



Seattle
Office of
Labor Standards

Independent Contractor Protections Guide

September 2024



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INTRODUCTION TO THE INDEPENDENT CONTRACTOR PROTECTIONS ORDINANCE AND USING THIS GUIDE

1



Introduction to the Independent Contractor Protections Ordinance and Using This Guide

Independent contract work is a growing source of income for workers across the country. As an independent contractor, you typically have increased flexibility and control over your work. However, you do not have the same rights and protections in the workplace as employees do. You may face challenges such as not being paid, being paid late, and lack of clarity about the terms and conditions of your work and pay. The Seattle City Council created the Independent Contractor Protections Ordinance to help address these issues.

The Independent Contractor Protections (ICP) Ordinance (the Law) went into effect on September 1, 2022. The Seattle Office of Labor Standards (OLS) enforces the Law. This guide provides a brief overview of the coverage and requirements of the Independent Contractor Protections Ordinance. Please visit www.seattle.gov/laborstandards for more detailed information about the Law as well as Seattle's other labor laws.

OLS created this guide for independent contractors to use when evaluating whether and how to pursue legal claims under the Law. **OLS does not provide legal advice.** This guide includes information about the court process and resources available to you as an independent contractor.

Who is Covered by the Law?

Which hiring entities are covered?

- This law applies to Commercial Hiring Entities, including not-for-profit businesses and organizations.
- A "Commercial Hiring Entity" means a hiring entity that owns, operates, or engages in any trade, occupation, or business.
- Private households are generally not considered to be Commercial Hiring Entities and are not covered by this Ordinance but may be covered by Seattle's Domestic Workers Ordinance (DWO). Visit www.seattle.gov/laborstandards for more information on the Domestic Workers Ordinance.

KEY VOCABULARY

Hiring Entity: The individual, business or organization who hires an independent contractor for a job or project

Independent Contractor:
A self-employed person that a hiring entity pays to provide services

Which workers are covered?

Seattle labor ordinances apply to all workers **regardless of immigration status**. The City of Seattle does not ask about the immigration status of anyone using City services.

How do I know if I'm an Independent Contractor?

- Independent contractors are in business for themselves and do not depend on an employer, as a matter of economic reality.
- If you believe that you are an employee but are being treated as an independent contractor by a hiring entity, the Office of Labor Standards may be able to assist you. Please see the Office of Labor Standards' Worker Classification Guide, available on the OLS website, for more information.
- If you are being compensated as an independent contractor but should be treated as an employee, you can still exercise your rights under the ICP Ordinance. Enforcing your rights under this Law does not determine whether you are being correctly classified. You may still exercise your rights to be treated as an employee, if applicable.

When is work covered?

The Independent Contractor Protections Ordinance applies to Independent Contractors with no employees when they¹:

1. Perform any part of their work in Seattle for a Commercial Hiring Entity,² AND
2. Will receive or may reasonably expect to receive at least \$600 in total compensation from that same Commercial Hiring Entity between January 1 and December 31 in a given calendar year.

¹ There are a few exceptions to the Ordinance's coverage. The Law covers most app-based and platform gig workers, but it does not cover independent contractors working for a Transportation Network Company (also known as Ridesharing companies). The Law also does not cover lawyers engaged in the practice of law for the service at issue.

² Time spent by a worker in Seattle solely for the purpose of travelling through Seattle from a point of origin outside Seattle to a destination outside Seattle, with no work-related or commercial stops in Seattle except for refueling or the independent contractor's personal meals or errands, does not create coverage under the Law.



Know Your Rights

Under the Ordinance, Independent Contractors have the right to:

- ✓ **Receive a written notice before beginning work**
 - The notice must identify the proposed terms and conditions of work and payment.
 - A written contract may meet the requirements for pre-work notice.
- ✓ **Receive timely payment**
 - Payment must be made in accordance with the terms and conditions of the pre-work written notice or contract.
 - If the timing of payment is unspecified in the pre-work written notice, payment must be made within 30 days after work has been completed.
- ✓ **Receive a written payment notice**
 - Each time payment is made, the hiring entity must provide a written notice with specific itemized payment information.

Retaliation is illegal.

Hiring entities and other persons are prohibited from taking any adverse action or discriminating against a person for exercising, in good faith, their rights protected by Seattle's ICP Ordinance. Some examples of retaliation might be temporarily or permanently denying or limiting access to work, offering less desirable work, or taking any other action that would discourage a reasonable person from asserting their rights under the Law.

Actions protected by the Law include, but are not limited to:

- ✓ Making inquiries about the rights protected under Seattle's ICP Ordinance;
- ✓ Informing others about their rights under the law;
- ✓ Informing the person's hiring entity, legal counsel, a union or similar organization, or any other person about an alleged violation of the law;
- ✓ Filing an oral or written complaint about an alleged violation of the law;
- ✓ Participating in an investigation of an alleged violation of the law; and
- ✓ Opposing any policy, practice, or act that is unlawful under the law.

If your rights are violated, the Law empowers you in several ways:

- You can file a complaint about a hiring entity with the Seattle Office of Labor Standards, and OLS may try to resolve the dispute. See **Section 3** for more information.
- You have a right to sue in court if you suffer an injury from a violation of the ICP Ordinance or are subject to retaliation prohibited by the Law. See **Section 4** for more information on filing a lawsuit in small claims court.

GETTING STARTED



2

Getting Started

Protecting Yourself Against Nonpayment

As an independent contractor, you can take proactive steps before and during a job to protect yourself from being underpaid or not paid at all. Get things in writing as much as possible. Written agreements and records can help prevent misunderstandings and disagreements between you and the hiring entity. If a dispute does come up later, written records can help prove what was agreed upon.

The Independent Contractor Protections Ordinance created the right to receive a written notice from the hiring entity before you begin working. The idea is to make sure you know what you're getting into before you start working. The notice must identify the proposed terms and conditions of work and payment prior to starting work. The law also requires the hiring entity to issue a written notice each time payment is made.

While the Law places this responsibility on the hiring entity to create and maintain records, they may not always follow the requirements of the law. As a worker, it is in your interest to make sure you are keeping your own records. If the hiring entity is not providing written records, you can find other ways to get important information in writing, such as the examples provided below.

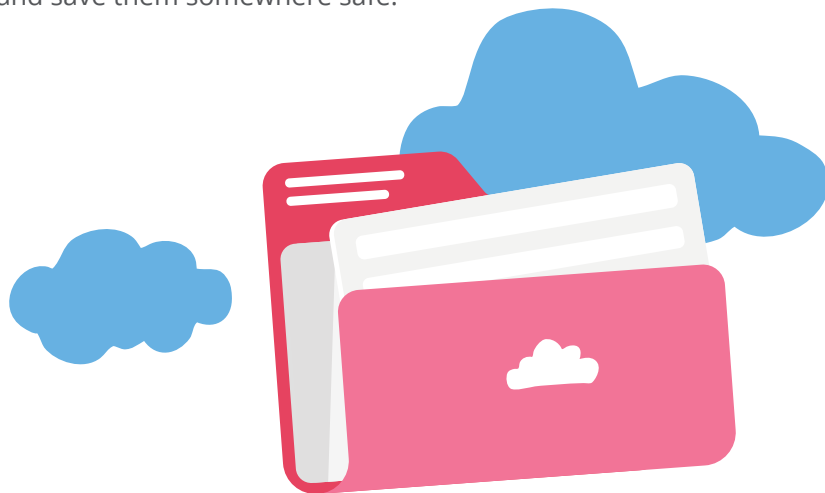
Tips for Record-Keeping

- ✓ Get things in writing before starting work.
- ✓ While written correspondence is ideal, when you do discuss work or payment in person or over the phone, take notes on the conversation and keep them for your records.
- ✓ If you are unable to get an agreement in writing, you can create a written record by sending a text or email to the hiring entity confirming the verbal agreement. For example:

Thanks for your phone call. I am reaching out to confirm our agreement for your drywall repair project. We agreed on an hourly rate of \$35/hour. When I've finished the project, I will send you an invoice. Payment will be due 2 weeks after you receive the invoice. I look forward to working with you!

