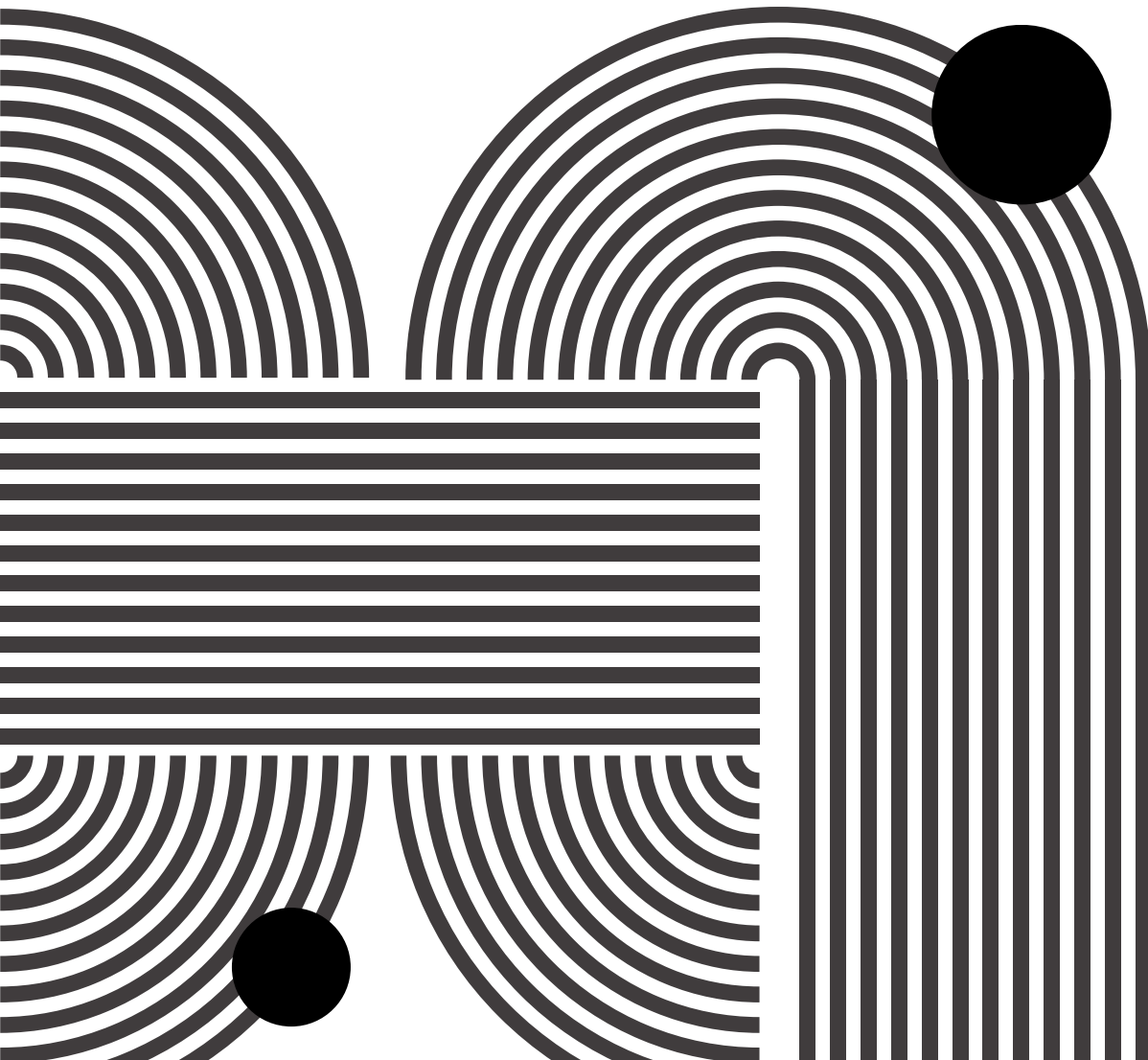


---

# APPELLATE JUSTICE REPORT

## 2024

**Prepared By:**  
Kellie Colemon  
Anna Kashner



# Table of Contents

<b>Table of Contents</b>	<b>1</b>
<b>Acknowledgements</b>	<b>3</b>
<b>Executive Summary</b>	<b>4</b>
Report's Purpose and Goals	4
The Research Process	4
Key Findings	5
Recommendations	6
<b>Background</b>	<b>7</b>
<b>Washington State Appellate Process - An Overview</b>	<b>8</b>
Important Terms	8
Overview of Washington State's Appeals Process	8
Existing Research and Law Impacting Study Findings	9
Domestic Violence Law Revision	9
<b>Guiding Principles &amp; Approach</b>	<b>11</b>
Vision	11
Guiding Principles	11
<b>Research Methodology</b>	<b>13</b>
Limitations in Research Methodology	15
<b>Themes</b>	<b>16</b>
Complex Procedures for Filing an Appeal	16
Prohibitive Costs	18
Challenging Deadlines and Timelines	22
Scarcity of Clear, User-Friendly Resources	24
Barriers to Access for People with Disabilities or Limited English Literacy	26
<i>Disability</i>	26
<i>Language Access</i>	27
<i>Literacy</i>	28
Distrust of Judicial System and Judicial Officers	29
<i>Lack of Trust in Judicial System</i>	29
<i>Lack of Trust in Judicial Officers</i>	31
Bias Against Marginalized Groups	32
<i>Gender Bias in the Legal System</i>	33
<i>Race and Ethnic Discrimination in the Appellate Process</i>	34
<i>Mental Health and Disability Bias</i>	35

# Table of Contents

<i>Barriers Faced by Immigrants and English Language Learners</i>	35
<i>Bias Against Pro Se Litigants</i>	35
Advantages	37
Successes	39
<b>Recommendations</b>	<b>42</b>
<b>Conclusion</b>	<b>46</b>
<b>Endnotes</b>	<b>47</b>
<b>Resources and Work Cited</b>	<b>49</b>
<b>Addendum</b>	<b>50</b>
Domestic Violence Statistics	50
Map of Washington State Court Divisions	51
Interview Questions for Litigants and Systems Experts	52
Creative Padlet	53
<i>Themes</i>	53
<i>Quotes (General)</i>	53
<i>Quotes (System Improvements/Recommendations)</i>	54

# Acknowledgements

It was a sacred honor and privilege to engage with and learn from people who have experienced incredible hardship, pain, and life-changing circumstances that have brought them to interact with the legal system in some way, most specifically with the appeals process in Washington State. While the people we talked to all had unique circumstances, what they did share was an incredible tenacity, intelligence, and drive to fight for what was most important to them. They also shared a deep desire to help make this experience better for others and it is our greatest hope that sharing their words and experiences will contribute to positive change in our state's appeals system. The wisdom and insights that come from those with lived experience cannot be underestimated. In fact, their contributions are an incredible gift to those who are in a position of power to change the system for the better.

The professionals and systems experts who work with and within our legal system are beacons of hope that change can be initiated from within a large, often archaic, and sometimes unwieldy system. It was clear from talking to specific lawyers, judges, court clerks, and others who support indigent people filing appeals that they are also deeply committed to contributing to positive change that will make the process truly accessible to all.

Specific acknowledgment and gratitude go to the survivors of domestic violence and the formerly incarcerated people who shared their experiences with us in great detail.

Sharing stories from some of the most painful times in their lives, most feeling betrayed by a system they thought they could trust, was deeply generous. Your words, experiences, and opinions are critical to this paper. Thank you to all of the systems experts who have a unique perspective on the barriers to access and what needs to happen to create more access. Thank you to Evangeline Stratton and Renee Guan from the Family Violence Appellate Project for your fierce commitment to creating change for this specific part of the legal system and for understanding that one way to make this happen is that the barriers to full participation for self represented and indigent parties in the appellate process must be addressed.

Thank you to the Washington Department of Commerce for funding this project.

Authors: Kellie Colemon, Anna Kashner, Joli Brown

# Executive Summary

## Report's Purpose and Goals

This report examines the barriers to equitable access within Washington State's appellate court system, focusing on the experiences of marginalized communities, including survivors of domestic violence, formerly incarcerated individuals, and pro se (self-represented) litigants. The Family Violence Appellate Project initiated research on this topic to address the inequitable access to appellate courts, where unrepresented and marginalized litigants, including survivors of domestic violence face significant barriers to exercising their right to appeal and where incorrect trial court decisions can perpetuate harm and hinder long-term safety and healing. Understanding these gaps informs efforts to provide accessible legal information, self-help resources, technical assistance, and free representation, ensuring all individuals can make informed decisions about seeking appellate relief. The report aims to identify systemic obstacles and offer actionable recommendations to create a more accessible, equitable, and user-centered appellate process. By centering litigants' lived experiences and insights from legal professionals, the research seeks to inform policy changes and foster systemic improvements that ensure justice for all, regardless of background or resources.

## The Research Process

To achieve these goals, the research employed a trauma-informed, participant-centered, mixed-methods approach, combining qualitative and quantitative data collection. Forty-five pro se litigants and 11 systems experts, including legal aid attorneys, court staff, and judges, participated in the study. Participants were recruited through networks such as the Family Violence Appellate Project and Washington State civil legal aid

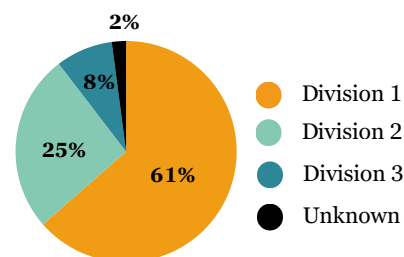
organizations. Demographically, the litigants represented a diverse group, with 35% identifying as People of Color, 4% as Queer, 13% as physically or cognitively disabled, and 84% as women. Representation from all three Washington State Court Divisions ensured broad insights into the statewide appellate system.

Data collection included semi-structured interviews conducted via Zoom, anonymous submissions through an online portal, and creative expression opportunities to deepen the narratives shared by participants. All responses were transcribed by legal transcription <sup>2</sup>experts, anonymized, and securely stored. Coding and analysis were conducted by a research associate from the Washington State Center for Court Research.

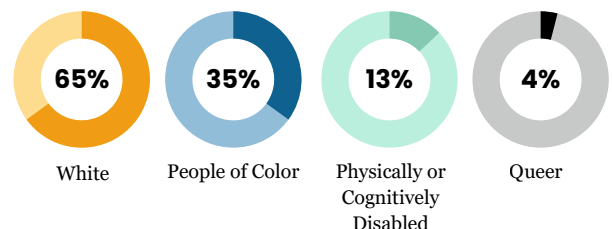
**56** Individuals interviewed

**45** Pro se litigants with lived experience attempting to access the Washington state appellate system

**11** Systems experts including civil legal aid lawyers, court clerks, court staff, appellate judges, and other professionals



Systems experts were evenly spread among the three divisions with most working with people from across the state, and court and legal professionals from all three divisions <sup>13</sup>



**Women**

**84%**

**Men**

**16%**

# Key Findings

Litigants and systems experts agreed on the major barriers experienced by pro se litigants attempting to navigate the Washington State Appeals Process:

---

## **Complex Procedures for Filing an Appeal**

Litigants described the appellate process as overwhelmingly complicated, with unclear instructions, rigid rules, and strict deadlines. Many lacked the legal knowledge needed to complete essential steps such as filing briefs or designating court papers. Systems experts noted that even attorneys find these procedures challenging.

## **Prohibitive Costs**

Prohibitive costs in the appeals process prevent many pro se litigants from accessing justice, especially those already facing financial hardship, trauma, and systemic inequities. Expenses like filing fees, transcripts, and legal representation accumulate quickly, making it nearly impossible for individuals with limited resources to move forward with an appeal.

## **Challenging Deadlines and Timelines**

The strict 30-day deadline to file a Notice of Appeal, combined with complex requirements and prolonged case timelines, creates significant barriers for litigants, especially those facing trauma, caregiving responsibilities, or limited resources. These systemic challenges disproportionately impact marginalized communities.

## **Scarcity of Clear, User-Friendly Resources**

Litigants frequently cited the absence of plain-language instructions, examples of completed forms, and clear guidance. They spent significant time attempting to understand legal jargon and procedural requirements, often feeling unsupported and confused.

## **Barriers to Access for People with Disabilities or Limited English Literacy**

Litigants with disabilities, limited English proficiency, or low literacy levels faced significant challenges due to inadequate accommodations, lack of translated materials, and complex legal language.

## **Distrust in the Judicial System and Judicial Officers**

Many litigants expressed a lack of trust in the appellate system, describing it as inequitable, intimidating, and traumatizing. The perception that the system disproportionately favors those with resources further eroded confidence in its fairness.

## **Bias Against Marginalized Groups**

Litigants from marginalized communities, including women, people of color, immigrants, individuals with mental health conditions, and pro se litigants, reported bias throughout the appellate process, compounding existing disadvantages and influencing case outcomes. Gender bias was a significant issue, with women experiencing dismissive treatment, favoritism toward men, and judicial assumptions rooted in harmful stereotypes. Racial and ethnic disparities, along with biases against mental health conditions and pro se status, further entrenched inequities, leaving many feeling disillusioned with the promise of justice and hesitant to seek relief through appeals.

# Recommendations

## 1 Simplify Procedures and Provide Clear Guidance

Litigants and systems experts emphasized the need for clear, user-friendly resources to navigate the appellate process. Recommended improvements include creating plain-language guides, step-by-step instructions with timelines, and visual workflows. Additional support could be provided through autofill PDF forms, centralized online resources, and court navigators or facilitators who guide litigants without offering legal advice.

## 2 Restructure Aspects of the Judicial System

To improve accountability and accessibility, participants suggested implementing review mechanisms for judicial decisions and creating alternative, simplified paths for appeals for some cases, such as an informal brief program or judge facilitated/neutral mediator settlement resolutions. These options would make the process less complex for inter-family disputes and other straightforward cases while maintaining the integrity of the overall system.

## 3 Reduce Costs and Expand Financial Support

Prohibitive costs were identified as a significant barrier. Recommendations include reducing or waiving fees for transcripts, filings, and other legal expenses and simplifying the process to obtain eligibility for indigency support.

## 4 Educate Judicial Officers

Judicial officers and court staff would benefit from continued education on topics such as domestic violence, cultural competency, and in some cases updates to current laws. Training should emphasize understanding the systemic inequities litigants face and adopting trauma-informed practices to ensure fairness and empathy in decision-making.

## 5 Improve Access to Support Organizations

Litigants need better information about organizations that have the capacity to provide legal and emotional support. A centralized directory with clear descriptions of services, availability, and contact information is recommended.

## 6 Increase Support for Individuals and Families

Given the emotional toll of the appellate process, litigants would benefit from access to mental health professionals, social workers, and support groups. These resources would provide emotional and logistical assistance, particularly for survivors of domestic violence and families navigating custody disputes. Court staff should also be trained to recognize and address these needs proactively.

## Conclusion

This report underscores the urgent need to transform Washington State's appellate system into one that is truly accessible, equitable, and responsive to the needs of all litigants. By amplifying the voices of those most impacted and integrating insights from systems experts, the findings reveal critical barriers and outline actionable solutions to dismantle structural inequities. Providing opportunities for those with lived experience and systems experts to explore these recommendations, and others, and create actionable solutions will not only enhance procedural fairness but also rebuild trust in the judicial process. Implementing next steps will foster a legal system where justice is not a privilege of resources but a right upheld for every individual, regardless of their circumstances or identity.

# Background

This report examines barriers to equitable access within Washington State’s appellate court system, with a particular focus on the experiences of marginalized communities filing civil court trial appeals pro se.

