**April Pupilage Group - Inn of Court Presentation**

[**SLIDE 1**: “Access to Justice” Presentation Title Card]

**<<BANJO!>>**

[**SLIDE 2**: Video of Judge Beckerman - CLICK TO PLAY THE VIDEO]

# VIDEO INTRODUCTION BY JUDGE BECKERMAN

**Stacie Beckerman:** *[RECORDED INTRODUCTION]*

***Last line***: I’m Judge Beckerman, this newscast has been closed, but I order YOU to STAY TUNED!

[applause sign]

[**SLIDE 3**: Law Tawlk Logo Card]

**<<BANJO!>>>**

# INTRO: ENTER RICKY AND VIKKI

**Ricky Romain (Sonia)**: Hello, hello! Welcome to our show! I’m Ricky Romain –

**Vikki Valentine (JKS):** --and I’m Vikki Valentine –

**RR**: Together we are Ricky and Vikki–

**QQ**: --And you’re watching **LAW TAWLK**!

**VV**: A public access show made by us for you, featuring real talk about real laws for real people! Ricky and I have been friends since the 6th grade, and that's about as real as it gets!

**RR**: Today’s show: Access to Justice. Family members, friends, boyfriends (**VV**: a LOT of boyfriends) have run-ins, er, encounters with the law. Not just the kind you see on COPS, but everyday stuff that REAL people experience.

**VV**: Dealing with the law can be confusing and scary. What better way to turn that frown upside down than by using the experiences of what some local community members have gone through to share the valuable lessons they have learned so you don’t find yourself in the same situation.

**RR**: We have two guests tonight. The first is Esmerelda Martinez. Esme is the proud owner of Loquacious and Lovely Locks Hair Salon, and she does a fantastic job (***RR and VV both pat hair***), as you can tell. She was also, until relatively recently, married to that no good piece of garbage, Robert. (**VV**: Ugh Robert) And during the many hours we spent in her salon we heard all about what she went through, and we thought she would be a perfect first guest. So let’s bring up Esme.

# PRESENTATION #1

## ENTER ESME (LEA)

**VV:** Esme! Welcome, thank you for being here. You’re a local small business woman. We know you,

**RR:** We love you.

**VV:** But, other peoples dont know yous.

**RR:** So tell the real people out there about yourself!

**VV:** Yea tell us why ya here?

**ESME (Lea)**: Thank you very much for havin’ me. I truly hope that someone else can avoid what I experienced by listenin’ to me relive one of the most horrible times in my life. So, as you said, I was married for 12 years, very happily, I thought. Until Robert decided that he wanted a newah model, if you know what I mean.

**VV**: Oh we know what you mean!

**Esme**: So there I am with two kids, a 2 year old and a 6 year old. And at that point I was doing hair for friends out of my house. I didn’t have any money for an attorney. I didn't know where to look. I also didn’t have time to look because I couldn’t afford child care. Thank god my mother lives nearby and tried to lend a hand.

**VV**: Oh honey, I am so sorry he put you through that.

**ESME**: Thank you. But it gets worse! I was so upset and overwhelmed, that one day I was thinking about what I needed to do, and I slipped on the stairs and broke my foot. I couldn’t even drive. I was on a scooter for three months!

**RR**: As if it wasn’t bad enough! How did that impact you?

**ESME**: Ooof. I couldn’t do a whole heck of a lot. I was overwhelmed and broke, figuratively and literally! (***points at foot***) But, I still consider myself lucky, because my mom is one awesome lady. My first step was to see if I could find a lawyer, so she tried to help me with that. But we’ve never needed one, so she didn’t know where to look for one. The first thing she did was to call the court.

**VV:** Makes perfect sense.

**RR:** Courthouses are full of them!

**ESME:** You’d think! But it was nothing but problems. First of all, the court only answers its phone a few hours a day because of budget cuts from a few years ago. Second, she only speaks Spanish. Good luck trying to find someone who speaks Spanish in the few hours you can get someone on the phone. Eventually she got a hold of someone who tried to be helpful. They told mom to go look up everything online, because there’s information on there in Spanish. My Mom tried, but let’s be real…

**VV:** Being real is what we want!

**ESME:** My mother’s 73 years old. She didn’t grow up using a computer. She’s worked in a grocery store my whole life, so she’s never needed one. Between her unfamiliarity with technology and the language barrier, it was a struggle.

**RR:** So what did you do?

**ESME:** Finally I tried to go to the court in person and see if I could corner someone into helping me. But with my broken foot, driving was out. I eventually found a ride to the courthouse, thankfully. But there was no parking nearby. And holy cannoli, have you seen the stairs you gotta climb in that place? Sheesh. You gotta be an olympic athlete just to get inside. The whole thing was a nightmare!

**RR**: Oh honey, that’s a LOT! Let’s break this down. We have someone with us today who can speak to these issues. Let’s welcome Dr. Garrett Garrulous, or as we call him at the clinic, the Fabulous Dr. Garrulous! Dr. Garrulous is my sister’s husband’s friend’s brother from the gym, and he happens to be not only amazing with the Botox, he knows all about the Aida. Let’s bring up Dr. Fabulous, I mean Garrulous (**GARRETT**)!

