

Maze
Of
Legalities

Do Not
Enter
Without
An
Attorney

BE THE WAY TO JUSTICE:

FINDING MORE WAYS TO ENSURE EQUITY FOR
THOSE IN YOUR COMMUNITY

APRIL 2019



I am Crystal Brand, AAS, CPC, LLLT Candidate

*I am here because I am passionate about equal access
to justice for all.*



“WITHOUT EQUAL ACCESS TO THE LAW, THE SYSTEM NOT ONLY ROBS THE POOR OF THEIR ONLY PROTECTION, BUT IT PLACES IN THE HANDS OF THEIR OPPRESSORS THE MOST POWERFUL & RUTHLESS WEAPON EVER INVENTED.”

REGINALD HEBER SMITH, JUSTICE & THE POOR (1919)

SO HOW CAN YOU AS A CHW HELP?

Get Informed

*Knowledge is
power*

Get Involved

*Participate in
Systemic
Advocacy.*

Get Invigorated

*Remember Self
Care*

1. KNOWLEDGE



Legal information explains the law and the legal system in general terms. The information is not tailored to a specific case.

Legal advice applies the law, including statute and case law and legal principles to a particular situation. It provides recommendations about what course of action would best suit the facts of the case and what the person wants to achieve.

This tip sheet explains some of the main differences between legal information and legal advice.

Legal Information	Legal Advice
<p>Legal definitions: what the words mean</p> <p>Matrimonial property actions are civil claims that will divide the property obtained during a marriage between divorcing spouses.</p>	<p>Legal interpretations: how the statutes and case law apply in a specific case</p> <p>When we go over your list of assets I can explain which would be considered matrimonial property and which would not.</p>
<p>Procedural definitions, such as who the people are in court and what steps take place</p> <p>There are different reasons why you, and/or the other party may want to adjourn the application. Some of these are...</p>	<p>Procedural recommendations, such as what type of application to make or which level of court to use</p> <p>At the next court appearance we should ask for an adjournment because...</p>
<p>How to find legislation, court rules and cases, as well as other online and print resources or workshops that explain the law</p> <p>This booklet explains the guidelines for child support.</p>	<p>Research of legislation, court rules and cases; applying the law to the facts of a given situation</p> <p>There are a number of cases that would support your claim of \$X for damages for personal injuries.</p>
<p>Providing samples of court forms and instructions; telling you if required sections of a form have been filled out</p> <p>I have marked the three places on this form where you have not yet filled in the required information.</p>	<p>Filling out forms or telling you to put in a form, e.g. specific people against whom to file pleadings or types or amount of damages to seek</p> <p>In this section of the form we will ask for...</p>

Descriptions of alternatives to court such as mediation

You may want to consider working with a mediator. They use an informal, confidential and structured process to resolve disputes so both parties have input into the solution. You can learn more about it from ...

Recommendations about whether or not to bring a case to court or what alternative would be the best choice for your situation

Let's try mediation first. It could be a faster cheaper way to resolve your problem.

General referrals

A legal clinic may provide free advice if you qualify. Here is a list of clinics that you could call to ask about it.

Options for dealing with a legal problem

I can describe four different ways that you could deal with this and then you can choose.

Specific referrals

I recommend that you work with Mr. Bean to get your financial documents in order before we go further.

Opinions on whether to follow a particular course of action; predicting the outcome of a case or course of action

I would say that you have a good case.

Explanations about court etiquette and the order in which parties can speak in court

When it is your turn to speak, you can summarize the facts set out in your court documents and make your arguments.

Guidance about what to say in court or at a hearing; talking to a judge on your behalf

Today we will go over what questions you may be asked at your trial.

Can be provided by many different people including lawyers

I am a court clerk. I am a library technician. I work in the Office of the Public Guardian.

Can **only** be provided by a lawyer (or in some jurisdictions specially-trained advocates or paralegals)

I am John Doe, LLB.