The Family Violence Appellate Project of Washington (FVAP) initiated this research based on the understanding that domestic violence can have lasting impacts on children’s health, education, and future well-being, with the trauma increasing their risk of experiencing abuse as adults. When trial courts make legally incorrect decisions — like denying protection orders or awarding custody to abusive parents — these harms can deepen and persist. While appeals can reverse such decisions, the high cost of appellate representation, averaging \$30,000–\$50,000, makes this option inaccessible for many. Marginalized and unrepresented litigants often face significant barriers to understanding and navigating the appellate system, effectively stripping them of their right to appeal. Current court data collection has not addressed these disparities, leaving gaps in services and resources.

FVAP seeks to identify the gaps in access, engage impacted communities, and propose trauma-informed interventions, solutions, and systems improvements that prioritize the voices and needs of those most affected. This project aims to research those gaps, collaborate with impacted communities, and design trauma-informed solutions to ensure equitable access to appellate courts for all survivors and other marginalized litigants, regardless of their financial or social circumstances.

In order to conduct a comprehensive study and analysis of litigant experiences, it is important to provide some context and insights about the system through which a litigant must traverse to even attempt to successfully move through the appellate process. Put another way, we must consider “the water we are swimming in.” More specifically, what are the overall drivers and inner workings of the appellate process? What are the basic requirements and eligibility of a civil court trial appeal? And what are the existing research, laws, and procedures that influence and impact the response of participants and the overall findings of this study? A brief overview of these factors is described below. The researchers encourage readers to seek additional information using the links and resources included within the section or by looking at the Resources page.

# Washington State Appellate Process

## Important Terms

At its core, an appeal is a request to a higher court to review and change a decision made by a lower court. According to the Washington State Court Rules of Appellate Procedure ([RAP 2.2](#))<sup>2</sup>, an individual has a "right" to appeal certain trial court orders<sup>3</sup> and the appellate court must review them. They may also ask the appellate court to review other types of trial court orders that don't fall into the first category.

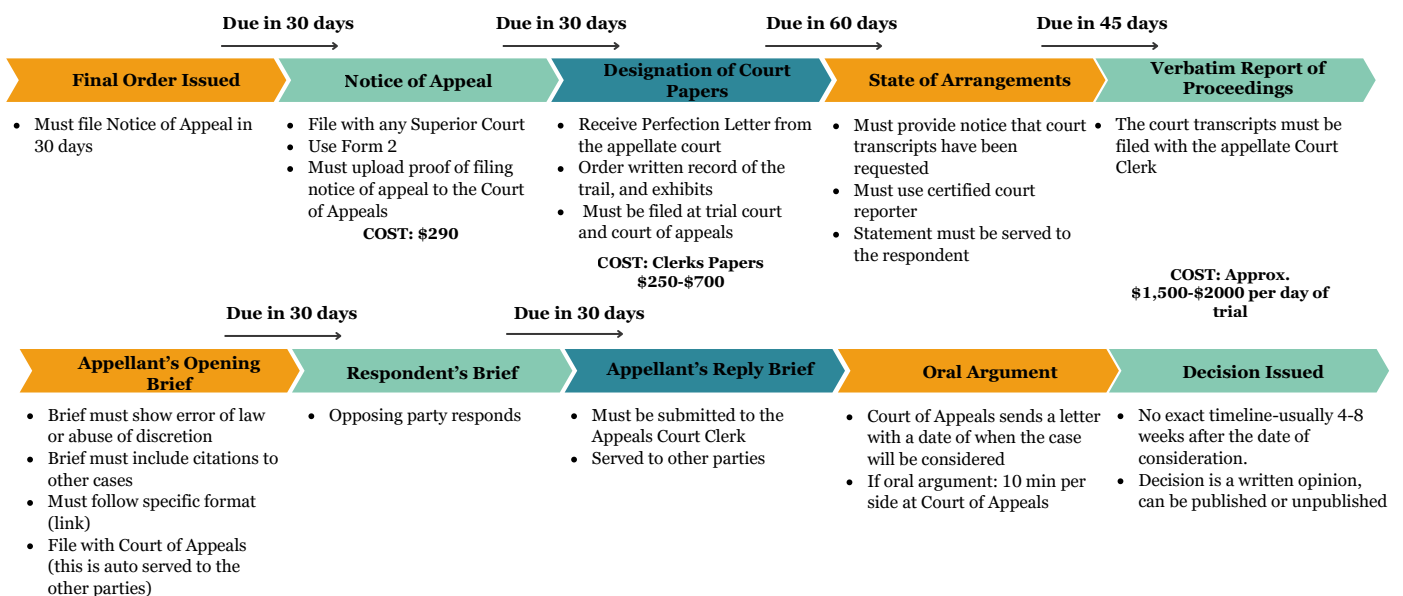
While some individuals may have access and resources to retain the services of an attorney, others must file their appeal as **pro se**. In Washington State, "pro se" is a Latin phrase that means "for oneself" or "in one's own behalf." It refers to someone who represents themselves in a legal case without an attorney.

Another term significant to this study is those litigants categorized as indigent. Washington State defines indigent as an individual who is unable to pay the anticipated cost of filing and/or navigating the appeal process because his or her resources and/or capacity are insufficient (full definition can be found at [RCW 10.101.010](#)) Pro se and indigent individuals are integral to the purpose of this study as well as the larger context of disparate experiences of marginalized and low income groups within Washington State's legal system and will be discussed in more detail in the guiding principles and approach section below.

## Overview of Washington State's Appeals Process

The graphic below provides a simplified and brief overview and description of the nine steps to the Washington State Appeals Process below (Figure 1). However, a deeper review of the law and procedures, coupled with the responses of the litigants and systems experts reveal that the process is not simple, especially for people without legal training or the resources to hire legal representation. Each step of the process involves strict deadlines, rigid and intricate rules to follow, along with various forms with filing fees, as well as the legal fees associated with attorneys and transcriptionists. For the purposes of this study, we will focus primarily on describing the aspects of the process shown to be most impactful to the experiences of the litigants<sup>4</sup>. Details regarding each step, as well as the specific rules of the appellate procedure can be found [here](#).

Figure 1.



At the onset, the minimum requirements for filing an appeal require the ability to pay filing fees, procure and pay for case documents and court transcripts of the trial, and successfully prepare and file an opening brief ([RAP 10.3](#)<sup>5</sup> and [18.17](#)). The opening brief must lay out the argument for appeal in legal terms, citing case law and illustrating the mistakes the trial court made, and whether those mistakes were in interpreting the law ("errors of law"), applying the evidence ("substantial evidence"), or going beyond a trial court's discretion in making decisions ("abuse of discretion"). These are called "standards of review." The opening brief must also follow the exact format as described in [RAP 18.17](#)<sup>6</sup>. While litigants in the appeals process are held to strict deadlines, there are no such deadlines imposed upon the appellate or Supreme Courts to issue a decision. For pro se litigants there is limited support and information about how to complete each step of this process<sup>7</sup>. The Washington State courts<sup>8</sup> provide written information about each step using legal terminology, which presents substantial challenges for those without legal training.

The most critical and urgent deadline to meet in the appellate process is that individuals must file a notice of appeal within 30 days of the trial court decision. This requirement is nonnegotiable and was a significant and persistent factor in participant responses regarding their experiences in the appellate process.

### **Existing Research and Law Impacting Study Findings**

Barriers to accessing civil legal courts and justice for low-income Washingtonians is well documented and an issue that the Office of Civil Legal Aid and individuals within the various courts across the state have been aware of and working to address for many years.

A 2015 report [Civil Legal Needs Update](#)<sup>9</sup>, commissioned by the Washington State Supreme Court cited multiple key findings as to the problems faced by low income Washingtonians who are facing civil legal issues. These findings were reinforced when we spoke to people for this report:

- Race, ethnicity and other personal characteristics affect the number and type of problems people have. These personal characteristics also affect the degree to which people experience discrimination or unfair treatment and the degree to which legal help is secured.
- Survivors of domestic violence and/or sexual assault experience the highest number of problems per capita of any group.
- There is a significant legal literacy problem.
- The vast majority of people face their legal problems alone.

### **Domestic Violence Law Revision**

In July 2022, the Washington State legislature implemented [RCW 7.105](#)<sup>10</sup>, revising domestic violence laws to simplify obtaining protection orders and expanding definitions to reflect the complexities of abuse. The new law includes coercive control and unlawful harassment as forms of domestic violence, recognizing that power and control can cause significant harm even without physical abuse.

Coercive control involves behaviors designed to harm or restrict a survivor's freedom, such as intimidation, isolation, financial exploitation, or abusive litigation. Unlawful harassment includes intentional behaviors aimed to seriously annoy, alarm, or harm a person, including threats or acts of violence, especially involving weapons. This law broadens protections and acknowledges the wide-ranging effects of abuse and is referred to in many of our interviews with survivors of domestic violence<sup>11</sup>.

Many of the individuals interviewed for this study were impacted by experiences of domestic and/or intimate partner violence. Washington State defines domestic violence as inflicting harm, injury, or assault between members of the same household or family. This includes coercive control, physical, mental, emotional, or sexual abuse and assault, as well as behaviors such as stalking, and harassment (full definition can be found [here](#)). The prevalence of experiences of domestic violence and the resulting traumas to the physical and mental health of participants was a factor in designing appropriate methodologies and frameworks through which to recruit and engage with participants of the study.

# Guiding Principles & Approach

This research was conducted by a partnership between Washington State Center for Court Research and Anna Kashner, MPH, and Kellie Colemon, M.Ed., using a trauma-informed and participant-centered approach to examine barriers within Washington State’s appellate system. The researchers were deeply committed to adhering to the following vision, values, and practices through each stage of this work:

## VISION

*We envision a future where the legal system provides equitable access to all, regardless of background, language, or ability. Our aim is to dismantle systemic barriers and biases, ensuring that the voices and experiences of those most impacted by oppression drive meaningful systemic change.*

### Guiding Principles

**#1.** Voices and experiences of those most impacted by systemic racism and other -isms must be centered in any change efforts.

**#2.** The time, energy, participation, and contributions of those with lived experience must be believed, honored, and compensated.

**#3.** Respect for lived experience, trauma, distrust of the system, or those that represent the system will be honored and navigated with a trauma informed approach.

**#4.** Research methods will avoid or mitigate harm, and where possible offer a safe and protected environment for participants to share experiences, one that even has the potential to support healing.

**#5.** Transparency, accountability, and honesty are prioritized in all aspects of the study.

To embody the stated vision and guiding principles, the researchers incorporated research, scholarship and recommendations from the Transformative Research Toolkit (Othering and Belonging Institute, 2024), frameworks presented in Introduction to Research Justice (Data Center, 2019), the six principles of trauma informed practice (SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach, 2014), as well as their own experience and background designing and conducting qualitative and participatory action research.

Transformative research refers to “a wide range of processes where people center their lived experience and visions for social transformation, lead a process that systematically builds on this knowledge through investigation and learning rooted in their own ways of knowing, and take action to influence public narratives, policies, and power dynamics.”<sup>12</sup>

Centering the lived experience of marginalized populations is crucial in social justice research for several key reasons:

### **Redressing Historical Erasure and Marginalization**

Marginalized groups such as Black, Indigenous, and People of Color (BIPOC), women, LGBTQ+, and people with disabilities have been excluded from research, distorting or silencing their voices. For example, medical biases led to the under-treatment of Black patients. Centering these groups' experiences in research corrects these erasures and ensures diverse perspectives shape knowledge and policy.

### **Challenging Structural Inequities**

Marginalized groups often face overlapping forms of oppression (e.g., race, gender, disability), creating unique discrimination. Centering these experiences reveals how intersecting oppressions operate, enabling policies that address complex, interconnected harm and better reflect real-life challenges.

### **Empowering Communities and Fostering Social Change**

Lived experiences empower marginalized communities, turning them from research subjects into active participants in creating solutions. This approach builds trust, accountability, and social change, ensuring research and policies reflect the true needs of these communities.

In sum, centering lived experience is essential to making social justice research both ethically responsible and practically impactful. It ensures that research reflects a diversity of experiences and that marginalized voices contribute to the solutions for their own liberation and empowerment.

With this keen focus on honoring and legitimizing the expertise of participants, this study attempts to reimagine the role and impact of narrative and creativity in systems change work. Although the project was limited in time, the researchers worked to leverage each opportunity to highlight the humanity, resilience, and tenacity of the participants, as well as acknowledge the complexities and possibilities inherent to the appellate court system.

In the spirit of transparency, the researchers wish to name and claim the ways in which their identities, educational and social backgrounds, and research experiences have shaped the design and implementation of this work. Both researchers have been impacted by gender and/or racial bias, domestic violence, and the emotional, physical, and mental labor of speaking truth to power, both in professional and political settings, as well as research and academia. These lived experiences are interpreted and applied as an asset in this study. A deep commitment to stay the course in striving toward transformative systems change continues to drive this work. To that end, this work was reviewed by individuals and groups across research, government and community sectors who possess expertise and experience in social justice and community participatory action research.

# Research Methodology

The qualitative research methodology emphasized the experiences of marginalized individuals including survivors of domestic violence and formerly incarcerated individuals. Participants were recruited through the Family Violence Appellate Project (FVAP) database and other civil legal aid networks, with eligibility criteria focused on pro se involvement in the civil appellate process where the individual considered, attempted, or completed the appellate process. Additionally, professionals, whose work is either focused on or intersects with the appellate courts were recruited and interviewed for their professional “systems expert” experiences and insights. These systems experts were recruited from professional connection the Family Violence Appellate Project.

Semi structured interviews of litigants and systems experts were conducted by researchers Kellie Colemon and Anna Kashner via Zoom and an online portal, allowing participants to provide written or recorded responses anonymously. All data was anonymized, securely stored, and transcribed by professionals with legal expertise. The interviews were coded and analyzed by Washington State Center for Court Research. Quantitative data was collected and reported by Washington State Center for Court Research.

Compensation was provided to litigants for the time and energy they spent sharing their experience with the appellate courts. Also, a follow-up optional online creative expression opportunity was offered to each litigant participant that allowed for interviewees to express themselves, their humanity, and their experience in creative activities such as writing, art, music, and other forms of

expression. These were integrated into the analysis to capture participants’ perspectives further. Please see appendix for a sample of the responses to the creative prompts. All participants were sent a survey to give immediate feedback about the interview process and approach, and responses were taken into consideration as the project proceeded.

The research proposal was reviewed by the Washington State Institutional Review Board and was determined to meet the criteria as exempt from approval because this project is not a systematic investigation or being developed to contribute to generalizable knowledge. Instead, findings from this project will be used to make systems improvements to increase access to Washington State appellate courts.

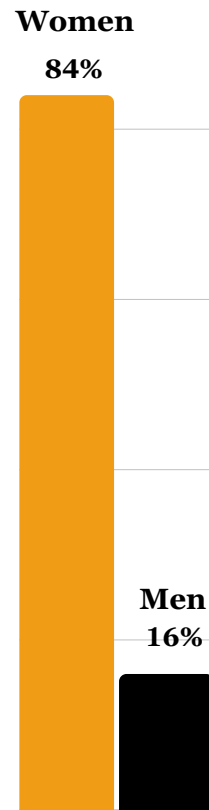
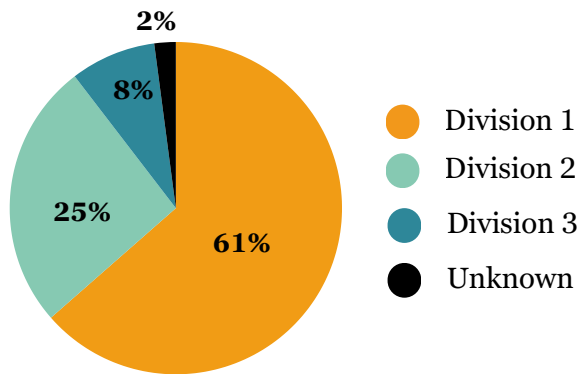
Litigants and systems experts were asked to share about barriers they either experienced or have seen clients experience within Washington State’s appellate system, what is working well, and recommended improvements they had (see appendix for interview questions).