Tips for Record-Keeping (continued)

- ✓ Always keep records of any text messages, emails, and any other written correspondence with the hiring entity.
- ✓ Important terms of work and payment include, but are not limited to:
 - What are the expectations of the work? That is, what do you need to have done to get paid?
 - How much will they pay?
 - When will payment be made?
 - If the work involves tips and/or service charges, how will those be distributed?
- ✓ Document your work as you do it.
 - Keep track of your time spent working, and when you complete certain tasks.
 - Take photos if relevant.
- ✓ When submitting invoices, make sure to keep copies for yourself.
- ✓ Save your records somewhere safe.
 - Save electronic records somewhere you'll still be able to access if you lose your phone or computer. For example, you could save them to a cloud storage service or email them to yourself.
 - If you are using technology provided by the hiring entity (such as a work laptop or email account), save work and payment records separately so you can still reference them if you lose access to those systems.
 - If your records are on paper, consider taking photos or scans to save electronically as a backup in case your papers are lost or damaged.
 - If there are text messages with important information related to your work, take screenshots and save them somewhere safe.

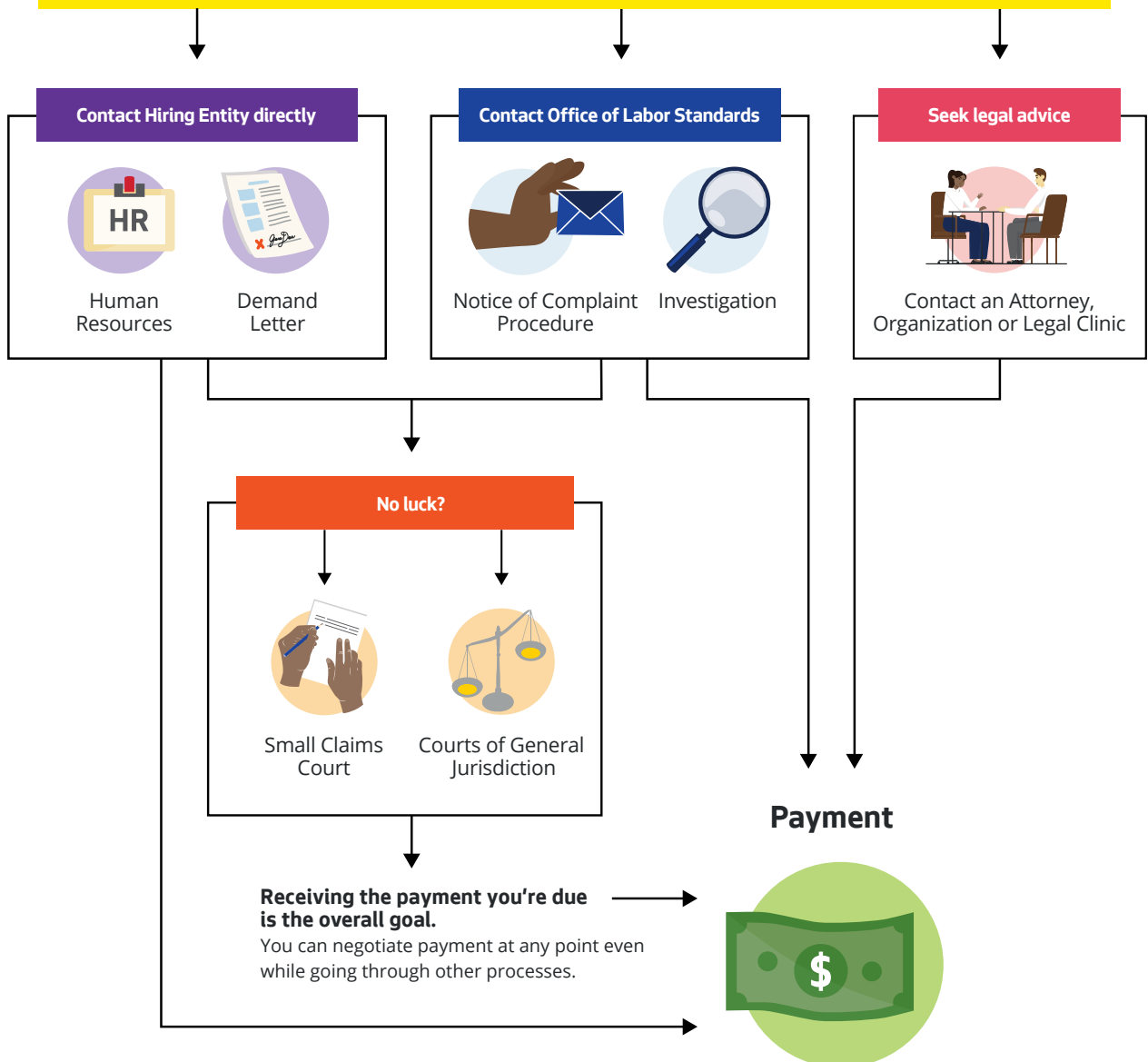


What Can I Do If I Haven't Been Paid?



Always save records about work and payment

Document your work | Communicate in writing (text, email, etc.) whenever possible



Statute of Limitations

After an alleged violation, complaints or claims must be filed within a certain number of years. If you do not file a claim within the time limit, you could lose your right to take legal action or recover your wages. Use the chart below as a guide to see how long you may have to take action. These time limits have some exceptions. Please consult an attorney if you have questions about how the statute of limitations applies to your case.³

Complaint or Claim	Time Period to File Complaint or Claim
Filing a Complaint with OLS	Within 3 years of an alleged violation
Filing a claim in court with no written contract	Within 3 years of an alleged violation
Filing a claim in court with a written contract	Within 6 years of an alleged violation

³ See Chapter 4.16 Revised Code of Washington (RCW).



ALTERNATIVES TO COURT



3

Alternatives to Court

If you haven't been paid or have been paid less than what was agreed on, there are several ways you may choose to address the dispute. In some cases, seeking resolution through an agency like the Office of Labor Standards or the court system may be the most effective. However, it is often possible to resolve a dispute over payment directly with the entity who hired you.

Contact Hiring Entity Directly

When possible, it is often easiest and most effective to resolve a payment dispute directly with the hiring entity. If the hiring entity isn't responsive to calls or emails, a demand letter can be a good next step. A demand letter shows you are serious and willing to take legal action if the hiring entity doesn't resolve the payment issue. This section provides some guidelines to writing a demand letter and two examples of demand letters an independent contractor might send a hiring entity.



How to Write a Demand Letter



Know your rights and review your records



Keep it polite and factual



Write out the timeline of events



State how much you are owed and set a deadline



State your next steps if they miss the deadline



Send your letter and make sure to keep a copy!



Know your rights and review your records.

Review the rights you have under the Independent Contractor Protections Ordinance (see **Section 1** of this guide) and identify how they may apply to your situation. Review any contract or written agreement between you and the company who hired you (the “hiring entity”). Look back at your records and refresh your memory on the events that led you to make this request.



State how much you are owed and set a deadline.

Explain how much you are owed. List the total amount owed for the work based on the original agreement. Add any late fees and interest that were agreed to. If the agreement did not address interest, you can choose to add 1% for each month that the payment has been overdue (based on 12% per year in the law, see SMC 14.34.70.) Give them a reasonable deadline for payment (for example, 7-10 days from the date you send the letter.)



Keep it polite and factual.

Keep your letter factual and write with your goal in mind. Avoid making any personal attacks, threats or using aggressive language. It is understandable to feel angry but remember that the goal is to resolve the dispute. Keep in mind that if you end up in court, this letter may be used as evidence and could be reviewed by a judge.



State your next steps if they miss the deadline.

End the letter by telling them what actions you will take if they fail to pay you. For example, you might plan to file in small claims court or contact the Seattle Office of Labor Standards for enforcement assistance.



Send your letter. Make sure to keep a copy!

It is important to ensure the hiring entity gets your letter. You can send your letter by regular and certified mail, or to a correct and active email address for the person you are trying to reach. You can also send the letter in a text message. Make sure to keep a return receipt or other proof that you sent the letter.



Write out the timeline of events.

Provide a summary of the facts leading up to this letter. Keep it short and to the point. Review what you have written and remove any statements that are not factual, such as judgments or accusations. Have someone you trust read your letter.

Example: Demand Letters



Know your rights and review your records



Keep it polite and factual



Write out the timeline of the events



State how much you are owed and set a deadline



State your next steps if they miss a deadline



Send your letter and make sure to keep a copy!

October 1st, 2024

Robertson Contracting
c/o Roberta Robertson
123 Fake St.
Seattle, WA 98101

Dear Ms. Robertson,

On July 28th, 2024, I responded to your advertisement for a drywalling job. We spoke on the phone and agreed that I would work on the drywall repair project for \$35/hour. I spent 10 hours of work on the project on July 31st and August 1st, 2024, before I had to stop work due to a newly discovered mold issue. As of the date of this letter, you have not paid me for my 10 hours of work.