<https://www.proprofs.com/quiz-school/story.php?title=legal-advice-vs-legal-information>

KNOW THE LINGO

- Affidavit: A statement made under oath & notarized by a Notary public. Affidavits are no longer required in WA: instead the courts use Declarations (see below).
- Caption: The heading of each legal document that contains the name of the court, the names of the parties, the case number, & the name of the document itself.
- Continuance: Postponing your court hearing.
- Declaration: A written statement made to the court that the signer swears is true.
- Decree: The final court order in your case.
- Default: The failure to respond to court papers within the designated time.
- Ex Parte: Going before the court without notifying another party.
- Filing: Giving court papers to the court clerk to place in the case file.
- Jurisdiction: The court's authority to make decisions regarding certain people & issues. If a court doesn't have jurisdiction, it can't make orders.
- Joinder: Opposing party signs the Joinder if they are in agreement with the information contained in the Petition.

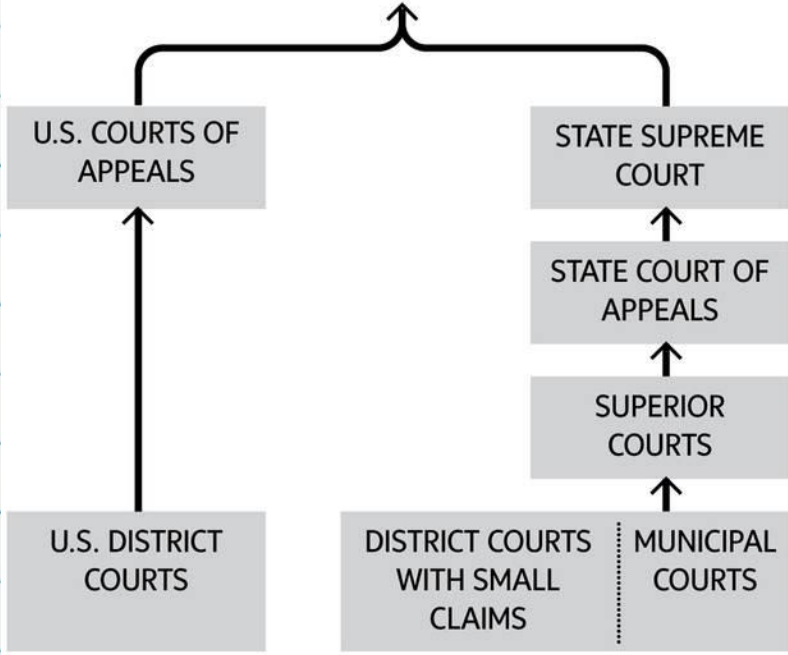
KNOW THE LINGO CONTINUED

- Motion: A request for a court order.
- Order: A court document signed by a judge or commissioner that gives an order and requires someone to do or not do something.
- Party: Anyone listed on the court papers as a Petitioner or Respondent.
- Petition: A formal written request for a decree or order after notice to the opposing party.
- Pro Se: Acting without the aid of an attorney; representing yourself.
- QLSP: Qualified Legal Service Provider.
- RCW: Revised Code of Washington.
- Response: A formal written answer to a Petition filed with the court by the Respondent.
- Service: Giving court papers to the other party by having them hand-delivered by a third party, sending it by certified mail or publishing it in a newspaper.
- Summons: A written notice that a case has been started with time limits for a response.
- Venue: The county where the case should be filed.

KNOWING WHICH COURT TO FILE IN IS ESSENTIAL. HERE IS A BREAKDOWN ON THE STRUCTURE OF THE COURT SYSTEM OVERALL.



UNITED STATES SUPREME COURT



Federal cases

Local and state cases

CASE FLOW-CIVIL

A Timeline of a Civil Lawsuit



Incident Occurs

All civil lawsuits begin with one person's or company's act, allegedly causing harm to another.



Decision

The individual who was harmed must make a choice whether to pursue legal action. This person should consider the costs, the time required, and the risks versus benefits of a lawsuit.



Suit is Filed

Once the plaintiff's lawyer has created a Summons & Complaint and had it served on the defendant by a marshal, the lawsuit has officially begun.



Reply

The defendant and his or her lawyer work together to create a pleading. The reply may be one of a number of different pleadings which may include an Answer, a Motion to Dismiss, a Motion to Strike or a Request to Revise the Complaint.



Discovery

The opposing parties gather as much information as possible about the other's claims and evidence.