Below is a snapshot of the group of participants who shared their experiences for this report:

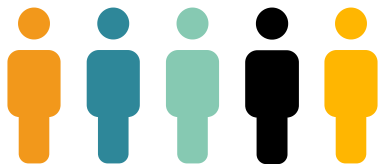
**56** Individuals interviewed

**45** Pro se litigants with lived experience attempting to access the Washington state appellate system

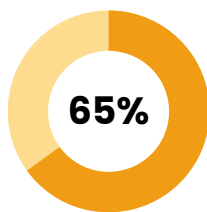
**11** Systems experts including civil legal aid lawyers, court clerks, court staff, appellate judges, and other professionals



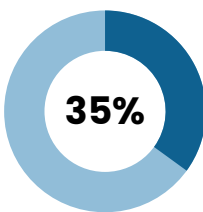
Systems experts were evenly spread among the three divisions with most working with people from across the state, and court and legal professionals from all <sup>13</sup>three divisions



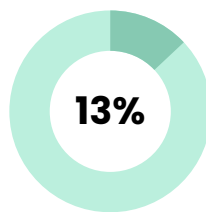
Formerly incarcerated and either attempted to appeal civil or criminal cases pro se while they were incarcerated.



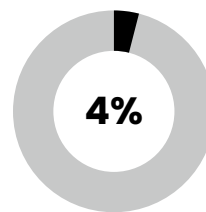
White



People of Color



Physically or Cognitively Disabled



Queer

Interviewees were given the opportunity to respond to creative prompts to provide additional aspects of their story or experience with the appellate process. This optional component of the study was an online platform on which individuals could post their responses anonymously, as well as engage and interact with the anonymous posts of other litigants. The intent of this

additional opportunity was specifically aligned with the overall commitment to center the diverse perspectives of those most impacted by the appellate process: the litigants. Further, this opportunity gave individuals another way to communicate about sensitive personal experiences, emotions, and histories that the traditional interview may not have provided. Given the

trauma and distrust many litigants had with the system, this method supported the trauma-informed strategy of empowering individuals to be in full choice about what they share, and to do so in their own language, at their own pace. This method also produced a well of collective knowledge that enabled individuals to tap into metaphor, story, song, and symbols to support a fuller expression of an individual's experiences navigating the appellate system. In addition, this method invited interviewees to incorporate and honor culture and identity in their responses which in turn will help stakeholders craft recommendations that are equitable, inclusive, and culturally relevant.

### **Limitations in Research Methodology**

All research has its limitations. Our research method relied on the relationships the Family Violence Appellate Project (FVAP) had in the state. Because most of the litigants interviewed came from FVAP, which exclusively interacts with survivors of domestic violence, the majority of our interviewees identify as women. The racial demographics of the study participants in general mirror those of the State of Washington.<sup>14</sup> The study focuses on the experiences of people with marginalized identities and would have benefited from more of a representation of people of color than the state's population. Finally, it is probable that some people declined to be interviewed, or never responded because of the amount of trauma they experienced related to the topic of appeals, including lack of trust in the judicial system or with non profits and other support agencies. While their stories are valuable, using a trauma-informed approach insisted on allowing for choice on all matters. This includes choice within the interview process, and whether they wanted to engage with the interviews at all.

# Themes

An analysis of litigant and systems expert responses revealed significant barriers to accessing and navigating the Washington State Appeals process. Six overarching themes are listed below with additional descriptions of subthemes where those were identified. While all litigants were part of a marginalized group, we also highlight the experiences of litigants whose experiences were compounded by additional factors related to identity, culture and/or background. It is important to note that while this study focused on people's experiences with the appellate system, most respondents reported feeling fatigued by the overall judicial process. Their experiences and opinions about the appellate court were influenced by their time in superior court. To protect the anonymity of both litigants and systems experts, each participant has been assigned a number, and their contributions to this study will be referenced by their category (L=litigant, S=systems expert).

## **Complex Procedures for Filing an Appeal**

Interviews with 43 pro se litigants and 11 systems experts underscored a shared conclusion: *the appellate process itself is the most significant barrier to successfully navigating an appeal.* At its core, the appellate process is a series of steps and decisions, each of which involves a high degree of labor and costs for litigants. Pro se litigants consistently described the steps required to complete the process as overwhelming, unclear, and wrought with procedural hurdles, many of which are not outlined in a clear, consistent, or accessible way. For example, some deadlines are non-negotiable while others can be shifted or postponed. Some fees must be paid, while others can be waived. The system's capacity to provide timely and helpful information to litigants – via court staff, online resources,

and community resources – was reported to be insufficient and inconsistent, leaving litigants feeling unprepared, unsupported, and defeated.

The volume and complexity of required paperwork were frequently cited as significant barriers. Litigants described confusion surrounding key steps like filing a Notice of Appeal, Designation of Clerk's Papers, and creating a brief. Most litigants reported spending significant time attempting to figure out the requirements and process with little success in finding helpful resources in plain language. A lack of clear, step-by-step guidance in understandable clear terms left many feeling helpless. Litigants reported they found the procedures are extremely complex, and that if steps are not completed accurately or a deadline is missed, the appeal could easily be dismissed by the court administration.

*I didn't understand what the frick Designation of Papers even meant or was, even in my research I could find no information about what does this mean. I was supposed to be doing a brief, and I didn't even know how to structure a brief. I couldn't find any information on how to write a brief. Legal writing is a problem for people. I mean, I'm an amazing writer, like I can creatively write, I can take notes, I can write in the format of teaching advanced science to people. I'm really good at those things. But when it comes to legal writing, there's like a format. No one taught me legal writing. There's no guide of how to do the appeals court. (L1164)*

*I know I bugged a lot of the clerks in the Supreme Court side and also on the appellate side a lot. There was a lot of like phone calls and emails. And it felt like it was very difficult to get a hold of a lot of folks*

*because they're like why are you calling us, don't you have an attorney. And then their computer system actually wasn't very easy to navigate because there were times when it would accept my response or my appeal and then it would reject it, and then I was like emailing the Supreme Court IT folks, and I was testing it in the evening time. And that was another barrier in terms of me trying to submit in time my responses or my appeal. (L1125)*

Another system and process-level challenge reported was that the rules and procedures for the appellate process are completely different from those of the superior court. Further, each county has its own set of systems and processes adding an additional element of complexity. Litigants had some experience of being able to get some information from court staff, but that help was limited as there were hard boundaries around the scope of that help. The information that could be accessed or utilized online was reported to be outdated or unpredictable in terms of user friendliness or being able to submit or upload the proper documentation in a timely manner.

*I was like, okay, the appeals process is so different than the family court process. I could go into family court, file what I needed, and manage it pro se. But appeals? It was so complex. Even with people who had been through it helping me, I still didn't understand it. And for work, I'm a process person. It was overwhelming—on top of the emotions I was dealing with. I got the same document everyone else gets with the process. Even that document was difficult to understand. The cost, the confusion, understanding what needs to be filed and when—it's really hard to navigate unless you're an appellate attorney." (L1137)*

*And the clerks will just default to say that they're not able to give you any advice, and you have to read the rules. And none of the rules make any sense.*

*They're not standardized, they're not simplified. This is one area of law where artificial intelligence could probably help because there should be a bot. I can find out more about Washington State Superior Court rules from ChatGPT than I can from its own papers, from its own rules. (L1134)*

The emotional toll of the process, compounded by the procedural confusion, and in some cases, the trauma of domestic and/or sexual violence, was evident in numerous accounts. Many specifically used the words “overwhelmed” and “re-traumatized” when describing the process. Others noted being exhausted after enduring an arduous and expensive trial only to receive a disappointing judgment. As one litigant explained:

*Navigating this court system and surviving without being traumatized is very hard. You're already dealing with the emotions of your situation, and then the appeals process is just another layer of difficulty. It's really hard to survive. (L1139)*

The sense of discouragement was echoed by another litigant who said:

*So I wonder how many defaults have occurred because people were intimidated and couldn't respond. Or some kind of deadline or some kind of procedure bounced back, you know, kicked back their document or their submission, and then SOL. People get discouraged so quickly because it's a powerful institutional force that is telling them they're doing it wrong. And without any guidance on how to do it correctly or any flexibility to do that. (L1124)*

Systems experts noted that, despite extensive education and experience, attorneys face the same limits, confusion, and challenges with the appellate process. One system expert shared that when discussing the appellate process with their peers, the group agrees that there is

no specific preparation in law school for filing appeals and that when taking this work on for a client, they must figure it out in real time, on the job without a clear process defined. Paperwork and navigating the appeals process was described by a systems expert as being

**“daunting”**  
**“hard to understand”**  
**and “complex.”**  
**(S1009)**

One systems expert polled their clerks, who have a knowledge and understanding of the procedures, on their ability to navigate the court of appeals on their own:

*“I recently asked my staff of non-attorneys—so I have eight non-attorneys who work for me, who work inside the system—and I said how many of you think you could do an appeal by yourself? One who had been a paralegal and has a lot of attorney friends said I think I have enough attorney friends that I could do it. The rest, who work inside the system, and knew all of these rules, did not believe that they themselves could complete an appeal without an attorney. The rules are extremely complex.” (S1000)*

The perspective of systems experts indicates that litigants often needed more support than they could provide. Given the number of unclear rules, forms, briefs and citing of case law coupled with short deadlines, it is easy to imagine the number of dismissals due to litigants being unable to “perfect the appeal.” Some additional complexities reported here:

*Paperwork may include the Notice of appeals, In forma Pauperis, Statement of Arrangements, Designation of Clerk’s papers, GR33, to name a few. Some documents need to have copies made and filed in other locations, there may need to be documentation on papers served to the other party, the list of requirements is long and each document has specific details that need to be present in order to be accepted, in some cases word counts where certain words were exempt from the count. Pro se litigants are held to the same standards as attorneys using the Rules of Appellate Procedure. (S1002)*

The findings highlight an urgent need for systemic-level reforms to address the overwhelming procedural barriers faced by pro se litigants in navigating the appellate process. The complexity of paperwork, lack of accessible resources, and unrealistic expectations for non-attorneys create a system that is inherently inequitable and exclusionary. Systems experts confirm that even those educated and experienced in law experience challenges and confusion working on behalf of litigants. By implementing clear, user-friendly guidance, offering enhanced support, and simplifying procedural requirements, courts can begin to reduce these barriers. Without such changes, the appellate system will continue to disproportionately disadvantage those without legal expertise, undermining access to justice for all.

### **Prohibitive Costs**

For many pro se litigants, the financial obligations were intensified when retaining and paying counsel was added to filing and transcription fees. Furthermore, most litigants interviewed were appealing a family court ruling and had already incurred devastating debt from that court experience. While this discussion is limited to costs related to appeals cases, it is important to consider the

conditions in which many litigants are entering into the appeals process.

The costs associated with filing an appeal were not just unexpected for many litigants, but entirely out of reach. The appellate map in Figure 2 (Appendix) also notes the estimated costs associated with the initial notice of appeal to the daily costs of a trial. Filing fees alone are from \$200 to \$290.<sup>15</sup> It was also reported that retaining and paying an appellate attorney ranged from \$20,000 to \$50,000.

One point that was raised repeatedly was that of getting the required transcripts, generally used to complete the Verbatim Report of Court Proceedings element of the process. According to [RAP 9.2](#),<sup>16</sup> the court requires a very specific format and content for the transcripts which means that litigants must secure a certified transcriptionist with very specific experience, or run the risk of the case being dismissed. Consequently, this decreases the list of options that could otherwise be available (online services, for example) and increases the cost. Costs reported ranged from \$3,000 to just over \$12,000 which again did not include attorney or filing fees, or the cost of transportation or childcare that may be associated with attending the court proceedings. One litigant shared:

*The transcripts were \$12,755. So just to start my appeal in the first 30 to 60 days, it would have been, what is that, like close to \$23,000. So that was not reasonable. And I did also ask the appellate court to waive those fees, and they refused. Like I got indigence ordered on the books. I'm indigent. (L1164)*

Two others shared:

*My biggest obstacle right now, and the reason why I requested two extensions already is that the cost of transcripts is over \$10,000. The lowest quote came in at \$10,000. And the court papers are \$570, and so these are very*

*high fees for me. And that's the biggest obstacle right now as far as getting there. (L1142)*

*There needs to be something for pro se litigants, people who are [indigent] to be able to have those court transcripts done for free, or at an extremely reduced cost. From what I saw, I didn't see any place that was transcribing the court records for free or at a sliding scale cost. (L1173)*

The initial \$290 Notice of Appeal filing fee was reported to be a burden for many litigants. As a result of recent efforts, this fee can now be waived based on indigence. However, most participants in this study were involved in the appeals process before this change took effect. This is a particularly salient point when considering not only the income of pro se litigants but the other hardships they are enduring such as domestic violence, housing displacement, and mental and emotional destabilization. Others had just completed a superior court case and were still trying to recoup the thousands spent on that process. For example, one litigant reported having just spent \$70,000 on a family court case and needing to spend another \$10,000 on transcripts, all without the assistance of an attorney. Other statements from litigants below:

*The Notice of Appeal is literally one piece of paper. I mean, it's like you write one sentence, from what I recall, and it's one piece of paper, and it costs \$290. Most people who are appealing a domestic violence protection order are probably living in a shelter, are probably there with the clothes on their back, I mean, \$290 is a lot of money when you're in that circumstance. For me, for years, that was an unimaginable amount of money to be able to spend on one piece of paper, having no idea what the process is going to be next. (L1111)*

Many survivors of domestic violence also experienced abusive litigation, when the perpetrator of the abuse uses the legal system to assert power and control over the survivor. The abuser can cause psychological, emotional, and financial harm by taking the survivor to court again and again. Washington State legislation formally recognizes litigation abuse as a way that the court system itself becomes a means for survivors to be exploited further ([RCW 26.51](#)).<sup>17</sup> One litigant shared the way these factors create impossible conditions for moving forward with the appeals process:

*Well, for me the level of abusive litigation was so bad my trial was a full weeklong, eight hours every single day, and not to mention everything that led up to the trial that I was including in with my appeal. And so, the cost [of transcripts] was twelve thousand seven hundred and I believe fifty-five dollars. Okay, so we're talking about like a lot of money just to get the transcripts. For most women that is out of reach. But yeah, I couldn't get past Designation of Papers because it was financially inaccessible to me. (L1164)*

It is critical to note that some litigants are simultaneously moving through other systems, such as shelters and incarceration that further limit the personal and financial agency needed to pursue the appeal. A formerly incarcerated litigant, who earned \$2.85 an hour while incarcerated, spoke about the high stakes of borrowing money to pay for his civil case appeals process while incarcerated:

*Because man, if I miss you're in trouble, right? If I don't win, if the person didn't have confidence in my ability to litigate, how was I ever going to repay the money that I borrowed? And transcripts, I mean, this stuff was so expensive. It was such a nightmare. The average person in Washington who has no legal experience and doesn't have the*

*resources—who aren't well resourced, how do they do this? (L1159)*

Another litigant explained how these costs, compounded by a lack of financial support, directly impacted their ability to move forward with their appeal:

*Because you only have so much time after the ruling to be able to even appeal it. But then you spend much of that 30 days learning the system, or emailing the people you need to, or getting the resources you need, or the funding, or whatever, because it costs money for all of it. And attorneys can typically take on that investment—and I'm going to call it that, it's an investment—because they basically front the money to be able to do these things, but when it's a pro se litigant, it's out of pocket. And so that determines their ability to be able to appeal anything, because if they can't pay the clerk's paper, they don't move forward. (L1124)*

All eleven of the systems experts interviewed identified cost as a major barrier for litigants to pursue an appeal. Like the litigants, systems experts noted that the overall costs of filing, transcription, and legal representation will prevent or deter litigants from pursuing or persisting through the appeal process.