The Independent Contractor Protections Ordinance says that I have the right to receive timely payment in accordance with the terms and conditions of our pre-work agreement. As the hiring entity, the law requires that you provide independent contractors with a pre-work written notice prior to beginning work. You did not provide me with a written notice or contract, but the law still applies. The law presumes that my understanding of our agreement is correct unless you can prove otherwise with clear and convincing evidence. I have enclosed the Seattle Office of Labor Standards Fact Sheet about the Independent Contractor Protections Ordinance for your reference.

In our initial call on July 28th, we agreed that you would pay me on an hourly basis. This payment was due 30 days after I completed work, on September 1st, 2024. It is now one month overdue. Over text message on August 15th, 2024, you told me that the homeowner has not paid you for the project. However, you are the one who hired me. While there may be an ongoing disagreement with the homeowner over the work, you are still responsible for paying me for my work based on our agreement.

Please contact me within 10 days to arrange to pay me the \$350. If I do not receive payment by October 11th, 2024, I intend to file a claim with small claims court, where I will also request that you pay any costs associated with me having this issue heard by the court. Per Seattle Municipal Code (SMC) Section 14.34.170, I may also request up to 200% in liquidated damages and interest at a rate of 12% yearly or 1% per month from the date the unpaid compensation was due (September 1st, 2024). I hope that we can reach a resolution outside of court. However, this letter may also be given as evidence in court if you fail to pay the wages I am owed.

Sincerely,

John Johnson
5432 Main Ave
Seattle, WA 98101

July 15th, 2024

Petunia's Pet Care
1212 Name St.
Seattle, WA 98101

Dear Petunia's Pet Care,

I was hired by your business to provide dog-sitting services as an independent contractor. As we have discussed, I accepted a job to dog-sit overnight from noon on May 23rd until noon on May 26th, 2024. However, the owners left the dog in my care and did not pick her up until 8:00pm on May 26th. I have not been compensated for this additional time and inconvenience.

As an independent contractor working for a commercial hiring entity in Seattle, I am covered by the Independent Contractor Protections Ordinance. This law grants me specific rights, including the right to receive timely payment in accordance with the terms and conditions of our pre-work agreement. I have enclosed the Seattle Office of Labor Standards Fact Sheet about the Independent Contractor Protections Ordinance for your reference.

Per our written agreement, if a pet is not picked up within 2 hours of the scheduled time, I am supposed to be paid for a full additional night of care. Therefore, I should be paid an additional \$40 on top of the \$120 you have paid me for pet sitting for these clients. I requested this additional payment from you in our phone call on July 10th, 2024. You stated that the owners have disputed this additional charge with your business, and therefore you wouldn't pay me for the additional night. However, my agreement is with you, and as the hiring entity you are responsible for paying me in full, in accordance with the terms and conditions of our pre-work written notice.

Please contact me within 14 days to arrange to pay me \$40. If I do not receive payment by July 29th, 2024, I will file a complaint with the Seattle Office of Labor Standards.

Sincerely,

Josefa Juarez
5678 Pine St
Seattle, WA 98101

If you send a demand letter but it does not help resolve the issue, you should still keep a copy as well as proof you sent it. If you choose to file a lawsuit, you may wish to present the letter as evidence that you tried to reach an agreement before suing.

Filing a Complaint With OLS

If you believe your rights under the law have been violated, you can always reach out to the Seattle Office of Labor Standards to ask a question or file a complaint.

OLS staff will *never* ask about immigration status. OLS provides language interpretation and accommodations for disability-related needs. OLS services are always *free*.

What happens when I make a complaint?

OLS will talk to you about the problem and collect relevant information and documents. After reviewing the information, we will decide how we can help you. In some cases, OLS may send a Notice of Complaint to the hiring entity on your behalf. The Notice of Complaint provides an overview of your complaint and requests a response from the hiring entity. For more information about the complaint process, please contact OLS.

Because we have limited capacity, OLS focuses on violations affecting low-wage workers and applies certain criteria to which cases we can take. For more information on our current priorities, please visit the OLS website.

If OLS cannot assist directly with your inquiry, we may refer you to another agency or one of our community partners. We can also provide you with a list of private attorneys who may be able to help.

How do I make a complaint?

You can make a complaint by phone or email, through our website, or by visiting the OLS office.



In person

810 3rd Ave, Ste 375
Seattle, WA 98104



By phone

(206) 256-5297



By email or web

workers.laborstandards@seattle.gov
www.seattle.gov/laborstandards

For drop-in inquiries, please review the OLS website for current hours of availability. Call ahead to make an appointment when possible.



SMALL CLAIMS COURT OVERVIEW



Small Claims Court Overview

This section provides an overview of a lawsuit in small claims court. We won't be able to cover everything you need to know to go through the small claims court process, but we hope this will be a helpful starting point. Additional resources will be listed throughout this section and at the end of this booklet. Please keep in mind that OLS cannot give legal advice or represent you in small claims court.

Note on Arbitration

Sometimes a pre-work agreement or contract can require a worker to seek arbitration instead of going to court to resolve a payment issue. Arbitration is a form of alternative dispute resolution outside of court. Like in a court hearing, both sides present evidence and their side of the story. If you think you may have signed an agreement with an arbitration clause, please consult with a lawyer about your specific situation.

What is Small Claims Court?

Small claims court is intended to be a relatively fast and low-cost way to settle disputes over money. In this type of court proceeding, you can sue a person, a business, or sometimes the government for up to \$10,000. If you are suing on behalf of your own business, you may only be able to sue for up to \$5,000.⁴ Generally, lawyers and paralegals are not allowed to participate in small claims court. The person filing the lawsuit pays a small fee. For example, the filing fee for a small claims suit with the King County District Court is \$50 (as of March 2024).

Keep in mind that there are risks of filing a lawsuit in small claims court, including the risk that the person or business you sue could bring a counterclaim against you, asking you to pay money. Additionally, a common issue in small claims court cases is being unable to locate the person or business you're suing. If you cannot make contact to "serve" the opening documents, the case may be dismissed, and your filing fee will not be refunded. See "Serve the Notice of Small Claim" below for more information.

[WashingtonLawHelp.org](https://www.washingtonlawhelp.org) is a website authored and maintained by the Northwest Justice Project to provide self-help guidance on a wide range of legal issues. Please reference their articles "[What is Small Claims Court?](#)" and "[How do I sue in Small Claims Court?](#)" for more information on the small claims process and how to decide if filing a case in small claims court is right for your situation.

The diagram on the following page provides an overview of the typical process of filing a lawsuit in small claims court in Washington State.

⁴ Claim limits as of March 2024, See RCW 12.40.010.

Washington State Small Claims Court Process



Figure Out Which Court to File in

It is important to file your claim with the correct small claims court. Filing your claim in the wrong court could result in the court dismissing your case, requiring you to re-file with the correct court location.

Generally, you can file your claim in the county where you agreed to do the work, where the agreement was broken, or where the work was carried out. You can also file your claim in the county where the hiring entity lived or did business when you agreed to do the work. Visit www.courts.wa.gov/court_dir to find a list of all the district court locations and contact information. If the hiring entity is in a different state and does not have an office or registered agent in Washington State, you may be able to file the claim in the county where you live or work.⁵

If you're unsure if you have chosen the right court, you can call the court clerk or administrator. The clerk can confirm if an address is within that court's boundaries.

KEY VOCABULARY

Plaintiff: The person or business who begins the lawsuit

Defendant: The person or business being sued

Do the Paperwork

Once you know which court to file in, you will need a Notice of Small Claim form. You can find the Notice of Small Claim form on the court websites, or by picking one up in person at a courthouse.

Different district courts use different versions of the Notice of Small Claim. It is a good idea to confirm with the court clerk that you have the correct one before you fill it out. Please note the court clerk can provide some help with forms and general information, but they cannot give legal advice.

When filling out the Notice of Small Claim, it's important to make sure you name the correct business or individual as the Defendant. The Washington State Secretary of State keeps a list of all businesses registered in Washington State. You can visit

⁵ See RCW 3.66.040.

www.sos.wa.gov/corporations-charities and use the Corporations and Charities Filing System (CCFS) Search to identify or confirm a hiring entity's legal name and address. You can also call the Washington Secretary of State at (360) 725-0377 to ask for the name and address of a corporation and its registered agent.

On the Notice of Small Claim, you will also need to provide a brief description of why you are suing and state the quantity of money you are suing for. In addition to what you believe you are owed for your work, you may be able to sue for interest, liquidated damages, and reasonable attorney fees. See pages 30-31 for more information about the remedies available under the Independent Contractor Protections Ordinance.