Trial

The plaintiff and his or her lawyer must prove whether it is more likely than not that the defendant committed the alleged wrongful acts.



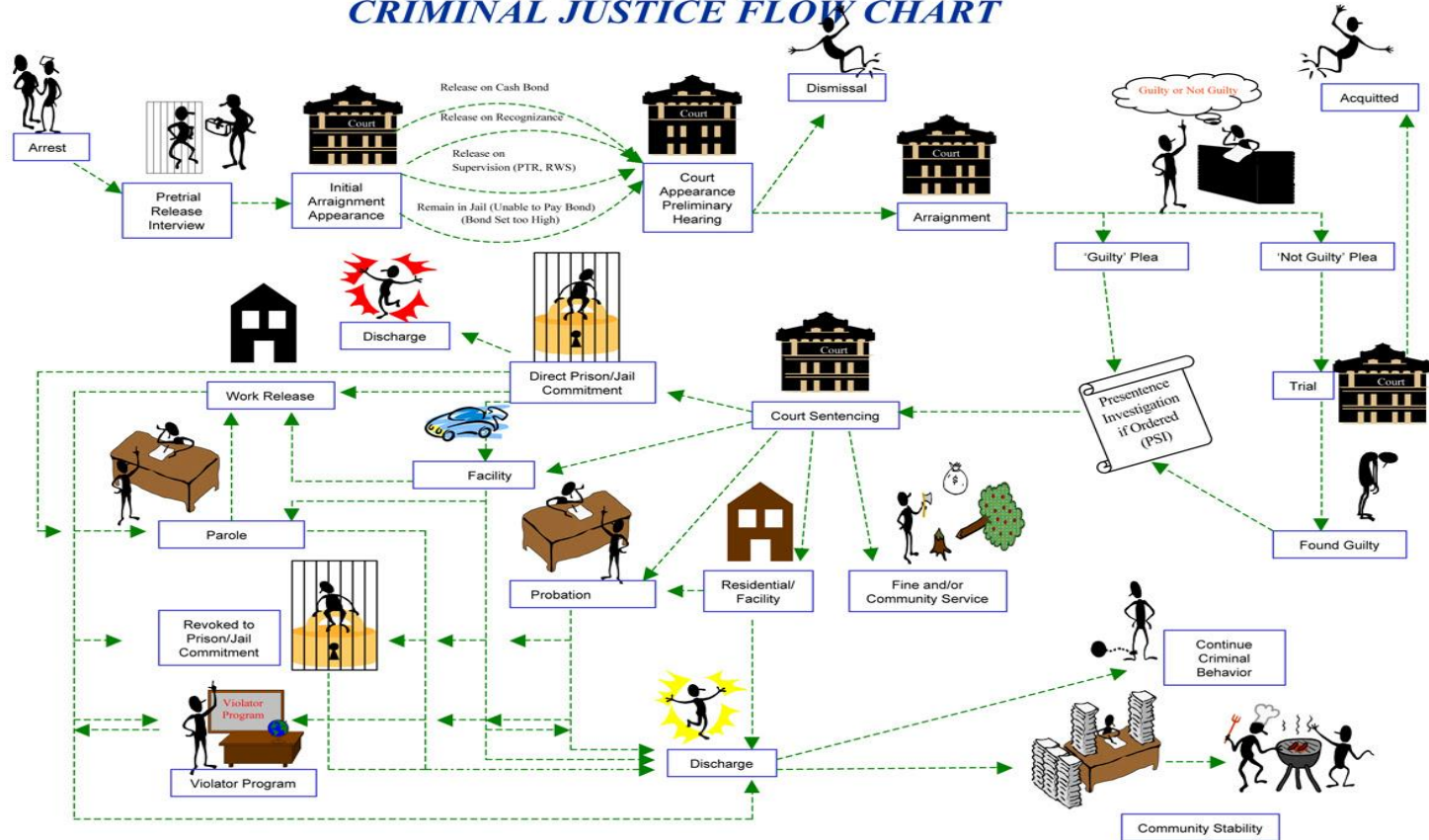
Judgement

After the jury deliberates in private, they come to a verdict. The verdict will determine whether the defendant is liable, and if damages are sought, whether the defendant should also pay damages.