## ENTER DR. GARRULOUS (GARRETT)(DR. G) – ADA issues

**VV:** Welcome Dr. Garrulous.

**DR. G:** Thank you. It’s my pleasure to be here.

**VV:** Please tell our audience a little bit about yourself.

**DR. G:** Well, as you mentioned, I am a medical physician. When I am not performing my regular duties I also advise the Oregon Judicial Department on issues relating to the Americans with Disabilities Act, or the A-D-A, which I believe is what you were referring to.

**RR:** See how smart you are?! That’s why I trust you to inject botulism into my face with a needle.

**VV:** So Dr. G, you’re the expert here, tell us how the law you just mentioned applies to Esme’s situation.

**Dr. G:** The Americans with Disabilities Act is the applicable federal law. (42 USC 12101 *et seq.*) It is intended to ensure that people with disabilities are able to fully participate in all aspects of society. The law covers three broad areas: (1) Employment; (2) Public Services; and (3) Public Accomodations. The portion that would apply to Esme’s situation is Title II, which applies to state and local governments, including state courts.

**VV**: What does all that mean? What kinda stuff is covered?

[**SLIDE 4**: Title II of the ADA]

**Dr. G**: Title II says that a person with a disability may not be excluded from participation in the services, programs, or activities of a state or local government because of their disability. (42 USC 12132) Because there are many different kinds of disabilities, the law covers a lot of ground, from physical access issues like ramps and elevators, to things like assistive devices for people with hearing disabilities.

 The Oregon Judicial Department has a written policy that says it will make reasonable changes to its policies and procedures in order to accommodate qualified persons with disabilities, unless doing so would result in unreasonable financial or administrative burden.

**RR**: Oregon is really old. So are some of the courthouses I’ve seen. I know we just spent a lot of money on the new courthouse in Multnomah County. What were some of the problems and have they been resolved with the fancy new building that was put up?

[**SLIDE 5**: New & Historic Courthouses]

**Dr. G**: Well you’re right about Oregon being old, as are its courthouses. When you look at the state as a whole, there are 36 counties in Oregon, each has its own courthouse. The oldest one that is still in operation is in Benton County, built in 1888. On the other hand, here in Multnomah County, our old courthouse was built in 1914. As you can imagine, it did not comply with ADA standards such as entry ramps and elevators. It was also not considered to be safe in the event of an earthquake, so a new one was built that would both be ADA compliant and not fall apart if we are hit with an earthquake.

**QQ:** *(Statements like “God forbid” and “From your lips to God’s ears!” with lots of crossing themselves, looking up, clasped prayer hands)*

**Dr. G:** Yes, indeed. As I was saying, a new courthouse was constructed and it was completed in 2020. The new one is state of the art in terms of accessibility.

However, there is still a lot of variation in what you might find across the state. One example I recently heard about was in Wasco County, where the elevator up to the courtroom was out of operation for months. The court was permitting parties who were not able to use the stairs to conduct their hearings by phone from the lobby, but wasn’t necessarily providing notice of that in advance. Think about the situation that Esme encountered. If they were going to be able to appear by phone, then they didn’t need to get to the courthouse. And perhaps they could have avoided the problems that she encountered. However, they weren’t getting notice out about this option, so they would still drive over there, have to find parking, and so on. That’s one example of the kinds of barriers people can face.

**RR**: So let’s say I have a physical limitation and I have to go to court for something. Is there someplace I can find information about what capacity a courthouse has in advance?

**Dr. G**: Every Oregon state court has a dedicated Local ADA Coordinator to assist with ADA issues. That includes all of the circuit courts, the appellate courts and supreme court, as well as the tax court. The various counties often also have an accessibility link on their webpages that have information about that particular county.

[**SLIDE 6**: List of all Oregon ADA coordinators, by county]

**VV**: What about that other courthouse? The federal one.

**Dr. G**: Oddly enough, the federal courthouse is not subject to ADA

**QQ**: *(Cries of “What?” “That’s ridiculous?!” Looks of incredulity exchanged)*

**VV:** What makes the feds so special?

**Dr. G***:* Title II of the ADA applies by its own terms only to the programs and services of *state and local* governments, so the federal district courts don’t fall within its scope.

With that said, the district courthouses are wheelchair accessible, and the courtrooms have assistive listening devices and assistive visual devices on request. The federal courts also provide “Disability Access and Accommodation Coordinators” to help with access issues.

**RR**:[*Comment/Reaction*] Oh, it looks like we have a question from the audience!

**AUDIENCE MEMBER QUESTION**: I have to help my nephew when he goes to court next month and he’s deaf. He will need American Sign Language translation. What do I do? Does he have to pay out of his own pocket?

[**SLIDE 7**: UTCR 7.060]

**Dr. G**: For actually requesting reasonable accommodations in a state court, UTCR 7.060 is your answer. It requires you to notify the court as soon as possible, but at least four judicial days in advance, and to provide information about the disability and the accommodation requested.