In some courts, you must sign the Notice of Small Claim in the presence of the clerk. In King County, you can file a Notice of Small Claim in person, online, or by mail. Visit www.kingcounty.gov and search for the Information about Small Claims webpage for instructions.

For more information on filling out the Notice of Small Claim and suing in small claims court in general, visit WashingtonLawHelp.org.

What Should I Do If I Need an Interpreter?

Many, but not all, small claims courts in Washington State provide interpreters for both plaintiffs and defendants. If you need an interpreter, you should request one as soon as possible. Generally, you should do so when you are filing the Notice of Small Claim. Do not wait until the day of the hearing.

Even if you've requested an interpreter on the Notice of Small Claim, you should follow up with the court clerk by phone or email to make sure one will be present. Sometimes the courts may fail to provide an interpreter even if you have requested one ahead of time. In that case, you may ask the court for a continuance so that an interpreter can be provided.

King County small claims courts provide interpreters at no cost for more than 160 different languages. You can say that you will need an interpreter on the Notice of Small Claim. You can also ask for an interpreter by calling the King County District Court at (206) 205-9200.

For courts outside of King County, visit the court website or call the court clerk for information about interpretation.



Pay the Filing Fee

You must pay a fee to file a lawsuit in small claims court. In King County, the cost to file a Notice of Small Claim is \$50 (as of March 2024). If you win your case, you are entitled to get the filing fee back from the business you sued. In some courts, you may need to pay the filing fee in person. In King County, you can do so online, in person, or by mail when you file your Notice of Small Claim.

Visit www.kingcounty.gov's [Information about Small Claims](#) webpage for instructions. For other counties, visit the court webpage or call the court clerk for more information about how to pay the filing fee.

Serve the Notice of Small Claim

Once you have filled out the Notice of Small Claim and paid the filing fee, you must serve the Notice of Small Claim to the Defendant. The court will not serve the notice for you. If the company you are suing has a registered agent, you will likely need to serve the papers to the registered agent's address. (See the "Do the Paperwork" section above for more about how to find this information.)

KEY VOCABULARY

Service: Delivering legal papers to someone

Proof of Service: A document that shows the court that legal papers were delivered to the right person

Washington State has rules about Service to make sure that everyone involved knows about the lawsuit and has a chance to respond. You must provide the court with Proof of Service to show that you have followed those rules. The Proof of Service is a specific document that you can get on the court websites or in person from the court clerk. Generally, you must complete service at least 10 days before the pre-trial hearing. You must file Proof of Service with the court at or before the time of the first hearing.

You must also include a Notice to Service Members and their Dependents when you serve the Notice of Small Claim. Washington State requires this to make sure veterans and service members know about any legal action against them. It is a pre-written notice available on the court websites.

Important Note: *As the Plaintiff, you cannot deliver the documents to the Defendant yourself!*

Serve the Notice of Small Claim (continued)

This section describes three options for completing Service of your Notice of Small Claim.

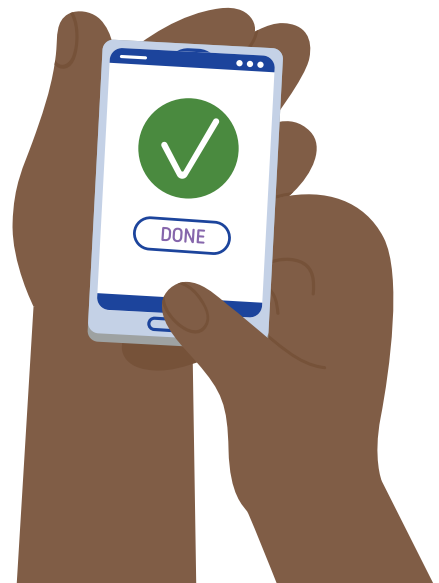
Certified Mail

You can mail the Notice of Small Claim at the post office, using USPS Certified Mail. The service you would need is called "Adult Signature 21 or Older Required." Please note you may not serve the notice to a P.O. Box. Be sure to ask for "return receipt requested." This means that the Defendant, another person over 18 who lives with them, or a representative, must sign a receipt when they get the form in the mail. We recommend writing "MUST BE SIGNED BY RECIPIENT OR RESIDENT OF ADDRESS" on the outside of the envelope or package to remind the mail carrier to ask for a signature. The receipt will then be mailed back to you or provided to you online, and you can file it with the court as Proof of Service.

You may have to attempt service multiple times if your documents are not successfully delivered. You should make sure to keep a copy of the notice of small claim and other service documents in case you need to try again.

Hand-Delivery

Someone 18 or older who is not involved in the case, such as a family member or friend, can deliver the Notice of Small Claim to the Defendant for you. The person who hand-delivers the form must sign a Declaration of Service. After delivery, you must file the Declaration of Service with the court clerk as Proof of Service. There are also private businesses called process servers which can hand-deliver the Notice for you. The cost of professional service varies from business to business.



Sheriff's Office

Sheriff's offices can also attempt to serve legal documents for a fee. The King County Sheriff's Civil Process Unit charges \$64 plus additional mileage fees (as of March 2024). You can pay the service fee via cash, check, money order. You can pay with eChecks and Debit/Credit cards only in person at the King County Courthouse in Seattle. (See below for the location address).

You can make the request for Service in person or by mail. You will need to provide information including a valid physical address (not a P.O. Box) for the person you are attempting to serve. Depending on how busy the Civil Process Unit is, a first attempt at service could take several weeks. Keep in mind that service must be completed at least 10 days before the pre-trial hearing.

Contact or Visit the King County Sheriff's Civil Process Unit:

Civil Process Unit
King County Courthouse
516 3rd Avenue, Room W-150
Seattle, WA 98104

Phone: (206) 263-2600
Email: Civil.KCSO@kingcounty.gov

If you are filing in a court outside of King County, contact the local Sheriff's Office for more information about how to arrange service.

Zoom-In on the Law: Suing under the Independent Contractor Protections Ordinance

The Independent Contractor Protections Ordinance is still a new law, and many judges may not be familiar with it. To best prepare to present your case, take some time to get to know the Law and how it may apply to your claim. It may be helpful to print copies of the sections of the law that apply to your case and bring them to your small claims hearing to present to the judge. This section highlights a few aspects of the Law that may or may not apply to your specific case. Please visit www.seattle.gov/laborstandards and navigate to the [Independent Contractor Protections Ordinance](#) page to find more detailed information about the law.

Key Elements of the Law for Court Claims

- ☐ **Pre-Work Written Notice:** Hiring Entities must provide covered workers with a pre-work written notice *before* any work begins. If a pre-work written notice is not provided, it is presumed that the worker's understanding of the terms of work is correct. The hiring entity can present clear and convincing evidence, like a written contract, to prove otherwise. See Seattle Municipal Code (SMC) 14.34.050.
- ☐ **Timely Payment:** Hiring Entities must pay covered workers *on time* and *in full* for services performed. If timing of payment is left unspecified in the pre-work written notice or contract, the hiring entity must pay within 30 days after the completion of services. See (SMC) 14.34.055. *Any terms and conditions not itemized in the pre-work written notice may not be used as a basis for failure to make timely payment.* See Seattle Human Rights Rules (SHRR) Chapter 230.
- ☐ **Retaliation Prohibited:** Retaliation is illegal. Retaliation includes reducing a worker's compensation, denying or limiting access to work, offering less desirable work, terminating, deactivating or threatening a worker for exercising any right afforded by the law, among other adverse actions. See SMC 14.34.120.
- ☐ **Private Right of Action:** Any person who suffers an injury (typically, a financial loss) or is the subject of prohibited retaliation under the law may bring a civil action in court against the hiring entity or other person violating the law. See SMC 14.34.230.

Zoom-In on the Law: Suing under the Independent Contractor Protections Ordinance (continued)

Remedies Available under the Law

When you file a Notice of Small Claim, you will need to decide what you are asking the court to award you. A legal remedy is a way a court enforces a legal right when someone has been harmed or treated wrongfully. Keep in mind, the amount you sue for cannot exceed \$10,000 in small claims court (as of March 2024). If you are owed more than that amount, you have the option to sue in district or superior court. You could also choose to ask for less than the full amount you are owed if you prefer to sue in small claims court.