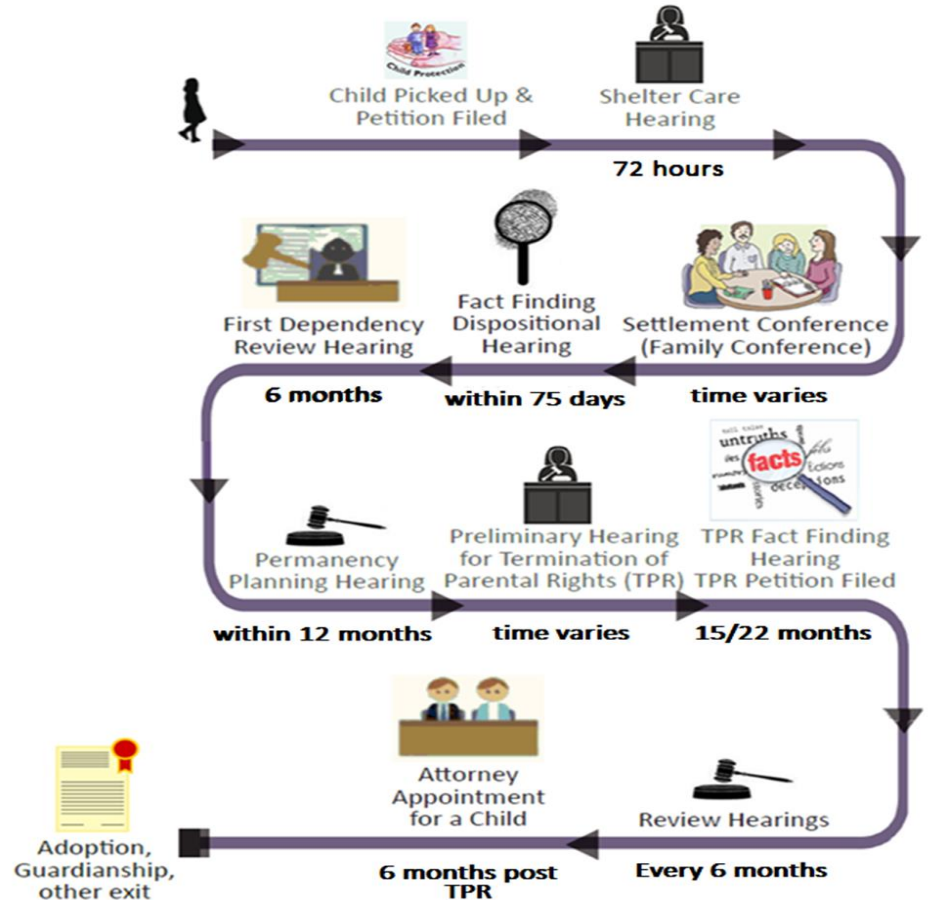
CASE FLOW-CRIMINAL

CRIMINAL JUSTICE FLOW CHART



CASE FLOW-DEPENDENCY

DEPENDENCY PROCEEDINGS TIMELINE



KNOW WHAT'S EXPECTED

THE THOUGHT OF A COURT DATE CAN MAKE ANYONE NERVOUS, ESPECIALLY IF YOU'RE PRO-SE. IT'S NORMAL TO HAVE QUESTIONS ABOUT WHAT TO WHERE, HOW TO ACT, AND WHOM TO BRING. IT'S IMPORTANT TO REMEMBER NO MATTER WHERE YOU'LL BE SITTING (WHETHER YOU'RE THE DEFENDANT, THE PLAINTIFF, OR A WITNESS) YOUR APPEARANCE CAN AFFECT HOW THE COURT SEES YOU AND HOW SUCCESSFUL YOU'RE AT PRESENTING YOUR CASE.