One thing to notice is that the rule is for anyone involved in a court proceedings who needs a reasonable accommodation, not just the parties or their lawyers - it would apply for witnesses, or victims, for example.

[**SLIDE 8**: Mult. Co. Reas. Accommodation Form]

Also, many counties have a specific form that can be used to request an accommodation under UTCR 7.060, so it is a relatively simple matter to make the request.

**ESME**: Well don’t count on it! My foot healed, but as you can imagine, listening to my customers talk all day at their usual volume has taken a toll and as a result I’m also a little hard of hearing…

**QQ**: (*LOUDLY* - **VV**: “Whaddaya talkin’ about? Who’s the loudmouth?” **RR**: “It ain’t us, we’re quiet as churchmice”)

**ESME**: …Right. Well, anyway, I did all of that and asked for an accommodation and they didn’t have it. I had to practically have the judge scream at me the whole time.

**RR:** Honey, we were there. That’s not why the judge was screaming.

**Dr. G**: I’m sorry you experienced that. The Oregon Judicial Department provides a grievance procedure for problems with ADA compliance.

[**SLIDE 9**: OJD ADA Complaint Form]

If there has been an issue a complaint should be filed as soon as possible and no later than 45 days. It should indicate a corrective action that may resolve the violation. But the grievance procedure is not exclusive of any other remedies.

**ESME**: Well one of the witnesses in my case spoke Japanese and they didn’t have anyone to translate.

**Dr. G**: That does not fall under the ADA, but Oregon law does provide that courts should provide a translator for parties and witnesses who don’t speak English. ORS 45.275.

[**SLIDE 10**: ORS 45.275 & UTCR 7.070]

Just like you can request a reasonable accommodation under the UTCRs, you can also request a foreign language translator. UTCR 7.070. And if there is an issue, there is also a complaint form that can be submitted.

**RR**: Well this has been very informative but we do have to move on because there are a LOT of barriers to justice and we hope to get to them all. Thank you so, so, so much Dr. G. And remember, if you ever need a little freshening up, Dr. Fabulous is your man!

## EXIT DR. GARRULOUS (GARRETT)

**VV**: Esme, you mentioned some other problems, like the language barrier. Tell us more about that.

**ESME**: Sure thing. When I finally got the forms I needed, they were impossible to understand.

**VV:** But you speak English. Were they in a different language?

**ESME:**  Well, they were in some sort of English, but it was all Greek to me. But I was very lucky because I found these people called “Court Navigators” in the courthouse who were able to assist. They were like angels. I wish I could thank them again in person.

**RR:** Well today is your lucky day, because if there’s anything Vicky and I are good at…

**VV:** It’s making other people’s wishes come true. Do you recognize these voices?

# PRESENTATION #2

## [KATIE AND HEATHER, OFF STAGE (FROM AUDIENCE)]

**KM:** “Ma’am, will you please stop yelling? I’m sure we can find a way to help you figure something out.”

**HB:** “Please ma'am**,** we’re here to help.”

**ESME**: No frickin’ way!

**RR:** That’s right Esme, it’s the Court Navigators who helped you through the nightmare that is the Oregon Court System, Katie and Heather from the Multnomah County Courthouse!

**VV:** Katie and Heather, come on up here!

[*APPLAUSE sign]*

## ENTER KATIE AND HEATHER

**[**GENERAL GLAD TIDINGS AND HAPPINESS EXCHANGED AT SEEING ONE ANOTHER AGAIN - OMG - YOU LOOK AMAZING**]**

**[ALL SIT]**

**RR:** Thank you Katie and Heather for joining us today. Esme has sung your praises ever since you helped her during what we call “The Dark Times”.

**KM:** Not at all, it was our pleasure.

**HEATHER:** Just doing our jobs.

**VV:** Well let’s get into that a little. It’s great that you were there to help Esme, and the many other people that come into the courthouse. Can you explain a little bit about why your job is even necessary?

[**SLIDE 11** - “Language of the Law must not be Foreign”]

**KM**: There are many ways in which Court Navigators can assist the many unrepresented individuals who find themselves encountering the court system. Access to justice requires an ability to understand and navigate the system - and that’s what we’re here to do.

**HB**: One of the reasons the public needs people like us is because of the number of different languages spoken here in Oregon.

**RR:** How many are there?

**HB:** There are about 206 languages spoken in Oregon courts. But the court hasn’t translated forms or created websites for all of these languages.

**VV**: How do they decide?

[**SLIDE 12**- Five Most Common Spoken Languages in Oregon]

**KM**: In Oregon, the 5 most commonly spoken languages are Spanish, Vietnamese, Chinese, Korean, and Russian. And OJD has some self-help forms translated into these languages … if you can find them on the website.

**RR**: How does Oregon compare to other states?

[**SLIDE 13**- State Scores & Rankings for Language Access]

**HB**: For starters, there’s at least an option on the homepage to have it translated into those 5 most common languages. In Texas - a state that used to be Mexico, where a quarter of the population speaks Spanish - there’s not even an option to translate txcourts.gov into Spanish.

And in the National Center for Access to Justice’s ranking of states, Oregon had a score of 88.76 out of 100 for language access. Only Massachusetts and Rhode Island scored higher!