☐ Remedies under SMC.14.34.230 may include:

- Legal costs such as the small claims court filing fee and cost of service.
- Payment of any unpaid compensation plus interest at a rate of 12% per year or 1% per month (unless your work agreement specified a different interest rate).
- Liquidated damages in an additional amount up to two times the unpaid compensation. For example, if you're owed \$350 you could sue for up to an additional \$700 in damages.
- In cases of prohibited retaliation, a penalty of up to \$6,435.50 (as of 2024).*

*This amount increases each year to reflect inflation and other adjustments. Visit the OLS website for information on the current year's rates.

Go to Pretrial Hearing and Mediation

Washington's small claims courts often require a pre-trial hearing. All parties must attend the pre-trial hearing unless instructed otherwise by the Court. The pre-trial hearing may take place over Zoom or another video calling platform, or in person. Check the Notice of Pre-trial Hearing for information about where the hearing will take place and call the court clerk if you're still unsure. The Notice of Pre-Trial Hearing is part of the small claims packet you will have served on the defendant.

If the pre-trial hearing is over video call, make sure you have a good internet connection. Download the application you need before the time of the hearing and make sure it's working. Find somewhere quiet where you can be on the call without distractions or interruptions.

When you attend the pre-trial hearing, you must bring proof of service of the Notice of Small Claim and 3 copies of any evidence you have gathered (one for you, one for the judge, and one for the defendant).

What evidence should I bring to court?

Presenting evidence that supports your claim is key to a successful lawsuit. Evidence relevant to an independent contractor's Small Claims case could include:

- ☐ A written contract or agreement
- ☐ Emails, texts or other written communications between you and the hiring entity discussing terms of work and payment
- ☐ Notes from phone or other spoken conversations with the hiring entity about terms of work and payment
- ☐ A copy of any demand letters you sent the hiring entity

- ☐ Evidence showing the work has been completed (photos or screenshots of the work product, communications with the hiring entity confirming the work was completed, etc.)
- ☐ Unpaid invoices



Note: After receiving a complaint from an independent contractor about a non-payment issue, OLS sometimes sends a Notice of Complaint to the hiring entity. If OLS sent the hiring entity a Notice of Complaint on your behalf, consider presenting the Notice as evidence to the court. The Notice of Complaint provides an overview of your side of the story alongside the relevant parts of the law.

The court location may have specific requirements for how to provide or label evidence. Visit the website of the court or contact the court clerk for more information.

Mediation

Mediation is an informal resolution process. At the pre-trial hearing, or sometimes on the day of the hearing, the Defendant and Plaintiff are sometimes required to try to mediate their dispute before the trial.

The mediator will listen to both sides of the story and try to come up with a compromise that works for both sides. In mediation, you will have about two minutes to tell your side of the story. It is a good idea to prepare ahead! You may want to write down what you want to say in advance. You can also practice saying your statement to yourself, or to a friend or family member to make sure you can express yourself clearly and within the time limit. The mediator will ask questions after you have had a chance to speak.

You do not have to accept an agreement proposed by the mediator. You can take your time reviewing the agreement and you have the right to consult an attorney before signing anything. If the mediation at the pre-trial hearing does not result in an agreement, the court will set a date for the main hearing, or trial. Be sure to make a note for yourself of the date and time of the hearing, as the court generally will not send a separate notice.

A NOTE ON SETTLEMENT

You and the hiring entity may come to an agreement at any time and decide to settle the dispute out of court. If you settle and receive payment before the hearing date, you must inform the Court in writing so the hearing can be cancelled, and your case dismissed. If you settle but have not yet been paid, you can ask the Court for a continuance (to reschedule the hearing for a later date).

Go to Hearing

The main hearing of your small claims court case may take place in person or virtually. Ask the court clerk if you are unsure of the timing or location of the hearing. If you fail to appear for the hearing, the claim may be dismissed in your absence and your filing fee will not be returned to you.

Tips for preparing for your hearing:

- If the hearing is over video call, make sure you have a good internet connection. Download the application you need before the time of the hearing and make sure it's working. Find somewhere quiet where you can be on the call without distractions or interruptions.
- Bring 3 copies of any evidence you have gathered. Print and bring 3 copies of any parts of the law that you believe are relevant to your case. Note that some courts require that the two sides exchange evidence ahead of the hearing. If this is the case, you will receive a notice in the mail. Check your mail carefully for any notices from the court between the pre-trial hearing and the hearing.
- If possible, observe a small claims court session before the date of your hearing. Ask the court clerk when the court holds small claims trials to see if you can attend to observe in person or over video.
- At the hearing, you will likely have a chance to provide an opening statement. Present a summary of what happened, what you are asking for, and why you believe the hiring entity is at fault, as clearly and briefly as possible. See below for an example.
- After opening statements, you will present the facts and evidence that support your case. Write out the facts you want to present before the hearing. If possible, practice explaining your side of the story to a friend or family member.
- Think about what the other side might argue. Even if you feel like you are obviously in the right, thinking about the hiring entity's defense ahead of time may help you be more prepared to respond.
- When you're in court, you should refer to the judge as "your honor." Be polite and avoid yelling or curse words.

Example Opening Statement:

"Your Honor, this is a matter of non-payment in violation of the Independent Contractor Protections Ordinance, SMC 14.30. The hiring entity has refused to pay me \$2,500 in compensation owed to me for work I did in May to December 2023. I should be paid \$2,500 in unpaid compensation and \$2,500 in liquidated damages because the hiring entity willfully did not pay me for my work."

The defendant will also have the chance to present their opening statement and summarize their facts and evidence. You may have an opportunity to respond to their statements before the judge closes the trial. The judge may make a decision right away or issue their decision later after reviewing the facts and evidence. In either case, you will receive a written decision from the court informing you of the outcome.

Appeal (if applicable)

If you disagree with the judge's decision, you may be able to appeal. You cannot appeal if the amount you sued for was less than \$250⁶. You must appeal within 30 days of judgement. When you appeal a decision made in a small claims court, the appeal is decided in superior court. Small claims court is a part of district court. Superior court is one level higher in the court system than district court.

Visit [WashingtonLawHelp.org](https://www.washingtonlawhelp.org) for more information on filing an appeal.

Collect Payment (if you won!)

The court will not collect payment for you. The hiring entity should pay you directly. You may work out a payment plan with the hiring entity if necessary. You must notify the court clerk when you have received payment in full. Ask the court clerk or refer to the court website for the necessary paperwork.

Unfortunately, a judgment in your favor does not necessarily mean the money will be paid. If the hiring entity does not pay even after being ordered to do so, you still have a few options for collecting payment.



⁶ Limit as of March 2024

Visit WashingtonLawHelp.org for more information on what to do if the defendant will not or cannot pay the amount awarded to you in court. You may need to contact a lawyer for assistance.

Accessibility

If you have a disability, you have the right to equal access to government services, including the court system. Washington State Courts are required by law to provide reasonable accommodations to individuals with disabilities to ensure equal access to justice.⁷

Requests for accommodations should be made in advance whenever possible. Generally, the request should be made in writing using a form provided by the court. In some cases, the court may ask for supporting documentation to evaluate the request. However, the person requesting accommodations is not required to provide documentation.

To request accommodations from the King County District Court, visit www.kingcounty.gov, navigate to the District Court – Disability Accommodations webpage. You can find the Request for Reasonable Accommodation form there, and instructions for how to submit it via email, fax, or mail.

If you need additional assistance, contact the King County District Court ADA Office:

- Phone: (206) 477-0125
- Fax: (206) 296-0596
- Email: kcdcada@kingcounty.gov

The King County District Court generally requires five days advance notice to review accommodation requests. However, they will consider an immediate need for accommodation to the fullest extent possible.

Visit www.courts.wa.gov for more information on Washington State Court Program Accessibility.

⁷ See Title II of the Americans with Disabilities Act (ADA), Washington State Supreme Court General Rule 33 (GR 33) and RCW 49.60 – The Washington State Law Against Discrimination.



RESOURCES



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Resources

Legal Self-Help

King County Law Library

The King County Law Library (KCLL) provides free access to legal materials, training, education, and services to the public. Visit www.kccl.org or call (206) 477-1305 for more information.

The KCLL website features a series of videos on what to expect when in small claims court. The videos (available at www.kccl.org/videos/) are tailored to King County District Court but may still be useful in preparing for small claims court in another county.

Revised Code of Washington (RCW)

The Revised Code of Washington (RCW) is a collection of all permanent Washington State laws currently in effect. Visit www.leg.wa.gov to find the laws published online.

Washington State Courts

The Washington Courts website provides information about the court system in Washington State. Visit www.courts.wa.gov for court rules, sample forms, a directory of all the courts in Washington, information for those representing themselves in court, and more.