<https://www.wikihow.com/Behave-in-Court>

KNOW YOUR DOCUMENTS

Fee Waiver:

<http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=87>

WA Pattern Forms:

<http://www.courts.wa.gov/forms/>

Service of Process:

<http://www.courts.wa.gov/forms/>

EXAMPLE

Important: If documents are not served by: _____,

call Sarah to reschedule your hearing 477-3878

*RETURN completed Proof of Service form to Sarah ASAP

Superior County of Washington, County of Spokane _____

In re: Janie Doe

Petitioner/s (person/s who started this case):

John Doe

No. X1-X-00000-X

Proof of Personal Service
(AFSR)

And Respondent/s (other party/parties):

Jonathon Doe

Jane Doe

Proof of Personal Service

Server declares:

1. My name is: Sally Doe (Not Petitioner-Person 18+). I am **not** a party to this case. I am 18 or older.

2. **Personal Service**

I served court documents for this case to (name of party): Respondent's Name by (check one):

giving the documents directly to him/her.

giving the documents to (name): _____ a person of suitable age and discretion who lives at the same address as the party.

3. **Date, time, and address of service**

Date: Make sure all this is completed Time: Time service happened a.m. p.m.

Address:

Address where documents were given to respondent

Number and street _____ city _____ state _____ zip _____

List all documents you served (check all that apply):

(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document you served that is not already listed.)

- Petition to/for **Divorce**
 - Summons (Attach a copy.)
 - Order Setting Case Schedule
 - Notice Re Military Dependent
 - Proposed Parenting Plan
 - Proposed Child Support Order
 - Proposed Child Support Worksheets
 - Sealed Financial Documents
 - Financial Declaration
 - Declaration of: _____
 - Declaration of: _____
 - Other: _____
 - Other: **Case assignment notice**
- Notice of Hearing **Temporary Parenting Plan**
 - Motion for Temporary Family Law Order and Restraining Order
 - Proposed Temporary Family Law Order
 - Motion for Immediate Restraining Order (Ex Parte)
 - Immediate Restraining Order (Ex Parte) and Hearing Notice
 - Restraining Order
 - Motion for Contempt Hearing
 - Order to Go to Court for Contempt Hearing
 - Notice of Intent to Move with Children (Relocation)
 - Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)
 - Other: **Information about Temporary Parenting Plan**
 - Other: **Court's automatic temporary orde**

5. **Fees charged for service**

Does not apply.

Fees: \$ _____ + Mileage \$ _____ = Total: \$ _____

6. **Other Information** (if any): _____

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (city and state): Make sure the person who serves completes Date: **Date here

***Signs here

Signature of server

Print or type name of server

To the party having these documents served:

File the original Proof of Personal Service with the court clerk.

If you served a *Restraining Order* signed by the court, you must also give a copy of this *Proof of Personal Service* and a *Law Enforcement Information Sheet* to law enforcement.

To the Server: check here if you personally served the documents *outside* Washington state. Your signature must be notarized or sworn before a court clerk.
*(For personal service in Washington state, your signature does **not** need to be notarized or sworn before a court clerk.)*

Signed and sworn to before me on *(date)*: _____.

▶ _____
Signature of notary or court clerk

Print name of notary or court clerk

I am a notary public in and for the state of: _____

My commission expires: _____

I am a court clerk in a court of record in *(county)*: _____

(state): _____

(Print seal above.)

KNOW WHAT RESOURCES ARE AVAILABLE

- wsba.org/connect-serve/volunteer-opportunities/mmp/mmpclients
- snobar.org/referral.htm
- kcba.org/For-Lawyers/Lawyer-Referral-Service
- nwjustice.org
- washingtonlawhlepro.org
- snocolegal.org
- legalvoice.org
- kcba.org/For-the-Public/Free-Legal-Assistance/Neighborhood-Legal-Clinics
- [Legal Foundation of Washington](http://LegalFoundationofWashington.org)
- [TeamChild](http://TeamChild.org)
- [BlueMountainAction Council](http://BlueMountainActionCouncil.org)
- [NWJusticeProject](http://NWJusticeProject.org)
- [NWImmigrant's RightsProject](http://NWImmigrant'sRightsProject.org)
- [Domestic Violence ImpactProject](#)
- [Skagit Volunteer Lawyer Program HousingJustice Project](#)
- [SpokaneVolunteer LawyersProgram 509-324-0144](#)
- [Tacoma Pro Bono](#)
- [LAW Advocates & Street Law Clinics in Bellingham](#)

KNOW WHAT RESOURCES ARE AVAILABLE CONT.