*Problem No. 1 is the expense of an appeal. Obviously the biggest expense is an attorney... Attorneys are extraordinarily expensive. Even if you attempt to do this by yourself there are certain expenses associated with an appeal that are not waivable. Under any circumstances, they are not waivable. And those are the expenses of preparing clerk's papers and the expenses of obtaining transcripts. Transcripts are not required in order to have an appeal; clerk's papers are. So there is no way to appeal your case without*

*spending money out of pocket, and there's no way to get that waived or to get that funded. So that's No. 1, is just the cost. (S1000)*

Another supported this perspective emphasizing that if the barriers of cost are not addressed then accessing the appeals process will remain a huge barrier for pro se litigants:

*I also think a bigger probably barrier is cost, and it's not just cost for lawyers. Like of course if you could afford a lawyer maybe you would have one. But it's also the cost to perfect the record, making copies of everything, and getting the transcript. Unfortunately, we don't use public funds to pay for that at this point. So, I think even if you were to describe the system or simplify it a little bit more folks would still have that barrier. There's a cost that we expect the parties to pay. I don't think that's good. I think that's an access to justice issue. (S1002)*

However, additional systems-level recommendations were highlighted from the systems experts' perspective. For example, it was reported that information about costs and fees are difficult to find and that when they are finally located, they are a discouraging surprise for litigants. Both litigants and systems experts reported that filing an appeal comes with unexpected and often overwhelming costs that aren't clearly outlined in the rules. These expenses quickly become prohibitive, with total costs potentially hitting \$10,000. This financial burden can feel exploitative, especially for people desperate for legal relief but lacking the resources to navigate the system.

Systems experts provided details and context on the challenges of finding clear guidance, the confusion of legal jargon, and requiring litigants to submit their information to multiple offices. Additionally, the various departments within the system do not

communicate with each other; access to one part does not grant or enable access to another. In this way, the labor and resources required for pro se litigants to pursue the appeal are multiplied and, in some cases, more than an individual can bear.

*The other thing that I think is super, super hard for pro se folks is just the cost of an appeal, like just getting the records....it would be common sense that if you're appealing a decision, if the systems were talking to each other, that the appellate court should automatically get access to the record below. But you have to do all these extra steps. It's not enough that I file a Notice of Appeal to let parties know that I want to appeal this and let the appellate court know that I want to appeal a decision, I have to take all these additional steps to make sure a transcript is issued, that the record is sent up to the appellate court, that I identify specifically what I want to be sent up to the appellate court. None of that is common sense knowledge for a pro se litigant, and all of that costs money. (S1006)*

The prohibitive costs of the appeals process create insurmountable barriers for many pro se litigants, particularly those already burdened by debt, trauma, and systemic inequities. Filing fees, transcript costs, and attorney expenses quickly accumulate, making legal relief inaccessible for those with limited financial resources. Even with some fee waivers, the cumulative expenses — compounded by a complex, opaque system — leave many litigants unable to pursue their appeals. Without systemic reforms to reduce costs and improve accessibility, the appellate process will remain out of reach for those who need it most, perpetuating cycles of injustice and exclusion.

## Challenging Deadlines and Timelines

Time is a significant barrier for litigants. Time encompasses both the strict 30-day deadline to file a Notice of Appeal, and the lengthy duration required for the appeal case to be reviewed and resolved. Litigants frequently expressed that meeting the 30-day deadline was burdensome, especially when coupled with other deadlines and the overall complexity of the process. This included tasks such as completing paperwork, finding and paying for a transcriptionist, assembling exhibits, writing a brief, conducting legal research, and submitting required documents. Some also incurred additional costs and spent time seeking and securing assistance from an appellate attorney, pro bono lawyer, or nonprofit organization to obtain legal advice or information. Many litigants report struggling to figure out a completely unfamiliar court system, with different rules from the lower courts and all within the confines of a 30-day period where rapid and effective decisions needed to be made as these decisions often were the foundation of their appeals case.

*I think usually when something comes down like that, you've got the pain and grief of sitting with it, but then also within that you have to immediately figure out a course of action, figure out your deadlines, figure out how to research who might be the appropriate contact for that. And that can be massively overwhelming. To be honest, it took me a week to even function. There were a couple nights I didn't sleep. I didn't know how to move forward with that. (L1132).*

Many litigants described the timeline as unreasonable and unmanageable, particularly for those who have experienced trauma. One shared:

*Filing the Notice of Appeal within 30 days. If you don't have experience with the appeals process or really knowledge of the system, to file the notice within 30 days.*

*And in some instances, like for me, this is my child that was taken from me. We're talking about people's children, we're talking about maybe in criminal law you might be in jail. People are traumatized. So 30 days is not enough for someone who could have just potentially went through one of the most traumatic things of their life, and who doesn't even really understand the system to be filing a notice. I think that should definitely be extended at least somewhere between 60 and 90 days. That's personally what I feel. I think that could be a big barrier because if you miss that 30 days, I mean, that's pretty much it. You lose your right. (L1173)*

Despite all of the deadlines for filing, there is no set deadline as to when an appeal will be resolved. This also is experienced as a significant burden for litigants. One systems expert noted that the appeals process is inherently lengthy, which only added to the burden:

**But if you tell someone yeah, you could file an appeal, but at the very least it's going to take 18 months, at the very least, and it's probably going to be more like two years from start to finish, they're like how is that even helpful, right? (S1007)**

The prolonged uncertainty left many litigants feeling overwhelmed and hopeless. Another litigant highlights the bind many people considering filing and appeal have:

*Basically the whole process, because you're traumatized and exhausted, it feels like you need more time to be able to respond. But at the same time, the whole process takes so long that sometimes by the time there is the actual hearing, and then the actual decision-making, does it even apply to what you appealed in the first place? So it's kind of a tricky situation. And then there's no promise of an absolute resolve or justice because it either goes back to the trial court or your former spouse could file another motion in another way and just drag things out for years. (L1139)*

Together, these barriers of cost and time render the appeals process inaccessible to many, particularly those from marginalized communities or with limited resources. As one litigant aptly summarized:

**It's quite an ominous procedure to begin with, without all of these compounding obstacles. And it just gets overwhelming. I mean, that's why people don't even start it, because they're like I can't, it's impossible. They don't even think of it as an option. (L1124)**

Systems experts highlighted the reality of people's lives as they are waiting for an appeal resolution:

*Especially as a pro se person, sometimes, like if you're co-parenting with your abuser or you're dealing with eviction and a problematic landlord, you are still forced to co-parent, or you are still dealing with that eviction on your record, and your life is still*

*dealing with the consequences of that terrible decision at the trial level, and the appellate process takes maybe two years. And so sometimes even when you do get a just decision the consequences, the negative consequences have already occurred. (S1006)*

*There's so much more going on in their lives that having this case drag on for another couple of years, even if they could get some, maybe, marginal relief, or even more than marginal relief, it just wasn't worth the emotional energy and the time that it would take when they are taking public transportation to get to work, trying to work, trying to manage children, trying to keep a roof over everybody's head. Like they had so many more critical needs that it just wasn't worth it. (S1007)*

Several systems experts illustrated the impossibility of meeting the demands within such a short time frame given the challenges faced by people, especially those with marginalized identities, in navigating the appellate system. The strict 30-day deadline to file an appeal or draft a lengthy legal brief is unrealistic for individuals balancing work, caregiving, or mental health struggles. Access to resources, like law libraries, is limited, and the system's complex, inaccessible language makes it even harder for people without legal training to understand their rights. Missing the initial appeal deadline has severe consequences, while other deadlines may be flexible — a nuance often unknown to those without legal experience. These systemic barriers disproportionately impact those already facing poverty, trauma, or intersecting forms of marginalization, making it nearly impossible for them to advocate for themselves effectively:

*How long would it take a person to research and write a 50-page legal brief? Often, they're due within 30 days. If someone's working full-time and has family care obligations on*

*evenings and weekends, when exactly are they supposed to write a 50-page brief? When are they supposed to go to the law library? Which, by the way, is going to be open Monday through Friday 8:00 to 5:00, which might be when they work. So, all of these things compound for anyone who lives in poverty, or anyone who lives in a more rural area, or a resource poor area. (S1000)*

*If you have mental health issues it doesn't mean that you're not competent to say what's important to you. But these really, really strict deadlines. I'm supposed to figure out if my case can be appealed within 30 days of the decision? It may take me three weeks just to get out of bed because of how shitty that decision was. It's not conducive to pro se folks, especially when you have marginalized identities, and if you then have these intersecting identities, where, using my client, the example that I used before, woman, person of color, mental health issues, past experience of significant sexual trauma, and all those intersecting identities really shape how she's navigating the world, and this kind of appellate system was not a system that she would have succeeded in in any way. (S1006)*

The rigid deadlines and prolonged timelines of the appeals process create overwhelming barriers for litigants, especially those balancing trauma, caregiving, work, or limited access to resources. The strict 30-day window to file a Notice of Appeal — coupled with complex requirements and the emotional toll of navigating an unfamiliar system — makes timely action nearly impossible for many.

### **Scarcity of Clear, User-Friendly Resources**

“Resources” as it pertains to this section are defined as tools, resources, and information available to litigants to assist them with understanding, learning about, and moving through the required steps of the appellate process.

Most litigants indicated that essential and basic resources were often absent from the appellate court. **More specifically, litigants reported needing:**

- **Basic, user-friendly instructions to describe out the appellate process step by step**
- **A consistent and accessible point of contact to answer questions about the process**
- **Examples of completed court forms to model and replicate for their own case**
- **Legal advice and information**

The absence of these fundamental elements not only left litigants feeling lost, but helpless in resourcing themselves in pursuing their rightful appeals. In addition, the lack of information prevented litigants from having what they needed to weigh the pros and cons of appeal and accurately determine the cost and labor required for the appeal.

The use of legal jargon was an additional nuance that litigants pointed out as a lack of helpful resources. The majority of pro se litigants interviewed spent an exorbitant amount of time researching exactly what each form or step meant (such as “Designation of Clerk’s Papers” or “Statement of Arrangements”) as well as how to actually complete each step of the appeal. The need for plain and accessible language was mentioned as a critical step to improving the process.

*Very long, and hard to understand the system. a bunch of lists of resources, like call this, and call this, and call and call. And you just call*

*the time people, and I don't know what you're talking about—no-no, this is not the place, no-no, and this whole conversation, no-no-no. Even when you talk with the court, it's like they don't know. (L1112)*

*I mean, if there had been plain language documentation. I think that's an enormous first step, is having plain language forms available for people. And that's not, you know, I mean, that's everything from the style of those forms, that there's enough spacing to look at them, to review them, that they point you to the correct places to get help and assistance. Plain language. I will champion that until the end of time. It's really important. (L1131)*

*If I had not had examples from other people this probably would have been a lot more difficult for me. They don't make it easily accessible on the website. So even the appellate brief, I pulled their example, and it's the most ridiculous thing I've ever seen. Like it does not explain anything. I think I had that advantage that I know where to go to be able to get examples so that I can visualize. (L1141)*

The system's complexity worsens the lack of accessible information, as litigants often have to conduct detailed research to understand how to properly cite sources and meet the court's strict content and formatting requirements<sup>18</sup> for forms and briefs.

In response to the lack of information and guidance, one litigant decided to create her own resources for other pro se people attempting to file an appeal.

*We've created a resource online, and then we, you know, in groups on Facebook and other social media, when others ask how to do this, we're always like check out this website. It's a completely free website with resources. But there's no information online.*

## **There's no guidance on how to navigate. There is no how-to, and that makes it a lot more confusing. (L1116)**

For systems improvements, litigants consistently named the need for individuals or organizations to provide legal advice and information. Free legal advice and information were of specific interest to pro se litigants who were considered indigent. Several litigants sought support from non-profit agencies, while others attempted to locate attorneys who specialized in appeals. Litigants detail the difficulty of trying to locate, navigate, and obtain resources within the short time frame. Many non-profits had little resources and often could not provide support to pro-se litigants. Further, the organizations often communicated this late in the game for those trying to file an appeal. For individuals who sought attorneys specializing in appeals, it was noted that not many attorneys specialize in this area and that having the funds to retain these attorneys were often impossible to generate in a short time.

*Free representation. I just feel like I reached out to a lot of people... And it seemed like it was the same old thing. I was kind of getting the same information from all the resources. There was no one willing to represent me. And it's like ...where are the attorneys that are doing that, the pro bono work? And I know they're out there. But they can be difficult to find. I feel like there needs to be a more streamlined process to getting pro se litigants, or just litigants in general, like people who are experiencing the appeals process connection with pro bono attorneys. (L1173)*

*I mean, definitely having an attorney would be helpful. But of course, I can't afford one. And I was turned down for one. I know that there are limited resources...But at the same time I'll tell you that before the trial, even*

*before the appeal, I tried every single organization that exists in Washington state asking them for help, and I spent weeks doing this, and nobody would help me. (L1142)*

Several systems experts (87%) confirmed litigants' experiences of insufficient and unclear guidance, particularly self-help resources for pro se litigants. Systems experts also cited that

**lack of access to clear information, legal advice and/or representation in a timely manner puts pro se litigants at risk of missing important deadlines to even have their appeals heard by the courts:**

*Perhaps it's because they don't know where to look, but it does not appear that there are a lot of instructions for pro se's to access the appellate court. There also does not seem to be forms that are readily available. And because there aren't forms, there aren't instructions. It's always struck me as odd that trial courts are expected to provide instructions and explain the process, and have all that on our website translated to various languages, and the appellate courts don't seem to be held to that same expectation. So, I always, I feel very badly. (S1005)*

*There's a lack of understandable legal information about how to proceed, what to do, how it works. (S1008)*

Another systems expert confirms pro se representation and access to legal advice is very difficult:

*There's very few pro bono attorneys. And self-*

*-representation is hard. The reason lack of an attorney is a problem is because of the complicated procedures. I think rigid timing rules. Very few self-help resources. I think the ultimate requirement to write a legal brief is very difficult for people who have not gone to law school. (S1000)*

The scarcity of clear, user-friendly resources presents a significant barrier for pro se litigants navigating the appellate process. Litigants repeatedly emphasized the need for plain-language instructions, examples of completed forms, and accessible guidance to simplify an overwhelmingly complex system. Without these supports, many spent excessive time and effort attempting to understand legal jargon, meet rigid deadlines, and locate scarce resources. The lack of free or affordable legal assistance exacerbates these challenges, leaving litigants feeling unsupported and disconnected.

**Barriers to Access for People with Disabilities or Limited English Literacy**

Many government and legal systems were not originally designed to accommodate the diverse needs of individuals with disabilities or those with limited English literacy. As a result, litigants and system experts have noted specific challenges faced by these populations. The term accessibility primarily refers to the ability for one to access environments, technology, products and services. Although this term is often specific to persons with disabilities, this discussion also includes people with limited English literacy and people with mental health challenges ability to access information, court environments, and services.

**Disability**

About thirteen percent of litigants identified as being disabled and/or neurodivergent. Two respondents with a disability reported needing accommodations and filing the GR33 form to receive specific support navigating the appeals

process; however neither actually got the accommodations they needed. General Rule 33 (GR 33)<sup>19</sup> - Request for Accommodation by Persons with Disabilities is a form that is available for individuals with disabilities to request accommodations be made for their disability to more closely match those of the Americans with Disabilities Act. One person had their request granted but got no responses after they continually followed up to implement the accommodations. Another filed a civil rights violation after they didn't have their request met to explain the proceedings, verbiage and process in a way they would understand. Additionally, there was a burden of filing for an accommodation at even the most simple needs which made the process even more cumbersome.