WashingtonLawHelp.org

WashingtonLawHelp.org is a website authored and maintained by the Northwest Justice Project to provide self-help guidance on a wide range of legal issues. Visit www.washingtonlawhelp.org/resource/small-claims-court for information and guidance specific to small claims court.

Legal Clinics

Bilingual Legal Clinics (English/Spanish)

El Centro de La Raza, the King County Bar Association and the Latina/o Bar Association of Washington offer free monthly legal clinics with bilingual attorneys and interpreters available. Please call (844) 502-9832 for more information on the current clinic location and schedule.

Eastside Legal Assistance Program

The Eastside Legal Assistance Program (ELAP) offers free legal clinics for low-income individuals living in King County. ELAP legal clinics offer one-time appointments to meet with an attorney to get resources or advice on a specific topic.

To make an appointment or to learn more, call (425) 747-7274 for assistance in English or (425) 620-2778 for assistance in Spanish. Leave a message with your name, phone number, and a brief description of your legal issue. Visit www.elap.org for more information.

International District & Rainier Valley Legal Clinics

The Asian Bar Association of Washington, Asian Counseling and Referral Service, Chinese Information and Service Center, and the King County Bar Association co-sponsor free legal clinics focused on the Asian/Pacific Islander Community in Washington.

For appointments at the International District Legal Clinic, please call (206) 624-5633, ext. 4111. For appointments at the

Rainier Valley Legal Clinic, please call (206) 695-7639. Interpreters must be requested in advance and are provided free of charge. All clinic services are free of charge. Visit www.abaw.org to learn more.

Fair Work Center

The Fair Work Center is a non-profit organization that helps workers navigate labor laws through education, organizing and enforcement. To learn more about the Fair Work Center, visit www.fairworkcenter.org or email help@fairworkcenter.org.

King County Bar Association (KCBA) Neighborhood Legal Clinics

The King County Bar Association (KCBA) Neighborhood Legal Clinics program offers free, limited legal advice and referrals to King County residents and Washington State residents with a legal issue within King County.

The KCBA Neighborhood Legal Clinics offer free 30–60 minute consultations with a volunteer attorney, usually on the phone. Attorneys determine whether each client has a legal problem, suggest possible options, and provide appropriate referrals.

Visit www.kcba.org and submit a Client Intake Form to request an appointment. If you are unable to use the online form, call (206) 267-7070 and press 1 to leave a voicemail requesting an appointment.

Seattle University Workers' Rights Clinic

Seattle University Law School faculty and students offer a Workers' Rights Clinic. The clinic offers no cost consultations to workers between September 1 and May 1. Request a consultation at www.law.seattleu.edu.

Private Attorneys

King County Bar Association (KCBA) Lawyer Referral Service

The Lawyer Referral Service refers members of the public, who are willing and able to pay regular attorney fees, to attorneys registered with the King County Bar Association. Visit www.kcba.org to submit an LRS Request Form or call (206) 267-7010.

Washington Employment Lawyers Association

The Washington Employment Lawyers Association (WELA) is a network of employment and labor lawyers in Washington State. While WELA focuses on enforcing employee rights, many of the member attorneys may be familiar with issues affecting independent contractors. Visit www.welalaw.org for more information and to search for a lawyer in their member directory.

Washington State Bar Association

Visit www.wsba.org/search to access a searchable directory of legal professionals in Washington State.

Other

CLEAR Hotline

CLEAR (Coordinated Legal Education, Advice and Referral) is a toll-free legal hotline for people in Washington State with low incomes. The hotline is open Monday through Friday.

In King County, call 2-1-1 for referral to an appropriate legal provider. Outside of King County, call the CLEAR hotline at 1 (888) 201-1014.

211 and CLEAR will provide interpreters. Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1 (877) 211-9274) using the relay service of their choice.

El Centro de la Raza

The El Centro de la Raza Labor Standards Program educates Spanish-speaking workers on local, state, and federal labor laws, including Seattle Labor Standards laws.

Contact Enrique Espinosa, Labor Standards Specialist, at (206) 973-4290 or eespinosa@elcentrodelaraza.org with any questions or to get help. Learn more about El Centro de La Raza and the other programs they offer at www.elcentrodelaraza.org.

Freelancers Union

Freelancers Union is a non-profit organization serving as a support system for independent contractors through advocacy, education, and services. Visit www.freelancersunion.org to learn more.

U.S. Department of Labor (DOL), Wage and Hour Division

The U.S. Department of Labor (DOL) Wage and Hour Division enforces federal minimum wage, overtime pay, recordkeeping and child labor requirements of the Fair Labor Standards act among other federal labor laws.

The U.S. DOL Wage and Hour Division has some helpful resources about misclassification of Independent Contractors available on their website. Visit www.dol.gov/whd to learn more.

To file a complaint with the U.S. DOL Wage and Hour Division, call 1 (866) 487-9243 or submit a contact form at www.dol.gov/whd.

Washington State Department of Labor & Industries (L&I)

The Washington State Department of Labor & Industries is a state agency dedicated to the safety, health, and security of workers in Washington. The agency enforces state laws including those that protect workers' wages and working conditions.

Many of the laws that L&I enforces do not apply to independent contractors. However, if you think you were classified incorrectly as a contractor instead of an employee, L&I may be able to help.

Visit www.lni.wa.gov to submit a worker rights complaint. You can also download a worker rights complaint form from the website and mail it to L&I once completed, visit your nearest L&I office in person, or call 1 (866) 219-7321 to file a complaint by phone.

LIST OF APPENDICES



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List of Appendices

Appendix A

Independent Contractor Protections
Ordinance Fact Sheet

Appendix B

King County District Court Small Claim
Plaintiff's Packet

Appendix C

Self-Represented Persons in Superior
Court Civil Proceedings (Washington
State Courts handout)



ACKNOWLEDGEMENTS



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Acknowledgments

Thank you to the **Fair Work Center** for their support and input for this guide. The Fair Work Center generously shared resources and expertise from their experiences helping workers navigate the small claims court system. Visit www.fairworkcenter.org to learn more about their efforts to improve the working conditions and lives of all workers.

Thank you to the **New York City Department of Consumer & Worker Protection's Office of Labor Policy & Standards** (NYC OLPS) for taking the time to share their experience and resources related to implementing the Freelance Isn't Free Act. The NYC OLPS Navigation Program Guide for Freelance Workers was an invaluable example to follow in the creation of this guide. Visit nyc.gov/workers to learn more about the work NYC OLPS is doing to protect and empower workers in New York City.

Thank you to the **Northwest Justice Project** for creating and maintaining the wide range of self-help legal resources available at WashingtonLawHelp.org. The information and resources available at WashingtonLawHelp.org greatly contributed to the development of this guide. Learn more about the Northwest Justice Project at www.nwjustice.org.

Thank you to **El Centro de la Raza** for their assistance in reviewing and providing feedback to improve this guide. Learn more about El Centro de la Raza and the programs they offer at www.elcentrodelaraza.org.

Independent Contractor Protections Guide

Published by The City of Seattle Office of Labor Standards.
Graphic design by ConceptShell.

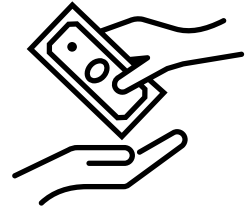


Seattle
Office of
Labor Standards

Independent Contractor Protections Ordinance Fact Sheet

Translated version of this document is available upon request at: (206) 256-5297.

Seattle's Independent Contractor Protections Ordinance requires covered Hiring Entities to provide Independent Contractors with written notices prior to entering a contract and at the time of payment. Independent Contractors must be paid on or before the date compensation is due under the terms of a contract, the terms of the pre-contract disclosure, or within 30 days.



Coverage

Which workers are covered by this law?