**ESME**: What about the fact I couldn’t understand the forms written in English?

[**SLIDE 14** - The Flesch Reading Ease Score Test]

**KM:** The problem of too much “legalese” or jargon can really impact people’s ability to meaningfully access our justice system and the resources designed to help navigate it. There are even metrics that help to quantify the extent and problem of “legalese.” The Flesch Reading Ease index - developed about a century ago by an Associated Press consultant who wanted to improve the readability of newspapers - scores text on a 1 to 100 scale.

**HB:** A number of the forms at the OJD’s website have Flesch Reading Ease scores that indicate their level of difficulty may prevent many from understanding them - for example, the Packet Instructions for Filing for a Stalking Protective Order (<https://www.courts.oregon.gov/forms/Documents/CivilStalkingFullPacket.pdf>) scores 53.5 - meaning “fairly difficult to read.” So, even for people who can find the forms in a language in which they are fluent, they still may not convey the information in an accessible way.

**VV**: What’s being done about this?

[**SLIDE 15** - National Laws on Readability]

**HB:** There have also been some national laws passed on readability. In *Walters v. Reno*, a 1998 opinion from the 9th Circuit, the court found that the US Immigration & Naturalization Service’s procedures were so confusing and misleading that they denied plaintiffs’ due process rights. The forms the INS used to tell plaintiffs they might be deported did not simply and plainly communicate the legal consequences. The court ordered INS to revise the forms and not deport anyone whose case had been processed using the deficient forms.

In 2010, Congress passed the Plain Writing Act requiring that government documents issued to the public must be written clearly, which enhances citizen access to government information and services. You can find the official guidelines for the Act at plainlanguage.gov.

**RR**: How about Oregon?

[**SLIDE 16** - Oregon Plain Language Laws - Employment …]

**KM**: Oregon’s got a number of laws addressing plain language:

ORS 657.260 orders employers to post and maintain printed statements related to filing claims for benefits. The law specifies that the printed statement shall include notice to the workers in plain language of the potential disqualification from receipt of benefits for voluntarily leaving work or being discharged.

In Oregon’s residential building codes, ORS 455.085 requires that a publication on state building codes shall be readable at the 9th grade reading level.

ORS 171.134 has an even more specific requirement that any measure digest or measure summary from the Legislative Assembly must be written with a score of at least 60 on the Flesch readability test.

[**SLIDE 17** - Oregon Plain Language Laws - Contingency Agreements …]

**HB:** And there are more laws, too!

ORS 20.340 requires that contingency agreements be written in plain and simple language.

And ORS 180.545 states that the agency to whom a consumer contract is submitted should review it to determine if it complies with plain language requirements. The law outlines specific requirements for plain language in a consumer contract, including use of words that convey meanings clearly & directly, uses present tense & active voice, simple sentences, defines words that can’t be explained in the text, starts off by explaining that it’s a contract between parties and even includes formatting requirements like margins and section headings.

These are all great ways to make contracts and other documents more understandable to more people. Also try to avoid Latin.

**VV**: Latin? I thought that language was deader than a doornail!

**RR**: Can you give us some examples of latin phrases that people might come across?

**KM**: Sure. Why don’t we try something? We’ll say some examples of some common Latin legal phrases that are used and you try and guess what they mean.

[**SLIDE 18** - “Let’s Play …What are these legal people TAWLKing about???]

**VV:** Oh good, I love games!

**RR:** You’re very good at them.

[**SLIDE 19**  -*EX PARTE*]

**KM:** Let’s start with *ex parte.*

**RR**: Hmmmmmm. I think that means my ex is no party!

**HB:** No. It means that one side has contact or communication with the judge when the other side is not present.

**KM:** But it is also the name of a daily court proceeding where one side can go and talk to the judge without the other side being present.

**RR:** That is very confusing.

[**SLIDE 20** - *IN CAMERA]*

**KM:** Let’s try another one. How about *in camera*?

**VV**: Oh, I know that one! That’s when the evidence is on Instagram!

**HB:** No. That’s when the judge looks at evidence in their chambers, without it being published to the jury or entered into the record.

[**SLIDE 21** - *PRO SE*]

**KM**: What about *pro se?*

**VV**- That’s when the experts, the professionals tell you what they think - it’s what the “pros” “say”!

**RR**– What are you talking about? Didn’t you hear her explain it’s in Latin? It’s pronounced “Prose, eh?” It’s used in Canadian courts.

**HB:** Sorry, that’s when someone is not represented by an attorney.

**VV:** That sounds nothing like what it is.

[**SLIDE 22** - *IN PARI DELICTO*]

**KM:** And that’s the problem. OK, one more. *In pari delicto*.

**RR**- Ha! I know that. That’s what my brother’s friend Michael tried to get me to do at the prom.

**VV**– No wonder they call it the Flesch test!

**QQ -** *(CACKLES, HIGH FIVE)*

**HB:** That’s a very good guess, but sorry, wrong again. It means of equal fault.

**RR:** Well, those words suck!

**VV**: Yeah! Clearly they ain’t fixing the words fast enough to outrun a dead language, so what are some other things they are doing to make going to court easier for REAL PEOPLE?