*We were asking a basic question on procedure and they told me I needed to file for an accommodation to ask the question. If I blind person comes in there and says they need a restroom and asks you if you can direct them to it, are you going to make them fill out an accommodation form just to learn where the bathroom is? Or, just tell them because they can't see the sign? (L1178)*

Disability access was noted as a concern for almost half of the systems experts. Confirming that many litigants with disabilities file the GR 33 form, one system expert notes that the form is

**“unclear what accommodations can be offered.” (S1000).**

Another expert noted that a court's ability to accommodate is often limited by resources available to the court and that these requests are “routinely” denied. (S1002).

A form to improve access for people with disabilities will be effective only if there is clear information about available services and sufficient resources to provide them. Systems experts primarily highlighted cognitive abilities and mental health challenges for court users seeking services, rather than physical demands. Respondents noted the impact on filing and appeal for neurodivergent litigants, including those with dyslexia, ADHD, or autism, who may process and communicate differently. Many pro se litigants also face mental health issues such as stress, anxiety, and depression that further complicate court navigation.

**For people who have mental disabilities or differences, it's a very stressful process. This exacerbates mental illness issues, mental health issues. The process for accommodating, or requesting accommodations is actually a fairly complex process. (S1000)**

#### ***Language Access***

Both navigating the system and understanding the system and forms were noted as being exceptionally difficult for both native and non-native English-speaking populations. The combination of legalese, lack of clear instructions and forms, and the complex process presented special challenges to people who were not native English speakers or people who have low literacy skills.

Native English speaking litigants noted that although court forms and information were written in English, it was “a completely different language” at the appellate court, even different from the language used at “the lower

courts.” (L1111). As a non-lawyer, for several litigants, it was “hard to understand the law language.” (L1113)

Non-native English speakers noted that Google Translate and other translation services were unsatisfactory because of the complex English. While court translators exist, not all languages and dialects are court certified presenting a challenge for some limited English proficient individuals. One litigant reported having trouble with translators due to the difference in dialects and also noted that her attorney discouraged her from using an interpreter because information would be “lost in translation.” (L1150). Also, due to resources and demand, some courts are unable to staff a translator on site; as a result, limited English proficient individuals who visit the court in person may not be able to obtain the support needed to access court systems.

Another litigant found help in her native language and still faced a major challenge:

*The person who was helping me was a young lady, and she is bilingual, and she’s Hispanic. And she helped me a lot. But she was speaking in Spanish. And every time that I need to ask, I’d go with her. And at a certain point she told me my boss, she’s unhappy, and she don’t want me to take your calls. And she say that I need to cut the call, right? I think she told because she doesn’t understand what I was saying, you know? Which is the reason because she’s there, right, because she is bilingual...So at the end when I call, they don’t put her on the line. They gave me somebody in English and say you know, [name], we don’t know. And they don’t help me in the way the other navigator was helping me. (L1112)*

Language access for limited English proficient individuals was a challenge due to a lack of materials translated in court user’s native language and the ability to access interpreters. Systems experts report there being insufficient materials readily available in multiple

languages such as letters, court rules, and forms. Courts are responsible for funding the translation of forms. It was noted by one respondent that they “don’t have funding for that” (S1002) which becomes a barrier for limited English proficient people to file paperwork needed for the process.

### **Literacy**

Literacy is an issue for many pro se litigants. This includes the ability to read and write as well as the ability to comprehend written materials. There are varying education levels of pro se litigants, and most have no formal law training and have additional difficulty comprehending the law, policies and procedures of the appellate court. While there is some access to law libraries, that alone does not provide accessibility in terms of materials being presented in an understandable way for lay people, and especially for people who have literacy challenges.

One formerly incarcerated person (who had been incarcerated as a juvenile) shared:

*I mean, they had the law library that you could go into. But that’s always been a difficulty for me, like just to read something and do it by myself is like one of the ways I just don’t learn. So my biggest barrier was that, is not being able to understand what to do in that process. (L1202)*

**A systems expert noted that legal rules are difficult to understand because they are "not written in everyday language" and lack clear rationale, making them inaccessible for people with lower reading levels. (S1008)**

Another expert highlighted that marginalized individuals are often overrepresented in criminal cases and face educational deprivation and system exclusion. This lack of access to essential tools, including the ability to interpret complex legal procedures, poses significant challenges: "Lawyers are challenged, and people who haven't finished high school would be further challenged to parse what the expectations are." (S1004).

The findings highlight significant barriers to accessing legal systems for individuals with disabilities and limited English literacy. Court processes and forms often use complex language, creating difficulties for many litigants, including people with cognitive disabilities, neurodivergent individuals and those with mental health issues. Accessibility is further hindered by insufficient resources for accommodations and translation services. Systems experts emphasized the need for clear communication, accessible materials, and adequate support to ensure equitable access to justice.

## **Distrust of Judicial System and Judicial Officers**

### ***Lack of Trust in Judicial System***

*I just didn't know what to do because the trial really eroded my trust in the justice system.... A lot of things that were just, you know, I just felt like yeah,*

**I don't have a lot of trust that the system is ever going to care about me. (L1122)**

Of the 35 litigants, 28 discussed their lack of trust in the judicial system. Overall, these respondents expressed a sincere disappointment in what they perceived to be

their constitutional right, a judicial system that they believed would protect them and their families. As they navigated the lower courts and the appellate courts, a majority of the respondents developed a belief that the system that they hoped and expected to protect them actually systematically set them up for a journey that rarely led to success.

Many respondents expressed feelings of futility in being heard and navigating the judicial system, particularly the appeals process. Although the system ostensibly allows citizens to appeal decisions, some civil litigants were not informed of this right. Others found the process effectively inaccessible due to financial barriers, describing it as "cost-prohibitive." One litigant likened the experience to a "Catch-22 situation" where legal errors warrant appeal, but insufficient funds prevent pursuing it:

**"It's a financially abusive place to be in, to think do I fight this or do I fight the next one." (L1132).**

The appeals process presents significant challenges, with litigants noting stark differences in language and procedures between appellate and lower courts. One litigant described the Court of Appeals as "a completely different language," where even experienced trial attorneys struggle to navigate without specialized training, requiring the hiring of a "whole new set of attorneys." (L1111). This creates a sense of helplessness, as one participant put it, "you cannot fight the system," (L1123), a sentiment echoed by others, including a biblical analogy comparing the struggle to "fighting Goliath with grains of sand." (L1143). Trust in the system erodes as litigants find the appeals process

unpredictable and inconsistent, with two participants describing it as the "wild west." (L1111, L1131). One litigant recounted how, in the lower courts, she felt confident navigating the process by researching judges and reading statutes, but the shift to the appellate court was jarring.

*What was shocking to me was how it was a completely different language from the Superior Court level to the Court of Appeals. I didn't understand half of what they were saying. Even attorneys can't just go to the Court of Appeals after practicing law at the Superior Court level—they can't do that because it's a completely different language. (L1111)*

Several litigants described feeling traumatized and retraumatized throughout the legal process. Some referred to it as abuse, with the system and their abusers using litigation to further perpetuate their trauma. Words like "steamrolled," "dehumanized," "slamming your head against a wall," "no help," and "no faith" were among the ways litigants expressed the emotional toll of their judicial journey.

*I think a lot of people say the system is broken, and I used to say that, but I now look at the system and see that it is designed to work the way that it does and that it is actually not broken. The system is working the way it is designed to work. And that is very evil. It is very evil. It is designed to protect criminals and abusers, and the system is used to take advantage of people, very clearly. (L1164)*

Concerns that the court system exhibited signs of corruption were mentioned by six litigants, particularly citing the relationships between attorneys and judicial officers. Some felt these connections fostered biases in their cases, while others questioned the objectivity of external figures like Guardian Ad Litem and evaluators who were often paid by law firms. One litigant, in particular, described her disillusionment with the system, comparing

"It really just... I'm shocked to this day that as a mom with no criminal record, no substance abuse, no drugs... I was placed on supervised visits. Really?" she said, reflecting on how her treatment in civil court felt more restrictive than that of a registered sex offender. She found the corruption more troubling than any she had witnessed growing up, describing how it was now "done behind the scenes" in ways that were far harder to pinpoint and more terrifying.

## **"It's really scary"**

she concluded. (L1116). This experience influenced her trust in the appellate system. Approximately eight litigants discussed questionable decisions made throughout their case. These decisions were often referred to as being a legal mistake by judges. One litigant noted that they felt as though the judicial officers were intelligent enough to know how to make a biased decision without leaving a trace of a legal mistake. Other litigants suggested that there was a protected enclave amongst judicial officers by which they would protect one another rather than agree that a mistake had been made. Another litigant noted that the flaw of having different judicial officers for multiple cases often led to judges having a limited view of the pervasiveness of litigation abuse and a comprehensive overview of the story.

*When you have an inconsistency in review, and you have so many different commissioners and judges that hear the initial cases, it gets lost, right, because they only see a tiny postage stamp of the entire story, and they make a decision and determination on that. (L1132)*

A few litigants note that there is a lack of accountability within the system. Without review of judicial officers' decisions, particularly by a suggested three additional judicial officers (appeals judges) would allow

bias and improper decisions to continue to permeate the judicial system, eroding trust, and efficacy. As one litigant noted:

*So people need to be held accountable. The system needs to be accountable to itself. Like you can bash me, but if the players, if officers of the court are allowed to be lawless, the system is going to breed lawlessness or worse... (L1134)*

Systems experts overall were very aware of the lack of trust in the judicial system that pro se litigants had as they interacted with them in their various roles. A few systems experts took a macro view of distrust in the system bringing forth the perspective of marginalized groups.

*When it comes to BIPOC and LGBTQ communities I think the lack of trust in the system is one issue. If you felt you were treated in a racist fashion at the superior court, does one really look up to the appellate courts as a place for relief from racism? I don't think that's how people perceive large government institutions, as a place to get relief from or validation of their experience as the victim of a racist lower court system. The system is sort of... So, I think the lack of trust is real. (S1000)*

### **Lack of Trust in Judicial Officers**

Litigants who file appeals are doing so because of judicial bias or an error of law, and many expressed frustration over the judge's decision in their civil case. Seventeen litigants shared a deep mistrust of judicial officers, citing instances where decisions contradicted written law or ignored the safety of children or abused parties. Common complaints included judges failing to review case files, making decisions without evidence, accepting motions that were not properly complied with, and signing off on orders without thorough review. Some also pointed out that decisions were influenced by a judge's experience in a different court, or conflicts of interest went undisclosed. One litigant described how a judge signed off on an order that included an unjust provision:

*The judge signs off on it, doesn't cross it out, doesn't do anything, so now I'm subject to reallocation for this... at the end of trial there was over \$100,000... that they ordered me to pay, including \$24,000 just to start an appeal." She expressed frustration with the lack of accountability and access to relevant case law, asking, "Why isn't there [case law]? This is why" (L1164).*

The lack of trust in judicial officers grew even more pronounced when children's lives were negatively impacted by court decisions. Several litigants expressed distress over how judicial rulings exposed their children to further trauma. One litigant described how a judge's decision to grant full custody to her abuser led to her children witnessing domestic violence once again.

## **This judge ruined my life, but he ruined my children's life...**

*because my abuser is remarried, and his new wife is also calling 911, and she's being abused. This is his third victim. Now we have my children witnessing domestic violence all over again because this judge gave him full custody and said that my PTSD prevents me from being a parent, a safe parent. (L1116)*

Another litigant noted that the system's failure to quickly prioritize children's well-being reflected a broader societal issue: *"The state of Washington is not only participating in and culpable in child abuse, they're perpetuating a system that is producing a societal ill."* (L1134). These cases underscore the emotional and psychological harm caused when judicial decisions fail to protect vulnerable children.

Five litigants expressed concerns about the lack of accountability and oversight of judicial officers, particularly newly appointed judges. One litigant recounted how a newly appointed

judge, just two months on the bench, ignored changes in domestic violence law and denied her protection order, citing reasons prohibited by the law: “He just blatantly said I’m not going to do it... I had enough experience at this point... I knew what the law was, I knew what it said, and I knew how it was applied, and it just didn’t matter... cowboy judges just doing what they want.” (L1111). This frustration was shared by others who considered judges to be abusive in their discretion, with no external checks to correct errors. As one litigant put it,

**"Judges have absolute immunity... if the decision ends in the death of a child, they still get to keep working. There's no punishment... it's the prisoners running the prison." (L1145).**

Several litigants also noted that poor decisions by judicial officers were recurring, often impacting child safety. In some cases, the same judge made similar rulings against multiple families with comparable circumstances. Concerns about retaliation were also raised, particularly when appeals were returned to the same judge who made the original decision. One litigant described the fear of retaliation: “It’s not only retaliation from my abuser at trial level, but it’s also retaliation from the judge... we argued his ruling was erroneous, and we told the judge it was unconstitutional to place a gag order.” (L1116). This lack of oversight and potential for bias raised serious concerns about accountability in the judicial system.

Systems experts highlighted concerns about a potential dynamic that could erode trust in judicial officers when appellate courts send cases back to the original judge. Typically, unless directed otherwise by the appellate

court, the case is returned to the same judge. Systems experts noted that, ideally, this process serves as an educational opportunity for the judge to learn from the appellate court's guidance and avoid repeating mistakes in future cases. As one expert explained, “We’ve seen appeals where it’s gone back to the trial judge... it’s been an educational opportunity... making sure the trial court knows what it did wrong and why it was wrong” so they can improve their future handling of cases. (S1006). However, some judges may not view it this way. Some take the feedback personally or resist change, especially if they feel they have little to lose, either due to not seeking reelection or because they hold significant power in their jurisdiction. This lack of accountability can undermine trust in the system, as litigants and experts alike question whether judges will learn from their mistakes or simply maintain their behavior.

The stories of these litigants underscore a deeply troubling reality: a justice system that many once trusted to protect their rights and families instead became a source of profound disappointment, trauma, and erosion of faith. Their experiences reveal systemic barriers, inaccessible processes, and a perception of bias and inequity that perpetuate harm rather than resolve it. From the complexities of appellate procedures to the unchecked discretion of judicial officers, the voices of those impacted highlight a system perceived to favor those with power and resources, leaving vulnerable individuals to navigate an often insurmountable path alone.

### **Bias Against Marginalized Groups**

Litigants were asked if they thought that their culture, background or identity influenced their experience with the appellate process, and if so, how.

Most litigants shared examples of either how they experienced bias during their civil case trials or how they were aware of the advantages that they had related to their culture background or identity that likely influenced their experience.

The appellate court process is designed to provide individuals with an opportunity for redress, ensuring that errors from lower court decisions can be corrected and justice served. However, for many marginalized groups, this system is far from equitable. Litigants from diverse backgrounds, including women, people of color, immigrants, individuals with mental health conditions, and pro se litigants, reported experiencing significant bias and discrimination at multiple levels within the legal system. This bias is not confined to one aspect of identity but rather intersects in complex ways, compounding the struggles of those already disadvantaged. This section explores the various forms of bias these individuals face, shedding light on how their gender, race, mental health, immigration status, and lack of legal representation often influence the outcomes of their cases, sometimes with devastating consequences.

### **Gender Bias in the Legal System**

Gender bias was identified as a significant challenge by approximately nine litigants, predominantly women. These women frequently described instances where judicial officers displayed favor toward men, treating them with more respect and leniency while undermining or dismissing the claims of female litigants, for example, granting a protection order to men with no evidence after denying the woman's request when providing evidence, joking with men during the proceedings or not holding them accountable when showing up late to court.