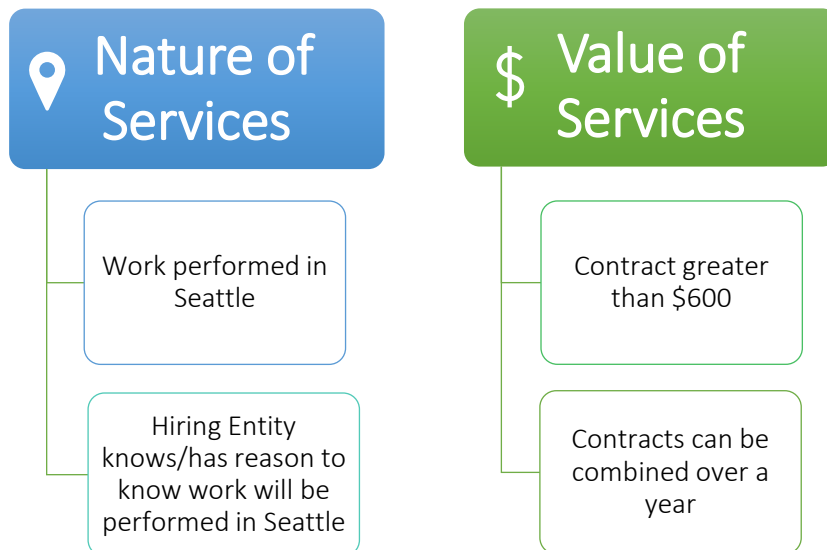
An Independent Contractor is a self-employed person that is hired by a Hiring Entity to provide services in exchange for compensation. This law applies to all Independent Contractors with a few exceptions¹ listed below.

Which companies are covered by this law?

This law applies to Hiring Entities regularly engaged in business or commercial activity, including not-for-profit businesses.

What work is covered by this law?

Whether contract work is covered by this law is based on the nature of services and value of services.



¹ Independent Contractors not covered by this law are lawyers, Transportation Network Company drivers (e.g. Uber and Lyft drivers), situations where an Independent Contractor's relationship with a Hiring Entity is limited to a property rental agreement (e.g., hair stylist renting booth at a salon), and other Independent Contractors as defined by the Office of Labor Standards Director's rule. Sign up for [OLS Newsletter](#) or check OLS website for updates at: www.seattle.gov/laborstandards.

Seattle Office of Labor Standards

This document provides an explanation of the law. Note: Information provided by the Office of Labor Standards does not serve as legal advice, create an agency decision, or establish attorney-client privilege with the reader. This should not be used as a substitute for laws and regulations.

Requirements

Timely Payment Requirements



Hiring Entities must provide “timely payment” to the Independent Contractor under:

- 1) the terms of the contract;
- 2) the terms of the pre-work written notice; or
- 3) within 30 days.

Disclosure Requirements

Hiring Entities must provide the following Pre-work and Itemized Payment Information written notices to all covered Independent Contractors.

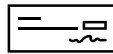
Template notices are available for use on our [website here](#).



1. Pre-work Written Notice Requirements

▪ <i>Date</i>	▪ <i>Pay basis</i>
▪ <i>Independent Contractor name</i>	▪ <i>Tips and/or service charge distribution policy</i>
▪ <i>Hiring Entity name + contact information</i>	▪ <i>Expenses of job and which are reimbursed by Hiring Entity</i>
▪ <i>Description of work</i>	▪ <i>Deductions, fees, or charges</i>
▪ <i>Location of work</i>	▪ <i>Payment schedule</i>
▪ <i>Rate or rates of pay</i>	

2. Itemized Payment Information Requirements



▪ <i>Date</i>	▪ <i>Tips, compensation and/or service charge distributions</i>
▪ <i>Independent Contractor name</i>	▪ <i>Pay basis</i>
▪ <i>Hiring Entity name</i>	▪ <i>Expenses reimbursed by Hiring Entity</i>
▪ <i>Description of services covered by payment</i>	▪ <i>Gross payment</i>
▪ <i>Location of services covered by payment</i>	▪ <i>Deductions</i>
▪ <i>Rate or rates of pay</i>	▪ <i>Net payment after deductions</i>

Resources

For ongoing updates, visit our website or sign up for our newsletter at: www.seattle.gov/laborstandards.

Read more about the Independent Contractor Protections Ordinance, here:

<http://www.seattle.gov/laborstandards/ordinances/independent-contractor-protections->

SEATTLE OFFICE OF LABOR STANDARDS

Our mission is to advance labor standards through thoughtful community and business engagement, strategic enforcement and innovative policy development, with a commitment to race and social justice.

Our Services

Investigation of complaints
Outreach to workers
Technical assistance for business
Resources and referrals

Language interpretation and translation available.

Accommodations for persons with disabilities are provided. Services are free.

More Information

Call: (206) 256-5297

Email: laborstandards@seattle.gov

Visit: seattle.gov/laborstandards

Seattle Office of Labor Standards

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SMALL CLAIMS PLAINTIFF'S PACKET

Included in the Small Claims Plaintiff's Packet, you will find the following documents:

1. Notice of Small Claim Pretrial Conference
2. Remote Hearing Instructions
3. Notice of Small Claim
4. King County District Court Small Claims Important Information
5. Declaration of Service
6. Satisfaction of Judgment

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON**

<div style="border-bottom: 1px solid black; margin-bottom: 10px; min-height: 20px;"></div> Plaintiff(s), v. <div style="border-bottom: 1px solid black; margin-top: 10px; min-height: 20px;"></div> Defendant(s).	<div style="border-left: 1px solid black; padding-left: 10px;">No. _____ NOTICE OF SMALL CLAIM PRETRIAL CONFERENCE</div>
---	--

PLEASE NOTE: THIS HEARING is scheduled to be conducted by video or telephone (if you do not have video access) via ZOOM. YOU SHOULD NOT APPEAR IN PERSON. If you are not able to appear via video or telephone, you must submit a written request to appear in person and the reason why you cannot appear remotely at least 14 days in advance of your scheduled hearing date. IF YOU APPEAR IN PERSON WITHOUT COURT APPROVAL, YOUR HEARING DATE MAY BE RESCHEDULED. Please see Zoom Insert for further instructions on how to participate via Zoom.

You are scheduled for a mandatory Pretrial Hearing on _____ at _____, in Web Courtroom # _____ in the _____ Courthouse (see Zoom insert for instructions).

If you need an Interpreter, please call or have someone contact the court on your behalf at 206-205-9200 in advance of the hearing date so we can be sure to have an interpreter available at the time of the hearing.

At the time of your hearing, please have your documents, contracts, or other proof needed to establish or defend this claim. If you are the plaintiff, please have your proof of personal service on the defendant available to provide to the court or file it in advance of the hearing.

YOU ARE FURTHER NOTIFIED that if you fail to appear as directed, a Judgment may be entered against you for the amount claimed, plus plaintiff's costs of filing and service of the claim upon you or if you are the Plaintiff and fail to appear, the claim may be dismissed. If this claim is settled prior to the hearing date, please notify the Court, in writing.



Remote Hearing Instructions

Before your hearing, get prepared

- Make sure you have a good Internet connection.
- Download Zoom. Practice with the app so you feel comfortable.
- Make sure your screen name is your first and last name. Also make sure your profile photo is appropriate for a court appearance.
- Remember that you are still appearing in court and should act appropriately.
- Charge your computer or mobile device. If you are calling in by phone, make sure you have enough minutes.
- Use earbuds or headphones, if you can. This frees up your hands, and improves sound quality.
- Find a quiet place where no one will interrupt you.
- Have all your papers ready, including a list of what you want to say to the judge

When your hearing starts, log on or call here:

- Please refer to the Court's instructions for appearing by Zoom at: <https://kingcounty.gov/courts/district-court.aspx> and select Video / Telephone (Zoom) Hearings.
- The page will contain instructions that include the meeting ID's, passwords, and call-in numbers you will need to access your scheduled courtroom for your virtual hearing.



What should I do if I have trouble logging on or calling in?

- If you are unable to connect or if you have any other technical difficulties on the day of your hearing, please immediately call the court at **206-205-9200**.



How do I ask for an interpreter?

- Ask for an interpreter as soon as you can. Do not wait until the hearing!
- To request an interpreter, please call the court at **206-205-9200**.



How do I ask for a disability accommodation?

- Ask for an accommodation as soon as you can. Do not wait until the hearing!
- To request any accommodation, please call the court at **206-205-9200**.

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON**

(1) _____,

(2) _____,

Plaintiff,

v.

(1) _____,

(2) _____,

Defendant.

SMALL CLAIMS DEPARTMENT

No. _____

NOTICE OF SMALL CLAIM

(CLERK'S ACTION REQUIRED)

Plaintiff Contact Information:

City: _____ State: _____ Zip: _____ Phone No.: _____

Email or Alt Phone: _____

(2) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

Defendant Contact Information:

(1) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

(2) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

Does anyone need an interpreter? Yes No

Name

Language

YOU ARE HEREBY NOTIFIED that the above-named plaintiff has filed a claim against you amounting to \$ _____ ; the reasons for which are stated below.