[**SLIDE 23**- Plain language movement]

**KM**: There’s a whole movement for plain language! It was started by simplifying those unintelligible legal documents and now governments and businesses around the world embrace it. Plain language is clear, concise, and easily understood the first time someone reads or hears it. It’s about thinking about the reader and how you can get across to them. In other words, write so the reader doesn’t need a professional translator to convert legalese to regular human speak.

 [**SLIDE 24** – Plain language & Legal Design]

**HB:** Plain language is a great start, but legal design takes it up to the next level. It’s thinking about all the factor that affect how someone understands the communication.

[**SLIDE 25** - Accessibility Considerations 1]

**HB**: How is the text laid out on the page? What are you doing to make it visually comprehensible, like using bullet points, graphics and other visuals.

[**SLIDE 26** - Accessibility Considerations 2]

And hey, this 2023! We have all kinds of technology at our disposal, so use it! A webpage that explains how to represent yourself in court is great, but why not make a video? Isn’t there an app for that?

[**SLIDE 27** - Accessibility Considerations CHART]

**KM**: Okay, slow down, Heather. Why don’t we start with cutting down on the legalese. Like saying “lawyer” instead of “counsel” and “eviction order” instead of “writ of possession.”

[To RR and VV] Um, is everything ok?

**RR**: No, it’s just that was a lot to take in. I think that’s the longest we’ve never said anything on this show.

**VV:** Yeah, we were also afraid of getting anything wrong!

**RR:** All of that is very helpful information, but aren’t all these things a lawyer is supposed to be able to help you with?

**ESME**: The problem is, there are no lawyers!

**VV**: But, isn’t that a right?

**ESME**: No! I thought so too. Until my mother’s cousin’s butcher’s brother explained it to me.

**VV**: And thanks to you, we have him here today to give us some information about the problems you faced. Let’s bring up **NEAL**, Esme’s mother’s cousin’s butcher’s brother, who also happens to be a lawyer! Katie and Heather, thanks again for being with us!

## EXIT KATIE AND HEATHER

# PRESENTATION #3

## ENTER NEAL – Pro se problems

*(INTRO/BACK AND FORTH/TELL US ABOUT YOURSELF)*

**RR**: So Neal, what can you tell us about Esme’s issue? Not being able to find a lawyer?

**NEAL**: The lack of lawyers in many areas is a significant problem. Especially some key areas like family law, housing and landlord/tenant. During Covid, family and landlord/tenant lawyers were busier than most.

**VV**: Tell me about it. I hadn’t spent that much time alone with my husband and kids in years and lemme tell ya, I almost walked out the door! And we have a very strong relationship!

**RR:** But what are we talking about here? How many people don’t have lawyers?

**NEAL**: Nationally 80-90% of family law cases involve at least one unrepresented party. And here in Oregon, while exact figures are hard to come by, the Oregon Supreme Court reported from a study in 2019 that 83% of parties in landlord/tenant cases were unrepresented and 71% of parties I in marital dissolution cases were *pro se*.

[**SLIDE 28**- Pro Se Litigants In Oregon]

**VV**: Pro se?! That doesn’t mean what you think it means! Talk like a real person!

**NEAL**: Yes, good point. I mean that one of the parties is unrepresented, without a lawyer.

**RR**: Why is this a problem? No offense, but my father always said the fewer lawyers that were out there the better off we’d all be.

**NEAL**: For all of the reasons already discussed. Language barriers, lack of familiarity with forms, with legal and discovery processes and with the format of legal proceedings. And ultimately, when one party, or both, lack familiarity with the process it strains the trial courts and causes delays and ethical quandaries.

**VV**: Can you give us an example?

**NEAL**: Judges can’t give legal advice, nor can one lawyer on the other side, but everyone wants and needs things to move things along and make sure the other side is getting their day in court. That creates ethical problems.

**RR**: So what’s the impact that has?

**NEAL:** For the most part, delays in trial and proceedings and unresolved child custody issues .

**VV**: Is it better in some places than others?

**NEAL**: The problem is particularly acute in rural areas. In Coos County, one of the judges recently explained that they have a need for lawyers to come in from out of town. There just are not enough family and housing lawyers in rural areas.

**RR**: This is terrible. TERRIBLE! What is being done about this?

**NEAL**: People are hiring retired judges and paying them by the hour to hear their cases.

**VV**: Yeah so only rich people can afford to get divorced, and that’s a god-given right!

**RR:** What about REAL PEOPLE?

**NEAL**: Well there’s always the possibility of an Informal Domestic Relations Trial.

**RR**: Informal? What is that? Is everyone sitting around in yoga pants or something?

**NEAL**: It’s a simplified hearing where the parties speak directly to the court. Both sides can introduce evidence without an attorney and without the need to know and understand the Rules of Evidence. For the court, evidentiary rule violations go to weight and not admissibility.

**VV**: What about paralegals? My cousin Jenny is a paralegal at a family law firm and she says helps out her boss a lot. Why can’t she help?

