure to bring copies of what you are filing to conform (to make it match the original) for service, your personal records, and bench copies for

the judge. *Bench copies are required in most counties.*

- c. Once you give the Clerk any paperwork to file, the Clerk is required by law to charge you to get copies made from your file. The fee is \$0.50 page for non-certified copies and certified copies are \$5.00 for the first page plus \$1.00 per page thereafter for each document.
- d. All public cases are available on the Whatcom County Superior Court Clerk's website. Copies can be printed from your home or office computer at no charge a few days after filing.
- e. Documents need NOT be signed in front of the Clerk. You may sign them ahead of time.
- f. Fill out all documents/forms clearly, completely, typed or in blue or black ink -no pencils please.

B. IF YOU WANT TO DEFEND YOURSELF FROM AN ACTION STARTED BY SOMEONE ELSE. If an action has been started by another party against you, you are the **defendant**, also known as a **respondent**, or **responding party**.

- a. Your answer (or response) to the complaint filed against you must be filed in the Clerk's Office within the time indicated on the summons. Be SURE to serve a copy on the opposing party.
- b. After you have answered, the other party is required to notify you of any further proceedings.
- c. If you do NOT answer/respond in a timely manner to a summons, you may be found in default and lose the right to have your side of the case heard by a Judge.

C. TERMS YOU NEED TO KNOW. The following terms are important to know:

- a. **Pro Se** - A Latin phrase meaning "For Oneself" (refers to people who represent themselves).
- b. **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.
- c. **Litigant** - A general term to describe a party (plaintiff or defendant) to a legal action.
- d. **Plaintiff (s)** - Person (or persons) or business entities who have started a civil action.
- e. **Defendant(s)** - Person (or persons), or business entities whom a civil action has been started against.
- f. **Petitioner** - another word for Plaintiff.
- g. **Respondent** - another word for Defendant.
- h. **Petition** - A formal written application to the court requesting a remedy available under law.
- i. **Motion** - A written request made by a party to a court for an order granting relief.
- j. **Declaration** - A written statement to the court regarding your case, signed under penalty of perjury. (letters cannot be considered by the court).
- k. **Order** - A direction or command delivered by a court and entered into the court record.
- l. **Summons and Complaint** - Two separate documents that go together to start a civil case.
- m. **Note the matter** - A *Note for Hearing* document that (once filled out) puts your case on the calendar. This is always done with a document; it is never done over the phone.
- n. **Calendar** - (sometimes called a **Docket**) - List of cases arranged for hearing in court.
- o. **Conform** - To make a document match the original in the court file as closely as possible.
- p. **Bench copies** - Copies for the Judge of any motions, declarations, or proposed orders before the court for a hearing. Bench copies are due by NOON the day BEFORE the hearing.
- q. **Certified Copy** - An official copy of a document filed with the court with a certification, signed under oath, a court seal on the back. Usually needed for official business.

D. **WHAT DO I WEAR AND HOW DO I ACT IN COURT?** Courts are respectful and formal settings. You are trying to present and advocate for your case. Dress, speak and conduct yourself appropriately.

- a. Wear clean, mended clothing that does not bring undue attention to you.
- b. Do not wear hats, caps, shorts, bare midriffs, tank tops, or revealing clothing. Religious attire may be an exception.
- c. All cell phones, beepers, or pagers must be turned off.
- d. Speak clearly and respectfully.
- e. Get to your point. Do not ramble. Only address matters being decided today by the Court.
- f. Do not swear, yell, or use improper language.
- g. 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 can assess the facts fairly and not be distracted in that effort?

E. **LIST OF HELPFUL PHONE NUMBERS AND WEBSITES:**

- **Superior Court Clerk:** **360-778-5560** **www.whatcomcounty.us/1944**
- **NW Justice Project/CLEAR:** **1-888-201-1014** **www.nwjustice.org**
- **Courthouse Law Library:** **360-778-5790** **www.whatcomcounty.us/306**

OTHER HELPFUL WEBSITES:

- **Legal Information** **www.washingtonlawhelp.org or www.lawforwa.org**
- **Forms (on-line)** **www.courts.wa.gov/forms**
- **State and Local Court Rules** **www.courts.wa.gov/court_rules**

Please Remember!

- Court Staff are **not** attorneys and are restricted by law from giving legal advice.
- The Clerk's Office staff **cannot** tell you if your paperwork is filled out correctly.
- You will only be able to see or talk to a Judge regarding your case when you appear before them in open court.