Additionally, some women reported experiencing subtle yet impactful biases in the way they were treated. One litigant described how a judge seemed to assume that household

responsibilities were her sole responsibility, saying,

**“...he views what I was doing as women’s work...and the court just allowed these conversations to manifest.” (L1139).**

This assumption was not just a personal judgment but a deeply ingrained stereotype that influenced how her case was handled. She noted the judge never questioned why the husband didn't help or support the household activities, but rather appeared to take the stance that it was exclusively her responsibility. In fact, her abuser submitted photos of a messy house as evidence and it is now a public record:

*But even like for me having a messy house and not being able to clean it up due to an assault, and then to have my ex take pictures and submit it to a public court process is humiliating to me, because I take pride in having a clean house. And yeah, occasionally we have messy houses, and we go through hard times, and we can't... There was one point where I was standing on one foot with my leg up on the counter, hardly being able to breathe and trying to wash dishes with one arm, due to assaults and abuse that I had endured. But the court doesn't know those things. (L1139)*

Women reported witnessing preferential treatment given to male lawyers by judicial officers: *“(the judicial officer) didn't refer to my lawyer, who was female, by name, but he did refer to his male lawyer by name and showed a lot of respect to him. And he did not do that to my female lawyer. And so, I felt like sexism was predominant in that particular hearing.” (L1139).* Another female litigant

reported her male attorney as leveraging his power by forcing her to agree to things. She describes meeting with counsel:

*I was literally told by my counsel that I have to ask just for specific things, and if I don't do that—in the parenting plan, whatever he's saying—and if I don't do that, he's going to leave me. And I found that very unethical, but the experience was that's how you're talked to when you are a DV survivor, when you are a woman who doesn't have the power, or the money, or the finances and resources and the other person does. (L1150)*

Some women even reported trying to appear more meek or submissive because they noticed increased hostility from the court toward women who were confident or assertive in their cases. (L1143). This demonstrates how gendered expectations shape the way women navigate the court system and how they are often forced to alter their behavior to achieve any semblance of fairness.

While many of the accounts reflect bias against women, there were also instances where men experienced challenges based on their gender. For example, one woman reflected on the systemic bias favoring women, stating, *“I think a lot of judges, and a lot of just people in general, tend to think that a mother will take better care of their children.”* (L1173).

### ***Race and Ethnic Discrimination in the Appellate Process***

Racial and ethnic biases in the legal system were also prevalent, with six litigants sharing experiences that suggested a systemic racial disparity in how cases were handled. One formerly incarcerated litigant compared his experience with that of white counterparts, despite committing similar or more violent crimes, white defendants received lighter sentences or successful appeals. He explained that in the Court of Appeals, he experienced a judge who upheld his sentence for bank robbery because he didn't have the discretion

to reduce it, and then a year later a white person went to the same judge for a more violent crime: *“A white guy... shot at the police with an AK-47... started off with 100 years, but was re-sentenced to 22 years.”* Meanwhile, the litigant explained he had originally been sentenced for 67 years, and his appeal was denied despite the judge expressing regret over his lack of discretion. (L1201). Such disparities in sentencing raise serious concerns about the racial prejudices embedded in the system, where individuals of color are often subjected to harsher punishment than their white peers. While this example is from a criminal case, this influenced this respondent's thoughts about the reality of the Court of Appeals being unbiased in his civil case.

Two other litigants reflected on the intersection of race and cultural identity, noting how people of color, especially Black individuals, are often negatively stereotyped in legal proceedings. One litigant commented on how a racially biased society impacts court decisions:

**“I am completely jaded by the appellate system.”**

I don't believe in its efficacy. I think there's a three-tier system—first, individuals who have money and then individuals of color, and then the third tier is a combination of both of those subcategories.” (L1201).

The challenges faced by litigants of color were compounded by a lack of understanding from attorneys and guardians ad litem, particularly in cases involving intersectional identities such as those of queer people of color. One litigant, a queer Black mother, shared her frustration with the lack of empathy from her white attorneys in her civil case, stating, *“I ended up having to find a third attorney,*

**“...finding someone who could represent a queer Black mother because it is a different ball game representing someone with my identities in a system that was never meant for me.” (L1173).**

This reflects a broader issue of representation and understanding within the legal system, where the needs of individuals from marginalized communities are often dismissed or misunderstood.

### ***Mental Health and Disability Bias***

The intersection of mental health and the legal system was another source of bias that negatively affected litigants. For some individuals with mental health diagnoses or disabilities, these conditions were used against them to limit their parental rights or credibility in court. One litigant, who had a traumatic brain injury, shared how their disability was weaponized to question their competence as a parent, despite their achievements as a “functioning, taxpaying citizen.” (L1204). Another litigant described the court’s tendency to dismiss mental health issues not understanding that sometimes the mental health issues are a consequence of navigating the legal process: “This case has driven them crazy...you’re going through this, and it’s traumatic for a lot of people.” (L1173). In these instances, mental health concerns were not treated with the care and attention they deserved, further exacerbating the challenges faced by individuals already struggling with their conditions. The trauma that can accompany a civil case may be a deterrent to those interested in appealing.

*Expense and confusing process is what keeps people from appealing. And fear. Fear of reprisal, fear of things getting worse, because*

**“... the trial experience is so horrific, and psychologically damaging, and stressful.**

*There is a system in place that’s meant for you to use. And then when you go use that system you’re treated like crap, when you’re not a criminal, you didn’t do anything wrong, you need help. (L1145)*

### ***Barriers Faced by Immigrants and English Language Learners***

Immigrants and English language learners also described navigating a legal system that was not built to accommodate their needs. Four immigrant women spoke about the lack of resources available to them, which compounded the difficulty of understanding complex legal processes and fighting for justice. One immigrant litigant shared, “Well, it’s just, you know, the court system is not geared towards victims, and immigrant victims...even my own attorney gave me wrong advice, and I consider it to be deliberate.” (L1116).

### ***Bias Against Pro Se Litigants***

“I think a lot of the judges look down on you when you’re pro se.” (L1125). Pro se litigants reported another form of bias that shaped their experiences. Seven respondents noted how they were dismissed, often ignored, or treated with disrespect by judicial officers. One litigant reflected on the different standards applied to pro se litigants versus attorneys, saying, “I saw them hold pro se litigants to a standard and then not hold the prosecution to that same standard.” (L1201). Another pro se litigant mentioned how they were made to feel inferior due to their lack of legal training, with subtle biases in the way cases were handled. These experiences reveal the difficulties faced by those without formal

legal representation and the inherent bias that exists against them. For formerly incarcerated people this bias was compounded by their status as an incarcerated individual attempting to represent themselves on civil cases:

*I feel like it's looked upon with negativity. When you see that you're sending something legal mail with the DOC number on it instead of having a lawyer send it from his office and whatnot, like I literally got so much more traction when I had a lawyer doing it from outside on the streets. Way more traction. I got way further. (L1200)*

Two pro se litigants reported observing a strong historical and friendly rapport between opposing counsel and the attorney, suggesting a friendship outside of the court. They also described banter between attorneys and judicial officers that did not occur with them as pro se litigants. (L1124, L1125).

Systems experts echoed many of the experiences reported by litigants, highlighting pervasive bias within the court system that often goes unaddressed. One expert reflected on their personal journey, noting that before working within the court system, they believed in the existence of latent racism but did not fully grasp its deep impact. However, once involved in the system, they were confronted with discriminatory practices that were deeply ingrained, including the treatment of women, who in the hierarchy of minorities are often regarded as a "quasi-minority." The systems expert observed how these biases hinder litigants' ability to represent themselves effectively, as they are subjected to behaviors and attitudes that undermine their rights and create barriers to a fair trial. (S1010).

Despite some progress in recognizing bias, particularly in relation to immigration, experts noted that these efforts remain inconsistent and ineffective. One systems expert acknowledged that higher courts have begun to identify anti-immigrant biases within juries

and other systems. However, these observations are not always translated into fair legal outcomes. The systems expert pointed out that while some appellate decisions reflect anti-racist ideals, others still fail to properly apply these principles, reinforcing the inequities that litigants experience. (S1006). This inconsistency undermines the fairness of the court system, leaving those affected by systemic biases with limited recourse.

Systems experts also highlighted the challenges faced by individuals dealing with domestic violence and mental health issues. One expert described the common stereotype in cases involving domestic violence, where abusers often claim their victims are "crazy." (S1008). This harmful assumption is deeply embedded in the system, influencing how cases are handled and further perpetuating bias against survivors. Additionally, in cases involving women of color, experts pointed out the lack of recognition by the courts of the intersection between racism, misogyny, and violence.

*I think about a lot of our cases, whether pro se or represented, where it's women of color, particularly, systemically there's already research about how Latinx and Black women experience more extreme violence in sexual assault because of just the inherent misogynistic and racist systems that we have. It's almost like from centuries, whether it's slavery and all that stuff, the system is not critical enough to recognize that sometimes it's much more forgiving of the level of violence women of color experience. And so you see these appellate decisions come back where maybe they're affirming the court or they're saying yeah, you know, the judge has so much broad discretion, it's actually okay. We may not agree, or yeah, but it's actually within the court's discretion to make this decision.*

**“...And in the end what they’re doing is affirming heightened violence that women of color are experiencing. (S1106)**

The systems experts also shared troubling personal accounts that illustrated the disrespect and intimidation faced by litigants in the courtroom. One expert recounted a disturbing experience in which the opposing party was allowed to yell at them across the room while they were testifying, an incident that was completely ignored by the court. The expert emphasized how this kind of behavior significantly impacts a litigant’s ability to present their case, yet the court’s failure to address it highlights how these issues often go unnoticed, particularly for minorities. (S1010). Another expert discussed the frequent fraternization between legal professionals, noting that in one case, a parenting evaluator was seen socializing and drinking with an attorney involved in the case. Despite concerns about bias, the court refused to acknowledge this relationship, demonstrating how favoritism and bias are often tolerated within the system, further eroding trust in its fairness. (S1010).

These insights from systems experts underscore the deeply ingrained biases within the court system that perpetuate inequities, often reinforcing the very experiences litigants face.

The appellate court system is intended to provide a path for justice and correction of legal errors, yet systemic biases undermine its fairness for marginalized groups. Women, people of color, immigrants, individuals with mental health conditions, and pro se litigants face discriminatory treatment that intersects with their identities, often compounding their challenges. Gender bias manifests in

courtroom interactions, assumptions about household responsibilities, and differential treatment of attorneys. Racial disparities are evident in sentencing outcomes, where people of color face harsher penalties compared to white counterparts for similar crimes.

**Mental health conditions are often weaponized against litigants, while immigrants and those without legal representation encounter added barriers.**

Despite some progress in acknowledging bias, the court system continues to perpetuate discrimination, creating an uneven landscape where justice remains elusive for many.

### **Advantages**

While litigants experienced different types of bias, several respondents reflected on the conditions that favored them or should have favored them during and in the court process. The most common areas where litigants believed they had an advantage in the court process was in education and training, resources and support, and prior court experience.

Nine respondents reported having education or training that they found to be useful in navigating the court process. More specifically, litigants reported that having a college education or legal education gave them an advantage in completing paperwork, preparing documents, motions or briefs. Experience with writing and formatting documents also helped litigants with the ability to draft and prepare written materials. Despite this, challenges still arose:

*I have a master’s degree. I have numerous*

*degrees from the University of Washington... I put myself through the best schools...I felt that I had the knowledge and the ability to access the courts, to find information, and really, it's not set up for people to find information. It's not set up for people to represent themselves. It's been the most traumatic experience of my life. (L1128)*

External support and resources were described as advantages by seven litigants. Generally, individuals described receiving support in the form of contacts with some legal knowledge or access to resources, access to software such as Lexus Nexus, and being employed which allowed them sufficient income to cover fees and transcripts.

*And then Statement of Arrangements...I had paid almost \$4,000 to get the four-day trial transcribed, so I'm fortunate that I have a well-paying job to do that, and 1,000 per day of trial total. Yeah, I'd probably put 1,000 plus. And I actually was able to work out deals with the court transcriber because I actually used one before, and then they gave me a referral, and then I made arrangements with them... And I worked it out and had the money to shell out to get that going. (L1125)*

Two litigants mentioned that previous court experience provided them with insight and information on how to navigate the appeals process.

*If it wasn't for the vast amount of experience that I already had with navigating court rules and understanding them, or the ability to—like I knew what annotated court rules were, so I had the luxury of going in the law library and I would read, be like okay, I feel like this means this, let me read the cases on this, let me pull out the headers on this. (L1159)*

Two litigants reflected on the advantage of their white race over others. One respondent noted that being white was likely an advantage in court and with police officers.

**Absolutely. I definitely know that I have...I know that—and it's true, being white has had its benefits in the courts, to some degree, and with the officers. (L1159)**

Several litigants reflected on the disadvantages of being black or brown within the judicial system.

*Oh, yeah, 100%. I mean, I'm sure it helped me. Like I said, the whole time I was just like dang, if this wasn't the case, I can't even...like it would be so hard. One of my best friends is Cuban. She's been here for 25 years. She speaks English, but like not great—I mean, she [doesn't] speak English well, but... I was like if she had to go through this I don't know what, like I don't know. I don't know how she'd do it. I don't know. So, I feel like I also just had empathy for that.*

*So even though I feel like my personal identity was helpful, it wasn't even helpful. Like it didn't...it's not like I sailed through anything, like ooh, whoo, this is so easy for me! Like no, not at all. And that's, I think, why I came out of it with just so much more awareness if I had any fewer of these identity markers like what it would have been like. With the exception of not being male I feel like I came through that with the most privilege I possibly could. (L1135)*

While some focused on race, it was noted that there was also an advantage to being a "...a natural born citizen with English as my first language..." (L1135)

## Successes

Litigants reported various areas where they managed to achieve varying levels of success while navigating the appellate system. Here, success is characterized as an accomplishment within the court process. Several litigants described the positive acts and experiences that occurred through the court and appellate processes below.

Twenty litigants (44%) described the success they experienced as a result of receiving support services from organizations such as Washington Law Help, Family Violence Appellate Project (FVAP), Northwest Justice Project (NWP), Eastside Legal Assistance Program (ELAP) and others. Litigants reported also receiving support from legal clinics, advocates, attorneys and even from transcriptionists. Litigants described support as specific guidance and information to help them to navigate the process requirements as well as understanding of the legal terms and overall landscape of the process. Specific examples include receiving templates to structure materials, writing briefs, completing required forms, and the ability to get their questions answered

*[So, FVAP was there to support you with templates and advice—not legal advice...] Yes. And that's so helpful, to be honest. As they always say, this is not legal advice. But like I said, these little pieces of compassion, basically, because if you were left at your own will, the appeal process is a lot more difficult than trial level to understand. I was like Designation of Clerk's Papers, what is that? I could not...really. So not only that, but you have to file the Designation of Clerk's Papers into trial court. Then you have to file a copy into Court of Appeals. Then you've got to—it was just so overwhelming. And to get how to, you know, guidance from FVAP was just so welcome. (L1116)*

Similarly, those who experienced success with their divorce or domestic violence protection

order process received guidance on how to file paperwork. Several litigants mentioned having legal assistance or organizational support to help them navigate their process. Support for survivors of domestic abuse was also described as assisting with court procedures, advocating, support for mental and emotional wellness, and being an intermediary between systems.

*Oh, definitely. The organization LifeWire. They're the first organization that I reached out to for help because I just was feeling unsafe. And then I learned about what power and control was all about, and what domestic violence really is all about, not just someone punching you in the face. It's a really complicated, big issue that I think is very misunderstood in communities across the board, even at the court level. I feel like some professionals feel like they are very well educated when they are really not. And if they are, they are supporting abusers, and they're using it to their advantage by just knowing the court system.*

*So LifeWire really helped me through the process. They provided education support, emotional/mental support. They provided legal advocacy. They provided counseling services. They provided support groups so you could connect with other survivors through different avenues through their own organization, but also through Sound. And Sound also, counseling. There's a grant that's connected to LifeWire and Sound so survivors don't even have to pay for counseling, and that extends to survivors' children. So that really helped. Not all my kids wanted to see a counselor, but that really helped as well. (L1139)*

Five litigants (11%) reported experiencing a moment of humanization during their appeals process.