[**SLIDE 29** - OSB PARAPROFESSIONAL PROGRAM]

**NEAL**: Well, in 2019 the OSB Board of Governors created a committee to study that issue. Based upon that study, the Oregon Supreme Court directed the Bar to implement a new program to license paraprofessionals to provide limited legal services in family law and landlord-tenant cases. They will be regulated by the Oregon State Bar. They will be subject to their own Rules of Professional Conduct, will be required to have malpractice insurance, etc.

**RR**: Have they done this anywhere else? Has it been successful?

**NEAL**: Yes, at least five other states have implemented or are considering implementation of licensed paralegal programs, according to the OSB committee report.

**VV**: When will that program be implemented?

**NEAL:** OSB is currently developing the specifics of the program now. And a Bill is currently pending before the State Senate, SB 306, that would address some statutory language issues to allow the program to proceed.

**RR:** Well I guess all you folks out there who have been putting up with that partner who’s been driving you crazy will have to just grit your teeth and hold on a little longer. Thank you very much Neal.

**<BANJO!>**

**VV:** And now it’s time for a word from our sponsor, **JOHN** [or other name]**!**

## EXIT NEAL

# PRESENTATION #4

## ENTER JOHN – Pro/low bono PSA (2-3 mins)

**JOHN:** (*car sales-man style*) We now take a break from the Legal Tawk show….for a public service announcement

Do you need a lawyer? Are you struggling with finding representation? Are you financially “less than at your best”?

[**SLIDE 30-** “reallawrealpplrealcheap.org.com”]

Then you need to check out

 REAL LAW REAL PEOPLE REAL LAW.ORG.COM!

If you want to access legal services there are many ways to do so…

 You can go the office of your local and trusted lawyer, the one who handled your adoption, will, divorce, traffic ticket, IF her office is still open…many are operating remotely like telemedicine, there are lawyers operating from home offices

Or the internet has lots of access to forms. You can go to law depot, legal zoom, legal match, and more

Then there is the Oregon State Bar, Legal Assistance Services of Oregon, the Oregon Law Center, and the American Bare Association

And, you can go the courthouse…where you can get or buy forms, get stalking protective order paperwork, and “Do it Yourself”….DIY

Next

Some services you are paying for the service with your tax dollars.

The Attorney General, Bureau of Labor and Industry, VSO at all of Oregon’s counties, and the state wide ODVA, Oregon Department of Veterans Affairs…

Not to mention the DA…

The attorneys at these organizations can handle child support, victim services, paternity, domestic violence and criminal problems…maybe you are a victim of a crime… Well we’ve even go victim advocates for you at the DA’s office

NEXT

Let’s say you’re a Native America. You’ve got even more options! you have NARA to support you, many lawyers remember 1776 SW Madison Street as the home of the Oregon State Bar in the old days

Next

And what if you’re part of a non—profits? We’ve got you covered there too!

Look at all these agencies whose sole goal is to assist in providing legal services

And let’s not forget The Commons Law Center. That’s a pay as you go law firm, it’s not free, but many Oregonians qualify for reduced fees per hour support…

Many are Veterans based, or faith based, Catholic Relief, Lutheran Family services, Easter Seals….TPI, CC Concern, Do Good Multnomah

Next

The Oregon State Bar has access to recorded legal information guides, the modest means programs, the lawyer referral service, the Vets law section, and others…

And there is always …Google

Next

Legal Aid, and the Oregon Law Center help Oregon Farmworkers, and low-income folks in landlord tenant, snap benefits disputes, Medicaid disqualification, tax cases, and expunctions and criminal and eviction cases

Next

Immigration Counselling Services and the Center for non profit legal services in Medford help with these…issues, which confront ICE, and CIS, CBP, and HIS agencies

Next

The ABA provides access to legal help at its website and lists attorneys willing to work for you without a fee….

So again, if you want to know the resources that are available to you, just type in REAL LAW REAL PEOPLE REAL LAW.ORG.COM! We’ve got you covered!

And NOW BACK TO LAWR TAWLK……

[**SLIDES 31 - 39**: JOHN’S SLIDES. JOHN WILL TELL HALEY WHEN TO MOVE THROUGH SLIDES]

## EXIT JOHN

**VV:** Wow what great information! Thank you, sponsor! OK Esme, scoot over! It’s time to introduce our new guest!

**RR**: Now, we’re not going to give his name because his story involves an interaction with the criminal justice system and we don’t want him to get an unnecessary bad rap. It doesn’t matter that you cant see his face because no one watches this show anyway. So come on up here, Mickey No-name! Let’s give him a big round of applause!

**<BANJO: Deliverance>**

[Applause card]

# PRESENTATION #5

## ENTER MICKEY NO-NAME (Mike)

**– Impact in criminal system**

**VV:** Thank you very much for being here today Mickey.

**MICKEY**: (*kisses hands of RR, VV and Eseme. Looks at Esme and says directly to her*) Thank YOU!

**ESME**: Yes, thank you!

**Mickey**: YOU (*directed pointedly at Esme*) - are VERRRRRY welcome.

**Esme**: (*blushes, giggles*)

**RR:** Alright you two, calm down.

**VV**: So, Mickey, tell us how you came to be embraced by the long arms of the law.

**MICKEY**: Well, my brother’s best friend got into an argument with someone. I love my brother but I love his best best friend even more, because he’s not my brother. So I decided to send a message. I was going to just slash the guy’s tire, but then I noticed he had a nice laptop on the seat and thought, why not? It was a convertible, so I just sliced through the roof (*demonstrate with gesture*) and grabbed it.