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- Cowlitz-Wahkiakum Legal Aid
- Eastside Legal Assistance in King County
- Chelan-Douglas County Volunteer Attorney Services
- Family Wrap around Wed.-Civil Legal Clinic 509-789-9292
- Courthouse Facilitators
- Allianceforequaljustice.org/get-legal-help
- CLEAR 1-888-201-1014
- ElCentrodelaRaza monthly clinic in Seattle
- unemploymentlawproject.org
- cforjustice.org
- LGBTQQIA-call 1-888-822-5134 press 5 for voicemail or email at clinic@qlawfoundation.org

LEGAL HEALTH CHECKUP

*Practice of Law
Board's ongoing work
to create an app
that will be widely
available at
community & service
organizations.*



QUESTIONS?



2. SYSTEMIC ADVOCACY





"EQUAL JUSTICE UNDER LAW'S NOT MERELY A CAPTION ON THE FAÇADE OF THE SUPREME COURT BUILDING. IT'S PERHAPS THE MOST INSPIRING IDEAL OF OUR SOCIETY...IT'S THE FUNDAMENTAL THAT JUSTICE SHOULD BE THE SAME, IN SUBSTANCE & AVAILABILITY, WITHOUT REGARD TO ECONOMIC STATUS."

U.S. SUPREME COURT JUSTICE LEWIS POWELL, JR.

THE GOAL OF ADVOCACY...

Equality



The assumption is that **everyone benefits from the same supports**. This is equal treatment.

Equity



Everyone gets the supports they need (this is the concept of "affirmative action"), thus producing equity.

Justice



All 3 can see the game without supports or accommodations because **the cause(s) of the inequity was addressed**. The systemic barrier has been removed.

ALLIANCE FOR EQUAL JUSTICE

WHO WE ARE

ESTABLISHED IN 1995 the Alliance for Equal Justice is a *network of Washington State Organizations* that work together in a collaborative way to coordinate the strategy and delivery of civil legal aid to people and communities that experience poverty and injustice.

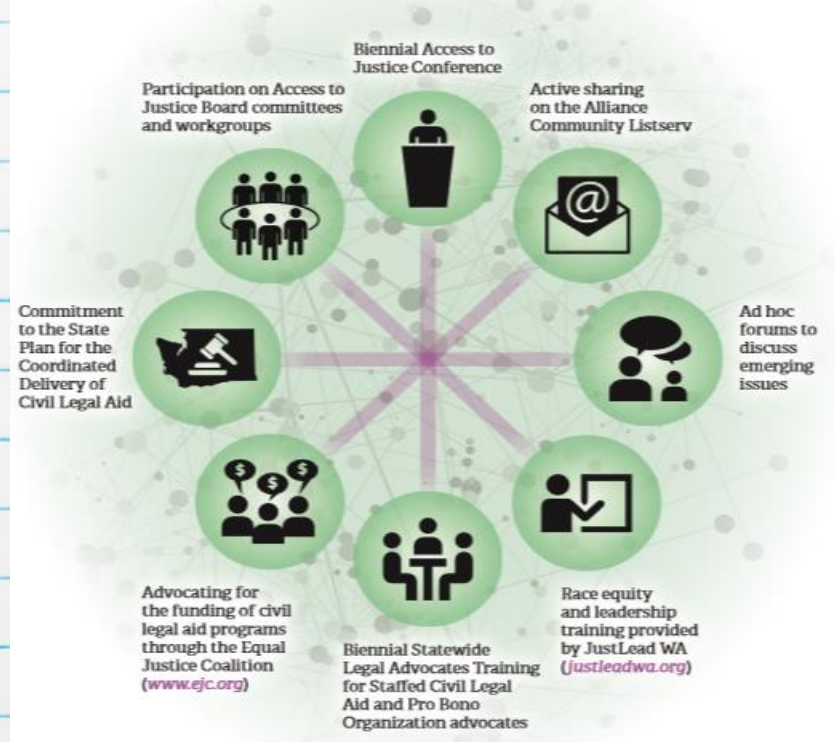
We are committed to identifying and dismantling all barriers that deny justice and perpetuate poverty and racial inequities. We envision a society where poverty or race is not an impediment to justice, work to expand meaningful access to justice systems and work to achieve justice within the framework of the law.