**Humanization was described as instances in which the litigant was treated with grace and compassion or treated as a person first, rather than just a “customer.”**

The lady who was actually managing my individual Court of Appeals case, I did feel like that was a success in that she gave me the pass on the word count, and there was some humanity there, and I was really appreciative of that. (L1111)

With the strict guidelines, rules and regulations of the appeals process, four litigants (9%) recalled taking comfort in those that humanized their experience in the appeals process. Humanizing the process came in the form of words of encouragement, giving hope, waiving or extending a requirement, or acknowledging the impact of domestic violence on oneself or family. Additionally, litigants explained that the person often lifted them up during a time when they were bogged down by the weights of the process. One person recalled their interaction with FVAP below.

*Just the fact that I think, you know, FVAP, they just picked the best attorneys, to be honest, because it really...it shows that there's certain attorneys out there who are like sharks, basically, and I'm intimidated by those kind of attorneys. And then you get Evangeline and Zyreena, and they're just so soft and sweet and compassionate. When we met via Zoom, I met with Evangeline, it was November of 2022, so I met with Evangeline via Zoom with my DV advocate, and Evangeline was just like [name], you're doing so great, you're almost there, and we're working on your case, and we're screening, and we're doing this.*

*And it was just like just listening to*

*Evangeline was so...like it just gives you hope. It's like a mom, really, a mom that's telling that, like, you know what, we're going to get through this and I'm going to take care of you. And you don't hear this from attorneys, because attorneys have this adversarial win or lose attitude. And there's none of that with FVAP. So, it didn't feel like they were my attorneys, it felt like more that they were my friend, but they were providing me legal guidance, and it felt so endearing to me. (L1116)*

One internal success factor that litigants described was the capacity to persist in the face of the adversity – from the weight and complexity of the appellate process, balancing work and family responsibilities, as well as the impact of their traumas. Eight litigants described themselves as progressing through challenging circumstances due to their desire or need to pursue justice, not wanting to give up. For the purposes of this study, this factor has been classified as personal fortitude. To forge ahead in the appeals process, litigants described researching other services, seeking attorneys, learning additional skills such as writing, critical reading, studying law, and using resources within the law library to prepare for their cases. “I didn't want to just give up.” (L1122). Another shared, “So, it really goes to show that you have to go through the end of the earth, basically, moving mountains to overcome these obstacles.” (L1116). A litigant attributed her fortitude to the experience of being an immigrant:

*So, I—and I think this might be like a cultural thing—but I also feel like, because my family, when we came here to the States, we have always been very resilient, in learning the language, the customs and so forth, and so I guess you can say it's kind of built into my DNA to just be resilient and just continue to fight the good fight. (L1125)*

A few litigants described having success with a few organizations and with court services

staff who provided guidance on the process and assistance in filling out or reviewing documents submitted. Other successes included building contacts, using the e-filing process, determining which case law to use, or grounds to determine a misjudgment, hiring an attorney or successfully filing the appeal.

*One thing I really appreciated with the appellate process during that time is there was a case manager, and what I liked was that I was able to occasionally communicate with the case manager for help in the appeals process. I really valued that a lot. And also, the clerk in the appeal who helped with appeals, he also helped me as well, which was invaluable, because I found going through the supreme court process there was no one that helped me. Like I'd call. Sometimes you don't even get a call back. So, it's very scary when you are not a lawyer and you don't know how to navigate this process. (L1139)*

*Well, just writing the letter to the court and them invoking the appeal process on my behalf was a success in itself. I didn't know how to start the appeal process, but them accepting my letter and then an appellate attorney contacting me, that was a success in itself. It started the process. So, there was success, and so I guess that's my answer. Yes, it was a success there. (L1202)*

The primary successes litigants reported in navigating the appellate system are receiving “how-to” guidance on completing the process itself. Practical resources such as templates, defining legal terms and assistance writing and completing briefs and forms were described as beneficial to litigants’ experiences. These resources were also often described as a part of the services provided by support and advocacy organizations within the community. While this is positive news, findings in the challenges section of the study indicated that these organizations are few and far between, understaffed, and underfunded. Identifying and pursuing opportunities to support these organizations and court services staff.

# Recommendations

Both systems experts and litigants were asked how access to the appellate system could be improved and their answers aligned across several themes. While these were the themes that emerged when asked this question directly, there are other issues included in the previous sections of the paper that illustrate a need for change.

Twenty-four litigants shared their feedback on ways to improve the judicial system and make the appeals process easier to navigate. Their suggestions included: provide clear, accessible instructions and guidance for navigating the appeals process; reduce costs for court users; restructure aspects of the judicial system; educate judicial officers; offer information on organizations that provide support; and increase support for individuals and families navigating the appeals process.

## **Simplify Procedures and Provide Clear Guidance**

A common concern expressed by 21 litigants was the lack of clear and accessible instructions for navigating the appeals process. Many suggested that courts should provide step-by-step guidance with timelines, autofill PDF forms, example briefs, and easily accessible information on websites. This would help litigants understand critical elements such as their eligibility to file an appeal and the procedural steps involved. One litigant emphasized the need for clear visual aids, stating, "Workflows would have been really nice to see, like a diagrammed workflow of you start here, and then you go here... If there had been plain language documentation, I think that's an enormous first step." (L1131). They also highlighted the importance of user-friendly forms with adequate spacing and guidance on where to seek help.

Additionally, five litigants stressed that having knowledgeable staff available to offer personalized guidance would improve their ability to navigate the system. Many advocated for court navigators or support advocates who could provide direction and clarify procedural complexities. Systems experts supported this recommendation, with one suggesting the creation of facilitator programs focused on assisting pro se litigants. They emphasized that trained navigators could "get really good at it because that's their expertise," (S1001) allowing them to use plain language and provide essential information without crossing into legal advice. By simplifying processes and offering direct support, courts can empower litigants and enhance accessibility within the legal system.

## **Restructure Aspects of the Judicial System**

Eleven litigants emphasized the need for structural reforms within the judicial system, particularly concerning the unchecked power of judicial officers. Many suggested implementing a review process where judicial decisions would be evaluated by multiple judicial officers to ensure accountability. Without such oversight, litigants argued that judges possess "absolute immunity" without meaningful consequences for their decisions. As one litigant expressed, "*Judges have absolute immunity, so whatever they do, if the decision ends in the death of a child, they still get to keep working... it's very much a... the prisoners running the prison, in my opinion.*" (L1145)

Some litigants went further, advocating for a complete overhaul of the system, including the removal of judicial officers and attorneys

in certain cases. They proposed instead a review board comprising independent individuals.

Systems experts echoed the need for structural adjustments and suggested creating simplified, alternative processes similar to small claims courts or informal appeal programs. They emphasized that not all cases, particularly family law disputes, require the same complex procedural standards as high-stakes constitutional matters. One expert noted that *"lawyers are simply not good at simplifying things"* due to their tendency to make legal processes more precise and therefore more complicated. The proposed solution involved setting up alternative dispute resolution centers or mediation pathways, making the system more accessible to individuals navigating less complex legal disputes. (S1000)

### **Reduce Costs and Expand Financial Support**

Fifteen litigants emphasized the need to reduce or eliminate the financial burden associated with the appeals process. Expenses such as transcript fees, attorney costs, and other legal expenses were described as financially draining and, in some cases, cost-prohibitive. One litigant highlighted how the cumulative expenses over several years consumed almost their entire income, stating,

**"I make a salary... but I can't afford to go to the dentist because of the legal expenses continually thrown at me." (L1132)**

Reducing these costs was seen as essential for leveling the playing field and ensuring equitable access to the judicial system.

Systems experts identified the need to simplify processes for securing financial assistance, such as obtaining a Finding of Indigency. One expert noted that the requirements for this certification in the appellate court were more complex than in trial court, posing challenges for self-represented litigants. (S1004)

To further mitigate costs, experts suggested the importance of offering clinics in multiple languages and providing legal assistance in underserved locations, such as prisons, was also emphasized as a way to make legal expertise more accessible. (S1001)

### **Educate Judicial Officers**

Education for court staff was seen as essential for improving the appellate experience. Nine litigants emphasized the need for judicial officers to receive specialized training in domestic violence (DV), noting that while training is required, there may be issues with engagement. One litigant stated,

**"You could tell the difference between a judge who understands DV and one who doesn't... they're making decisions for our lives, our kids' lives, and it's a huge thing that needs to be addressed" (L1150).**

Further, two litigants highlighted the need for training on the impact of decisions on litigants and their families. Others stressed the importance of judicial officers being familiar with the latest laws, not just outdated ones. Cultural competence was also mentioned as a key area of training, with one litigant urging, *"Implement training for judges and staff on*

*handling cases involving racial discrimination and domestic violence sensitively and fairly” (L1151).*

*Systems experts also advocated for cultural competence across the entire court system, including courthouse navigators and other court staff, noting the significance of community involvement in creating resources that are sensitive to marginalized groups.*

*So I think every aspect of the system has to be culturally competent and intentionally so. And marginalized communities have to be involved in the development of the materials to make sure, because if you have people inside the system, or people who have worked within the system for decades designing them, they don’t even see the issues” (S1000)*

Another systems expert agreed, *“Communities have already identified family law as a key issue they want help in, and that connection could be encouraged through co-learning experiences.” (S1001)*

Finally, while judicial education is deemed valuable, the same systems expert pointed out the challenge of translating systemic knowledge, such as racial equity and wealth disparities, into individual case decisions, underscoring the need for continued judicial education with practical applications.

### **Improve Access to Support Organizations**

Pro se litigants often struggle to navigate the appellate system without legal representation. Many resort to conducting their own research and seeking help from non-profits or organizations, but the results are often unsatisfactory. Requests frequently go unanswered, or organizations are overwhelmed and unable to assist. Litigants expressed a need for better information on organizations that can truly offer support.

One litigant suggested, *“An honest website that says these are the organizations that can*

*help...and just make a chart that this is for King County, and if you’re from King County don’t even think about reaching out to all these organizations because they won’t do anything” (L1142).* This would save time and manage expectations.

Another emphasized the need for clearer, more accessible pro se resources for appeals, noting, *“Washington Lawhelp is of very limited help...pro se resources should be available that are written in plain English” (L1151).* They also shared frustration with unresponsive overwhelmed DV organizations, which led them to doubt the validity of their case and delay seeking help.

### **Increase Support for Individuals and Families Navigating the Appeals Process**

Litigants expressed the need for increased emotional and mental health support while navigating the appeals process. One suggested, *“Having social work support to help with the emotional side, like in a hospital setting, would be beneficial...when I was diagnosed with cancer, they brought a social worker to my room to tell me about resources I wouldn’t have known about” (L1153).* This type of support, particularly in the context of high-stress issues like domestic violence or family disputes, is essential for maintaining well-being during challenging legal proceedings.

Another litigant emphasized the importance of understanding domestic abuse, especially non-physical forms like coercive control, saying,

**“Somebody who knows the system and understands domestic abuse and coercive control...understanding what’s truly best for the child” (L1153).**

*The dehumanization that can happen in an institutional process should be something all are aware of and work to remedy:*

*“The biggest thing that would have made the experience more humanizing is if I had been treated like a person instead of a piece of property throughout the court case. I mean, that’s, you know.*

**“I was not treated as a person. I was treated less than.” (L1131)**

These insights would help ensure more informed decisions in cases where the emotional and psychological aspects are critical.

The feedback from both litigants and systems experts highlights a clear path toward making the appellate system more accessible, equitable, and supportive. Simplifying procedures, reducing costs, restructuring judicial oversight, and providing clear, culturally competent resources emerged as critical areas for reform. Additionally, enhancing judicial education and increasing support for individuals navigating complex legal processes would help humanize the system and promote better outcomes. By addressing these collective insights, courts can move toward a more just and responsive system that truly serves all participants and improves access to justice for all.

# Conclusion

The findings of this report make it clear that transforming Washington State’s appellate system is not just necessary — it is urgent. The systemic barriers faced by marginalized litigants, particularly survivors of domestic violence and those navigating the appeals process without representation, perpetuate cycles of harm and injustice. By centering the voices of those most impacted and collaborating with legal experts, we have an opportunity to create an appellate system grounded in equity, empathy, and accessibility. Implementing the recommended changes — from simplifying procedures and reducing costs to expanding support services and educating judicial officers — will move the system closer to its promise of fair and impartial justice. This work is not just about improving processes; it’s about restoring hope, safety, and the fundamental right to seek relief and healing through the courts. Together, we can build a system where justice is not contingent on privilege but is a right accessible to all. As John F. Kennedy famously said: A rising tide lifts all boats—using this metaphor, if we invest in increased access for those with few or limited economic resources and other barriers related to their status, identity, or life experience, everyone, no matter who they are, or what their life experience has been, will benefit.

# Endnotes

- <sup>1</sup> Transcription Professionals. (n.d.). Retrieved from <https://www.transprof.com/>
- <sup>2</sup> Washington State Courts. (n.d.). RAP 2.2—Decisions of the superior court that may be appealed. Retrieved from [https://www.courts.wa.gov/court\\_rules/pdf/RAP/APP\\_RAP\\_02\\_02\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_02_02_00.pdf)
- <sup>3</sup> Generally, the "right" to appeal (vs. asking the appellate court for "discretionary review") applies to "final" orders. The process is "done" at the trial court level. These could be Final Findings of Fact & Conclusions of Law, Decrees of Dissolution, Final Parenting Plan, Final Protection Orders, etc.
- <sup>4</sup> Other court orders occur during the case and before it is final. For example, Temporary Family Law Orders or Temporary Restraining Orders require the appellate court to be petitioned for "discretionary review" and do not have an automatic "right" to appeal. Some individuals have resources to retain an attorney, while others must file appeals as pro se litigants. In Washington State, "pro se" means representing oneself in a legal case without an attorney.
- <sup>5</sup> Washington State Courts. (n.d.). RAP 10.3—Content of brief. Retrieved from [https://www.courts.wa.gov/court\\_rules/pdf/RAP/APP\\_RAP\\_10\\_03\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_10_03_00.pdf)
- <sup>6</sup> Washington State Courts. (n.d.). RAP 18.17—Formatting requirements for briefs. Retrieved from [https://www.courts.wa.gov/court\\_rules/pdf/RAP/APP\\_RAP\\_18\\_17\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_18_17_00.pdf)
- <sup>7</sup> Washington State Courts. (n.d.). Appellate case processing model. Retrieved from [https://www.courts.wa.gov/appellate\\_trial\\_courts/div1/caseproc/](https://www.courts.wa.gov/appellate_trial_courts/div1/caseproc/)
- <sup>8</sup> Washington State Courts. (n.d.). Retrieved from [https://www.courts.wa.gov/appellate\\_trial\\_courts/div1/caseproc/](https://www.courts.wa.gov/appellate_trial_courts/div1/caseproc/)
- <sup>9</sup> Washington State Supreme Court. (2015). Civil Legal Needs Update: 2015 Washington State Civil Legal Needs Study Update Committee. Retrieved from <https://www.courts.wa.gov/>
- <sup>10</sup> Washington State Legislature. (n.d.). RCW 7.105—Domestic violence protection. Retrieved from <https://app.leg.wa.gov/RCW/default.aspx?cite=7.105&full=true>
- <sup>11</sup> Washington State defines domestic violence as inflicting harm, injury, or assault between members of the same household or family. This includes coercive control, physical, mental, emotional, or sexual abuse and assault, as well as behaviors such as stalking and harassment (full definition can be found [here](#)).
- <sup>12</sup> Berkeley Othering & Belonging Institute. (n.d.). Transformative Research Toolkit. Retrieved from <https://belonging.berkeley.edu/transformative-research-toolkit>
- <sup>13</sup> Map of the three Washington State Court Divisions.