**QQ/ESME**: *(Audible gasp!)*

**VV**: It was a convertible?!

**MICKEY**: Not just ANY convertible. It was a 1972 CHEVELLE MALIBU convertible..

[**SLIDE 40:** 1972 Chevy Chevelle Malibu]

**RR**: A Chevelle! What are you, an animal!

**VV**: I can’t believe they let you out! How did you get caught?

**MICKEY**: Unfortunately for me, the guy had one of those ring cameras and it was all caught on video.

**RR**: Ring cameras. Very Big Brother!

**MICKEY**: Agreed. But it worked and I got arrested. I ended up getting charged with criminal mischief and theft.

**RR**: Did you call your lawyer?

**Mickey**: What lawyer? I’m not Donald Trump, I don’t have 11 guys on retainer. I couldn’t afford a lawyer.

**Esme**: I couldn’t afford a lawyer either! We have so much in common!

**MICKEY:** *(Looking at Esme)*We do!

**VV**: OK, but my understanding is that you get a free lawyer if you can’t afford one, right? At least when it comes to criminal law?

**RR:** Yeah, it’s your constipational right! I mean constitutional.

**MICKEY**: That’s what I thought! I was supposed to be arraigned the next day, but there weren’t any lawyers there for me. There’s a shortage of public defenders.

**RR**: What the hell are our taxes paying for?!

**MICKEY**: That’s what I asked the judge! Who did not appreciate my question. All I heard is that public defenders get paid much less than the DAs and that means lots of the PDs leave for greener pastures. I’m guessing they need more money so people like me don’t experience what I did!

**VV**: So did you get out on bail?

**MICKEY**: Well I learned this after this whole process, but Oregon passed SB48 back in 2021 and that overhauled the state pretrial release rules. Given my criminal history and the crimes charged I didn’t have to pay bail, but I got released with GPS.

**RR:** More with the Big Brother!

**MICKEY:** Agreed! And you have to pay for it. Thankfully monitoring fees are either waived or on a sliding scale depending on income otherwise I would have been screwed! I don’t have it easy like some college kid I saw get out easy for doing the same as me, because his dad could afford bail.

**VV**: What a terrible experience! Can you tell our audience if any good came out of it?

**MICKEY**: Actually yeah, I got to do this thing called a Judicial Settlement Conference where me and my lawyers got to meet and talk with the guy whose convertible I slashed and stole from. The county has a **pilot program** called “restorative justice”. It was pretty cool, I learned a lot.

**RR:**  Mickey, you know how we love surprises. Well, we have a surprise! We have the owner of that beautiful convertible you slashed and grabbed his laptop. He’s here tonight! Let’s bring up **CHRIS**.

[*APPLAUSE SIGN*]

## [ENTER CHRIS]

**Mickey**: WHAT? YAS!

**Chris**: Hey Mickey. I hope you’ve been keeping out of trouble.

**RR**: Thanks for being here! Tell us, what is the restorative justice program and why are only airline pilots allowed to participate?

[**SLIDE 41** - What is Restorative Justice?]

**Chris**: Well, it’s a new *pilot program* in Multnomah County, and it’s not just for pilots. It’s a program that allows defendants to resolve their case in a different way.

**Mickey:** If defendants and victims agree, the case can be routed away from regular criminal prosecution and towards a dialogue based restorative process that involves a community based organization (CBO). Obviously I still had to pay restitution and be held accountable, but this program gave me an opportunity to see a victim face to face. It really humanized the process.

**Chris:** Yeah, I really wanted to attend this Judicial Settlement Conference in person. I was important to me to feel included in the process. It really humanized the person who committed this crime against me. Instead of a name on a piece of paper, I saw Mickey as a person. And Mickey brought his mom, dad, sister and fiance to the settlement conference where they spoke on his behalf about his struggle with mental illness. Good news for Mickey was I agreed that his case could be dismissed if he continued to get help from his therapist. And the state prosecutor agreed and he got the case dismissed! I also got the money to repair my convertible any laptop back.

**Mickey:** Yeah it was great! And I didn’t add to my criminal record.

[**SLIDE 42** - Victim’s Rights - Section 42]

**Chris:** I learned that victims have rights in Oregon too. They’re right there in the Oregon Constitution and state statutes. I have the right to be present at any critical proceeding in a case. I have the right to prompt restitution. I also have the right to make a statement if there was a conviction and sentencing.

[**SLIDE 43** - Victim’s Rights - Section 43]

**Chris:** Victims also have a right to be protected from a criminal defendant. Judges are required to base their release decisions of a pretrial defendant on the reasonable protection of the victim, and the public, as well as the likelihood of the defendant to appear for court.