OUR VALUES

- ▶ Inherent Right to Justice
- ▶ Access to Our Services
- ▶ Full Range of Legal Services
- ▶ Duty to Identify and Eliminate Barriers
- ▶ Duty to Identify and Serve the Most Vulnerable
- ▶ Meaningful and Authentic Client Engagement
- ▶ Transparency and Accountability
- ▶ Effective Use of Limited Resources
- ▶ Building Relationships and Partnerships
- ▶ Continuous Leadership Development

HOW WE COLLABORATE

There are a number of ways that Alliance organizations engage in this network:



2019 Access to Justice Conference

June 14-16, 2019
Spokane Convention Center



“Amplifying the Power of Community”

- Bring together everyone who is working to advance justice and equity
- Strongly encourage community partners to submit content proposals and attend
- Proposals due January 4th
- Registration opens in February
- Go to www.allianceforequaljustice.org for details
- Email ati@wsba.org with questions

QUESTIONS?



3. SELF CARE



I have come to believe
that caring for myself
is not self-indulgent.

Caring for myself
is an act of survival.

Audre Lorde

SELF CARE ACTIVITY

LET'S TAKE A MOMENT
TO WALK THROUGH AN
ACTIVITY TOGETHER...

Self-Care Check-In & Needs Review



Where do I need to take care of myself more?

- This is a quick coaching exercise to help you connect with yourself and find out what you may be needing.
- Simply look at the list below and FIRST score each item out of 10. Then answer "What do I need?"
- Finally answer the quick questions underneath - including ONE action for yourself! NB. It's important that the score is your FIRST response ie. your initial or gut reaction and how you are actually feeling NOT "shoulds".
- Let's take a more specific look at what form/s of self-care you might be needing:

Where do I need to take care of MYSELF more?

How satisfied are you currently in this area?

Score out of 10
(1 is low, 10 is high)

What do I need? What would raise my score?

1. My Energy Levels	___ / 10	_____
2. How Inspired I'm Feeling	___ / 10	_____
3. Fun and Play	___ / 10	_____
4. Self-Honesty	___ / 10	_____
5. Peace and Quiet	___ / 10	_____
6. Feeling Heard or Seen	___ / 10	_____
7. Feeling Accepted and Understood	___ / 10	_____
8. My Friendships	___ / 10	_____
9. My Physical Appearance	___ / 10	_____
10. Feeling Loved and Appreciated	___ / 10	_____
11. My Environment (eg. home, workspace)	___ / 10	_____
12. Physical Health	___ / 10	_____
13. My Feelings and Emotional Health	___ / 10	_____
14. Organization and Simplicity	___ / 10	_____
15. Being Challenged and Stretched	___ / 10	_____
16. Learning and Personal Growth	___ / 10	_____
17. Money/Finances	___ / 10	_____
18. Connection to Myself	___ / 10	_____
19. Relaxation and Pampering	___ / 10	_____
20. Something else:	___ / 10	_____

- What surprised you most about your responses? _____
- What patterns and themes do you notice? _____
- What else do you notice about your responses, that you perhaps haven't mentioned yet? _____
- Finally, write ONE action you will take THIS week to take more care of yourself: _____

PS. Feel free to turn over and write more action/s out OR find a post-it and write out your action/s to remind you!

SELF CARE TIPS...

- Go to a café by yourself
- Listen to an album from start to finish
- Have a cup of coffee
- Smile at a stranger
- Slow down
- Read a book by your favorite author
- Create a vision board
- Lotion your entire body
- Practice mindful eating
- Go to bed early
- Wear your favorite clothing
- Try a new food
- Tidy your space
- Organize a party
- Celebrate small achievements
- Journal

SELF CARE IS ABOUT STEWARDSHIP OF MIND, BODY AND SOUL

QUESTIONS?



CREDITS

Special thanks to all the people who made and released these awesome resources for free:

- Presentation template by [SlidesCarnival](#)
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- Journal Pages by [101Planners.com & Life is messy & Brilliant.com](#)
- All quotes attributed to their authors.