# Endnotes

<sup>14</sup> U.S. Census Bureau. (2023). Racial demographics of the study: 64.2% White and 35.8% People of Color.

<sup>15</sup> Washington State Courts. (n.d.). Appellate court fees. Retrieved from [https://www.courts.wa.gov/appellate\\_trial\\_courts/supreme/clerks/?fa=atc\\_supreme\\_clerks.display&fileID=faq](https://www.courts.wa.gov/appellate_trial_courts/supreme/clerks/?fa=atc_supreme_clerks.display&fileID=faq)

<sup>16</sup> Washington State Courts. (n.d.). RAP 9.2—Verbatim report of proceedings. Retrieved from [https://www.courts.wa.gov/court\\_rules/pdf/RAP/APP\\_RAP\\_09\\_02\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_09_02_00.pdf)

<sup>17</sup> Washington State Legislature. (n.d.). RCW 26.51—Family law matters. Retrieved from <https://app.leg.wa.gov/RCW/default.aspx?cite=26.51>

<sup>18</sup> Washington State Courts. (n.d.). RAP 10.3—Content of brief. Retrieved from [https://www.courts.wa.gov/court\\_rules/pdf/RAP/APP\\_RAP\\_10\\_03\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_10_03_00.pdf)

<sup>19</sup> Washington State Courts. (n.d.). General Rule 33 (GR 33)—Accommodations for persons with disabilities. Retrieved from [https://www.courts.wa.gov/court\\_rules/pdf/GR/GA\\_GR\\_33\\_00\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_33_00_00.pdf)

# Resources and Works Cited

Transformational Research Toolkit

[https://belonging.berkeley.edu/sites/default/files/Transformative%20Research%20Toolkit\\_8WEB.pdf](https://belonging.berkeley.edu/sites/default/files/Transformative%20Research%20Toolkit_8WEB.pdf)

Domestic Violence Statistics (not the original source):

[https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=DV%20Center%20Planning%20Report\\_FINAL\\_prt\\_cd044fdb-602b-46ab-9ba9-826caee41edc.pdf](https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=DV%20Center%20Planning%20Report_FINAL_prt_cd044fdb-602b-46ab-9ba9-826caee41edc.pdf)

Gender and Race Bias in WA Courts:

[https://www.courts.wa.gov/subsite/gjc/documents/GJ\\_Study\\_Fact\\_Sheet\\_English.pdf](https://www.courts.wa.gov/subsite/gjc/documents/GJ_Study_Fact_Sheet_English.pdf)

Washington State RAP 18.17

[https://www.courts.wa.gov/court\\_rules/pdf/RAP/APP\\_RAP\\_18\\_17\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_18_17_00.pdf)

Washington State RAP 10.3

[https://www.courts.wa.gov/court\\_rules/pdf/RAP/APP\\_RAP\\_10\\_03\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_10_03_00.pdf)

RCW 7.105

<https://app.leg.wa.gov/RCW/default.aspx?cite=7.105&full=true&pdf=true>

Community Power and Policy Partnerships Program, “Transformative Research Toolkit” (Berkeley, CA: Othering & Belonging Institute, November 2023), [belonging.berkeley.edu](https://belonging.berkeley.edu)

Introduction to Research Justice (Data Center, 2019)

Substance Abuse and Mental Health Services Administration. SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach. HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014.

<https://www.spokesman.com/stories/2024/sep/01/superior-court-judges-back-incumbent-fennessy-in-g/>

Public letter

<https://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20News/Judiciary%20Legal%20Community%20SIGNED%20060420.pdf>

# Addendum

Domestic Violence Gender Difference: IPV is violence or abuse (e.g., physical abuse, sexual abuse, stalking, psychological abuse, financial abuse, and coercive control) committed by a current or former intimate partner.

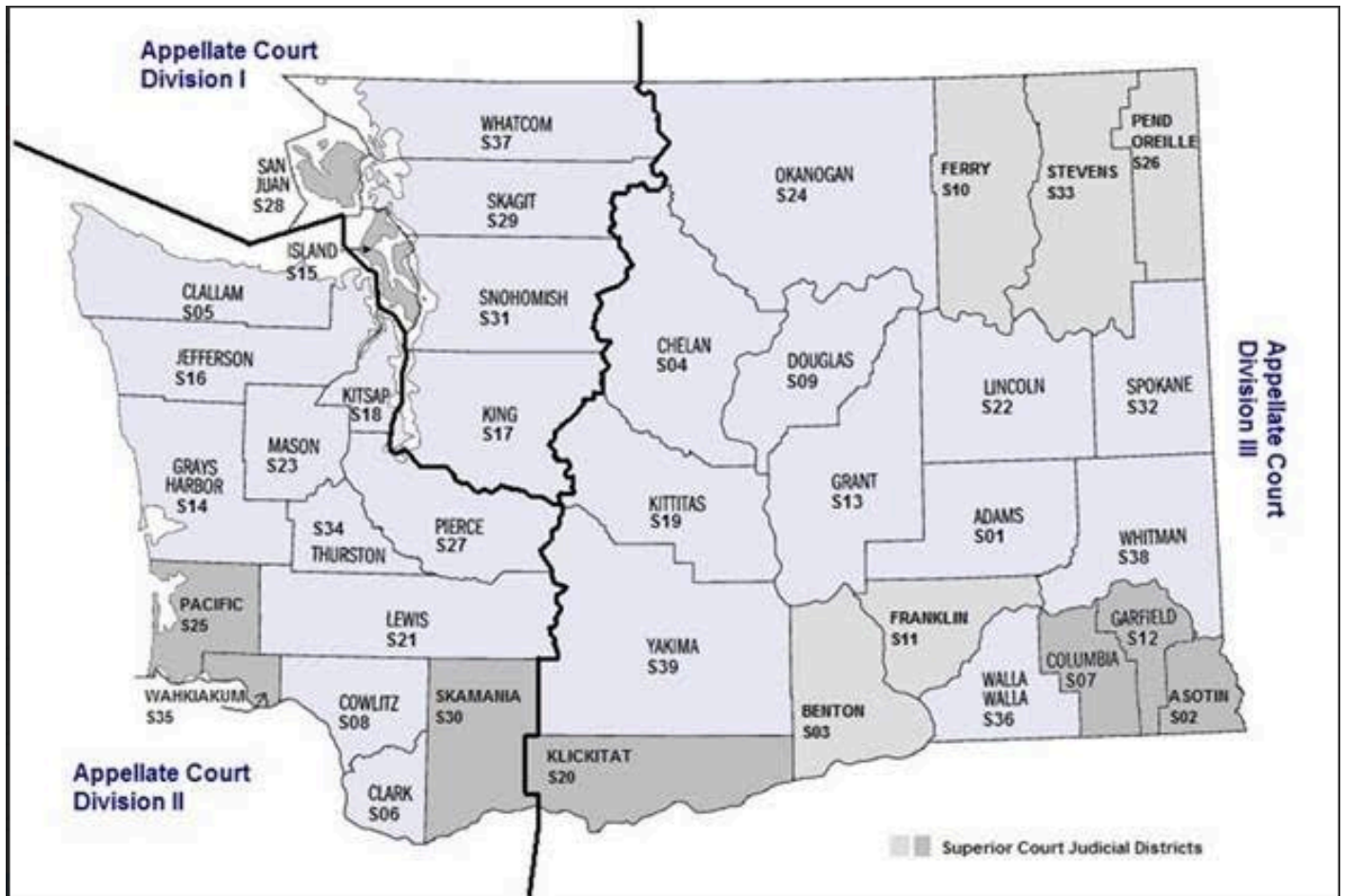
1. The National Intimate Partner and Sexual Violence Survey, in its most recent statewide report found that 9.0% of women and 5.3% of men in Washington State experienced physical violence, sexual violence and/or stalking by an intimate partner in the previous 12 months. Further, approximately 1.7 million adult Washingtonians have experienced physical IPV, 2.4 million have experienced psychological IPV, and 700,000 have experienced sexual IPV during their lifetime.

2. These experiences have enormous consequences on the health and well-being of our populace—adults, youth and children alike; and also have profound impacts to our health systems; our civil, family and criminal legal systems; and our social services and educational systems. National estimates of the costs of IPV are conservatively estimated at \$4.7 trillion dollars (adjusted to 2023 dollars) over victims' lifetimes.

3. IPV is a pervasive phenomenon, affecting both youth and adults from all demographic groups and identities, yet not all are at equal risk of victimization.<sup>5-7</sup> IPV is also a highly complex social phenomenon, with an equally complex set of risk and protective factors associated with perpetration and victimization.<sup>6</sup> Risk factors found to be consistently and strongly associated with IPV perpetration and victimization include having: experienced child abuse, witnessed parental IPV, any one of a number of mental health disorders (with strongest effects for personality disorders), and substance abuse disorders. Risk factors for perpetration only include: anger, traditional gender roles, perpetration of child abuse, and use of violence outside of IPV and DV relationships. It is critical to appreciate that several of these and other identified risk factors are well-established consequences of early life trauma (e.g., child abuse, witnessing IPV and other adverse childhood experiences).

Figure 2.

Map of Washington State Court Divisions



## **Interview Questions for Litigants and Systems Experts**

### ***Litigant Questions:***

1. Please tell us what you think is important to know about you and then tell us about your experience going through the appellate process starting from when you decided that you were interested in filing an appeal. This can include going to the courthouse, accessing legal aid, self-directed research, talking to friends, etc.
2. What influenced your decision to stop pursuing the appeal? Please tell us on the map where this was (see page with map of appeals process).
3. What influenced your decision to keep pursuing the appeal? Please tell us on the map where this was (see page with map of appeals process).
4. What barriers/challenges did you face? What would have helped you overcome or navigate those challenges?
5. What successes did you have? What led to those successes?
6. Do you think your culture, background, or identity influenced your experience with the appellate process? How?
7. What information, resources, and support would have improved your experience navigating the appellate system?
8. Is there anything else you wish to share related to this topic that we didn't ask?

### ***Systems Experts***

1. Are there differences for individuals with marginalized identities such as: indigent, rural, immigrant, non English speaking, disabled, Native American, BIPOC, and LGBTQIA+ communities? If so, what are they?
2. This study seeks to identify and analyze the barriers faced by survivors of intimate partner violence and other marginalized litigants in accessing the appeals process. What key information and insights do you think are important to include in our report?
3. What information, resources, or support do you think would improve the overall outcomes or experiences for people navigating the appellate system?
4. Are there supports that you believe would be helpful specifically for marginalized people? If so, what?
5. What key indicators or data points should courts or advocacy organizations collect to best monitor, and measure appellate service strategies and outcomes?
6. (Maybe if there's time) Would you be willing to share examples of partnerships or system improvements that have been successful OR those that haven't worked so well?
7. Is there anything we didn't cover that you'd like to share related to this issue?

## **Creative Padlet**

### **Themes**

- Complexity of system
- Financial burden (attorneys, filing fees) too great to achieve a fair process
- Provide low or no cost support for pro se – specific ideas were navigators, pro bono attorneys, advocacy
- Stigmatization of mental illnesses/mental health of litigant resulting in negative judgement or loss of custody
- Judges need training on trauma, domestic violence, psychological abuse, coercive control, high-conflict separation

---

### **Quotes (General)**

“Victims/survivors of domestic violence have to bear more than injuries. The way the system works, it will bleed you dry in fees/time/lawyers just for you to pursue justice and safety. ” ID 1135

From spokesman review article posted on padlet by ID 1204: “When I see family law and I see civil law, the lawyers and the parties there, they still weaponize mental illness in the way that the criminal world treated it 100 years ago,” Van Winkle said. “The lessons that we’ve learned on the criminal end about working with people who are going through the worst time in their life haven’t translated over to the civil.”

“Unless I can afford to appeal this case—a process that would only prolong my children’s trauma—I will never receive a lawful judgment. This reflects a broader systemic issue where justice is often contingent on financial resources.” ID 1204

“I am a mother, entrepreneur, and survivor. My journey has been marked by resilience, as I endured domestic violence in silence, always focused on protecting my children. Despite facing immense challenges and injustices, I have continued to move forward, building my own business and life. Through this process, I learned that strength comes not only from surviving but from finding the courage to speak up, even when the system feels stacked against you.” ID 1151

“After a one County Family Court investigation, that I was forced to pay \$1400 for, they said that it was he said/she said and so the judge dismissed my protective order. Meanwhile, different county court had issued a criminal one for 5 years. Why was there enough evidence for a 5 year order, but it was thrown out of family court?” ID 1135

“After a one County Family Court investigation, that I was forced to pay \$1400 for, they said that it was he said/she said and so the judge dismissed my protective order. Meanwhile, different county court had issued a criminal one for 5 years. Why was there enough evidence for a 5 year order, but it was thrown out of family court?” ID 1135

“I would like to share that we only have one life, and even though I have PTSD, that is not a reason for everything that was taken from me. I know friends in Seattle, both American and Brazilian, who are bipolar, have survived domestic violence, and yet still have custody of their children. Unfortunately, the decision of one judge, combined with my lack of financial resources, has separated me from my children. Their time is passing, and I will never get to be there for them the way I always dreamed as a mother—a true nightmare.” ID 1151



*posted by 1158*

“...right now, there is a woman with dry tears, working 8 to 16 hours a day, saving every penny to rescue her children from the same abuse she managed to escape. The court must recognize that while systems evolve, so too should its understanding of justice, fairness, and the importance of reuniting families. I hope that the court can realize that justice delayed is justice denied, and every day that passes is time lost with my children that I will never get back.” ID 1151

---

### ***Quotes (System Improvements/Recommendations)***

We should require training on domestic violence, narcissism and narcissist personality disorder for judges and lawyers. ID 1117

“Family court judges need to get a meticulous training and complete education in family violence. And psychological abuse.”1121

“The system is beyond complex and requires an exhausting amount of paperwork/deadlines. Having coaches or a helpline to call and get some assistance with the process would be one option, but anything that helps make a pro-se option more accessible for all should be considered.” ID 1135

“The high cost of appealing must be addressed to prevent financial constraints from denying access to justice. Consider provisions for those who have been financially exhausted by prolonged litigation and unable to afford the costs of an appeal” ID 1137

“They myth of a high conflict needs to disappear. When violence occurs, this is not “high conflict” it is a crime with a victim and a perpetrator. When one party is held in the relationship against their will and to their physical and mental detriment, judges need to recognize it. Victims should be protected.” ID 1143 (voice note on padlet)

“I firmly believe that courts, whether local, state, or federal, should utilize clear and concise language when individuals proceed without legal counsel. Even among native English speakers, legal terminology can be very hard to understand unless you have or are attending law school.” ID 1158

“I just want to say that in this particular arena, all professionals need to adopt use a trauma informed care response to pro se litigants, as the circumstances of the Appeal might have caused, or will cause devastation, desperation, and indignation.” ID 1124

***Original Poem posted by ID 1124***

Pro Se Plea

A labyrinth of law,  
a tangled maze,  
Appeals court process, a bewildering haze.  
For pro se litigants,  
it's a daunting plight,  
A battle uphill, and no guiding light.  
Complex procedures, with jargon so deep,  
It's the stuff of nightmares and why I can't sleep.  
Deadlines and notices, a constant duress,  
A legal gauntlet, a mental distress.  
No lawyer to guide, no hand to hold,  
Justice delayed, as stories unfold.  
Hope dwindles with each passing day,  
As confidence erodes, and spirits decay.  
A system designed, for the legal elite,  
Pro se pleas often lost, incomplete.  
A David versus Goliath, a hopeless fight,  
For those seeking justice, with all their might.