**SEE ATTACHED NOTICE OF SMALL CLAIM PRE-TRIAL CONFERENCE FOR YOUR
HEARING DATE**

At the time of **PRE-TRIAL**, bring with you **2** copies of all papers, contracts and proof needed by you to establish or defend this claim. At the time of **TRIAL**, bring with you **2** copies of all proof needed by you to establish or defend this claim, and any witnesses who will testify on your behalf.

YOU ARE FURTHER NOTIFIED that if you fail to personally appear as directed, a Judgment may be entered against you for the amount claimed, plus plaintiff's costs of filing and service of the claim upon you.

Plaintiff must also appear if a Judgment is to be entered. If plaintiff fails to appear, the claim may be dismissed. If this claim is settled prior to the hearing date, the parties must notify the Court immediately, in writing.

Clerk

STATEMENT OF CLAIM

I, _____, the undersigned plaintiff, declare that the defendant named above owes me the sum of \$ _____, which became due and owing on _____ [Date].

The amount owed is for:

☐ Faulty Workmanship ☐ Merchandise ☐ Auto Damages-Date of Accident _____

☐ Wages ☐ Loan ☐ Return of Deposit ☐ Rent ☐ Property Damage

☐ Other _____

Explain reason for claim

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____, [City] _____ [State] on _____ [Date].

Signature

Print or Type Name

KING COUNTY DISTRICT COURT SMALL CLAIMS

IMPORTANT INFORMATION

- **The Plaintiff is the party who begins the lawsuit by filing a Notice of Small Claim.**
- **The Plaintiff is responsible for making sure the Defendant is served the Notice of Small Claim and all documents in the service packet.**
- **A Plaintiff cannot be the person who serves the Defendant.**
The Plaintiff must find another person who is over 18 years old to serve the Defendant.
- **The Court is prohibited from serving the Defendant. It is the Plaintiff's responsibility to serve the Defendant at least 10 days before the pre-trial hearing.**

YOUR CASE WILL NOT MOVE AHEAD UNTIL YOU PROVIDE WRITTEN PROOF THAT THE DEFENDANT WAS SERVED.

Service means one of the following:

- The Notice of Small claim and documents in the service packet are handed directly to the Defendant.
- The Notice of Small Claim and documents in the service packet are handed directly to a responsible person of appropriate age, at the Defendant's home. That person must reside at the Defendant's home.
- The Notice of Small Claim is sent either by certified or registered mail with restricted delivery only. The return card must have the DEFENDANT'S signature on it.
- The Sheriff's office or a "Process Server" can be hired by you to help you serve.

There are lots of ways to "serve" a business with the Notice of Small Claim. Please refer to RCW 4.28.080. One way to serve a business is by serving the Registered Agent.

- You can find the Registered Agent by searching the business name on the Secretary of State's Website: www.sos.wa.gov/corps.
- **The Plaintiff must prove the Defendant was served by filing a "Return of Service."**
The Return of Service must be completed and signed by the person who served the Defendant. The Return of Service must be filed with the court.

Come to the next court hearing even if you have not been able to serve the Defendant.

- The Court will discuss your options with you and give you a new court date.

Keep your address, phone number, and email address updated with the Court.

For more information about the law on service see RCW 12.40.040 and CRLJ4.

For more information about the Small Claims Department, call (206) 205-9200 or visit our website: <https://kingcounty.gov/courts/district-court/small-claims.aspx>

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON**

<div style="text-align: right; margin-bottom: 10px;">_____ Plaintiff(s),</div> <div style="text-align: center; margin-bottom: 10px;">v.</div> <div style="text-align: right; margin-bottom: 10px;">_____ Defendant(s).</div>	DECLARATION OF SERVICE OF NOTICE OF SMALL CLAIM (CLERK'S ACTION REQUIRED)	<div style="margin-bottom: 10px;">No. _____</div>
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The undersigned **states** that:

1.1 I am over the age of 18 years, competent to be a witness, and **I am not a party** to this action.

1.2 On _____ (date) at _____ a.m./p.m.
(time) at _____ (city and state of
service), I served on **defendant(s)** _____ at
_____ (address) the following
document(s):

- ☐ Notice of Small Claims
- ☐ Notice to Servicemembers and their Dependents
- ☐ Notice of Small Claim Pretrial Conference
- ☐ Remote Hearing Instructions

1.3 Service on the defendant(s) was made by delivery to _____,

- ☐ the defendant(s) named in paragraph 1.2 above.
- ☐ the defendants by mailing a copy of the documents listed in 1.2 to the defendant via registered or certified mail with a return receipt bearing the defendant's signature. (attach proof of signed return receipt).
- ☐ a person of suitable age and discretion residing at the usual abode of defendant(s).

[] the _____ (president, registered agent, secretary, cashier, partner, etc.)
of _____ (name of corporation,
partnership, etc.).

I **certify** under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: _____, at _____ Washington.

Signature

Name and Title

Fees: Service _____
Postage _____
Total _____

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON**

_____	No. _____
Plaintiff(s),	SATISFACTION OF JUDGMENT
v.	(CLERK'S ACTION REQUIRED)

Defendant(s).	

To Clerk:

Please be advised that the judgment awarded in the above-referenced case has been paid in full.

DATED: _____

Signature

Printed Name

Self-Represented Persons in Superior Court Civil Proceedings

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 (see E. 7) and everyone appearing before the Superior Court is expected to follow them. While a one-page handout can never 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 an action, you are the petitioner, plaintiff or moving party.

1. Before anything can happen in court, you need to fill out paperwork, file your case, and pay a filing fee (check with Clerk for acceptable forms of payment):

Obtain the correct forms (if they exist) on-line or from the Clerk.

The first forms you fill out (in ink or typed--no pencils) are a "Petition" and "Summons" for a family law case or else a "Complaint" and "Summons" for a civil case. Filing these forms and serving them on the defendant/respondent starts your case.

Always remember and keep a record of your case number (i.e. 06-2-12345-7).

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 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 judge), it is mandatory to confirm that you will be present for the court hearing. Confirmation, if required, must be made in advance of the hearing. Call your county's Superior Court for specific requirements.

2. The Clerk's Office only takes original documents with original signatures for filing your case or 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. Call your county's Superior Court for specific requirements.

3. 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 from paper records and \$0.25 page for non-certified copies from imaged (electronic form) records. Certified copies are \$5.00 for the first page and \$1.00 per page thereafter for each document (not your entire file) regardless of the form of the original.

4. Documents need NOT be signed in front of the Clerk. You may sign them ahead of time.

5. Fill out all documents/forms clearly, completely, and in ink or typed—no pencils.

B. 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 or respondent or responding party.

1. Your answer or response to the petition 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.
2. After you have answered, the other party is required to notify you of any further proceedings.
3. 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:

1. **Pro se** – A Latin phrase meaning “For Oneself” (refers to people who represent themselves).
2. **Ex parte** – A Latin phrase indicating action done for, in behalf of, or on the application of, one party only without notice to the opposing party.
3. **Litigant** – A general term to describe a party (plaintiff or defendant) to a legal action.
4. **Motion** – A written request made by a party, or an oral request made by a party during a hearing or trial, to a court for an order granting relief.
5. **Petition** – A formal written application to the court requesting a remedy available under law.
6. **Order** – A direction or command delivered by a court and entered into the court record.
7. **Summons and Complaint** – Two separate documents that go together to start a civil lawsuit.
8. **Summons and Petition** – Two separate documents that go together to start family law cases.
9. **Note the matter** – To fill out a Note for Hearing document that puts your case on the calendar. This is done with a document, never over the phone.
10. **Conform** – To make a document match the original.
11. **Calendar** (sometimes called a Docket) – List of cases arranged for hearing in court.
12. **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.
13. **Settlement Conference** – A conference of all parties with the judge in chambers held to work out an agreement after a response has been filed and there is NOT agreement on all matters.

D. 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. Do not use cell phones, beepers, 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 today by the Court.
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 can assess the facts fairly and not be distracted in that effort?

E. LIST OF HELPFUL PHONE NUMBERS AND WEBSITES.

1. **Administrative Office of the Courts (AOC):** 360-753-3360
Website: www.courts.wa.gov
2. **Northwest Justice Project/CLEAR:** 1-888-201-1014
Website: www.nwjustice.org
3. **Legal Information:** www.WashingtonLawHelp.org or www.lawforwa.org
4. **Forms on-line:** www.courts.wa.gov/forms
5. **State and local Court Rules:** www.courts.wa.gov/court_rules/

The services of a Courthouse Facilitator are available for help with some family law matters such as divorce (dissolutions), paternity and non-parental custody. Check with your local superior court or the Administrative Office of the Courts for information.

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

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 about your case
when you appear before the judge in court.**