**Mickey:** I learned that there’s a local rule in Multnomah County that requires 4 days notice before we can set a hearing date! Learned that the hard way when the Judge didn’t let me set a hearing 2 days out. I looked it up later and learned it was SLR 4.024.

**Chris:** That didn’t mean that I always got the notice I wanted. I also didn’t have an attorney to represent me. I found out that I wasn’t entitled to one without paying. I got one because I was just so overwhelmed and confused with how the process and system work. I can’t imagine trying to navigate this thing without a lawyer. My lawyer immediately called the DA’s office and told them she represented me. My lawyer was a godsend.

**Mickey:** I wish I got a lawyer that easily too… It took me weeks to get a PD!

**Chris:** It wasn’t easy, or free. But I learned from my lawyer that my case wasn’t going to get a dedicated Victims Advocate because it was a property crime with no person crimes. I guess my case wasn’t “serious” enough to warrant the extra attention. My lawyer made up for that and kept me informed of all court dates as well as my rights and options.

**Mickey:** I wish my lawyer was that good about telling me about my court date. I don’t blame them, but they’re so overworked that things get missed. It didn’t help that I had to change my cell number in the middle of the case. That caused some communication issues. In talking to Chris, I realized that he and I both had issues to overcome in this whole system and process.

**Chris:** It was eye opening to learn the barriers that the accused have as well as victims too. Lawyers are essential to help people like you and me get through this process. I was fortunate to have a lawyer there with me because I actually felt a little re-traumatized by the whole experience when I was face to face with the guy who vandalized my car and stole my laptop with all my family photos on it. And I really didn’t want to have to go to trial and testify. I don’t think anybody likes going to court, other than the lawyers.

**RR**: Yeah. Going to court is like going to the dentist. That - is- Fascinating! Has anyone here experienced anything similar? Can anyone here relate?

**ESME**: I can relate (*looking at Mickey*)

**Mickey**: (s*miles, looking back*)

**VV**: Get a room! Anyone else? Any questions from our studio audience?

# PRESENTATION #6

## JEREMY & ALI (FROM AUDIENCE, FRONT TABLE)

**JC/Ali**: Yes! Over here!

**RR**: Alright, I’m coming to ya! Thank you very much for speaking up. Who the hell are you?

**JC**: Well, my name is Jeremy and this is my wife Ali. I had a different but relatable experience.

**RR**: Please share.

**JC**: I was recently released from prison, where I’d been incarcerated for 1 year and a day for selling my Ozempic prescription to a real housewife of Washington County who wanted to lose some weight.

**VV**: Oh, you mean my cousin Denise. Tell her hi for me.

**ALI**: It’s not funny. My husband has diabetes. We couldn’t afford bail, either, like Mickey. And after they arrested him, while he was in the county jail, I tried to bring his medication to him, but it was so difficult!

**VV**: Wait why were YOU bringing him the meds? Why weren’t THEY giving him meds? Didn’t they know he had diabetes?

**ALI**: Yeah, they did intake but not enough staff at the jail and didn’t get meds in time. I brought his medication, but the jail wouldn’t accept it without a doctor’s note and approval from a jail supervisor.

**RR**: What about after the first time. Could you mail the meds to him?

[**SLIDE 44**: MAIL INSPECTION]

**JC**: I needed them before the mail could get there. And besides they inspect mail because they look for contraband. That includes any type of medication or drugs that someone might send.

**VV**: Wow, jail is harsh. So what happened?

**ALI**: He went into diabetic coma after the guards refused to answer his pleas for insulin. He was in the hospital for a week and then they let him out on his own recognizance.

**RR**: What does that mean?

**JC**: I was released without having to put up bail money. The only good thing was that I did qualify for a public defender, and I was appointed one.

**ALI**: In the end, he decided to plead guilty, because he wanted to avoid a trial and it reduced his sentence. Then he went to prison.

**JC**: That was no picnic, but at least I got my meds on time. And I hoped that maybe I could use that time to figure out if I had a claim for what happened to me when they didn’t give me my drugs at County.

**VV**: What sorts of claims are talking about?

**RR**: How did you figure all that out?

[**SLIDE 45:** LIBRARY ACCESS]

**JC**: It was challenging, to say the least. First I had to figure out if I had a right to sue and what claims to bring. But I didn’t have a lawyer. Fortunately, there is a library at the prison that has law books in it. But there’s limited access, and no one to explain how to look into things.

**ALI:** Then we had to figure out what type of claim he might have and how to file it. A state law claim, like medical negligence, or a federal claim, like a violation of 42 USC 1983.

**VV:** Medical negligence I get. What type of claim would the second one be?

**JC:** A denial or refusal of medical treatment, or inadequate medical treatment, is a violation of a prisoner’s 8th Amendment rights, and a prisoner can bring those claims under Section 1983.

**ALI:** And the type of claim that you file triggers different requirements. For example, if you are going to sue a public body in state court for medical negligence, you have to file something called an Oregon Tort Cclaim Notice within 180 days. That’s to give the public body notice of your intention to sue. If you don’t do that, you can’t bring the claim.

**JC:** We were able to figure out that we could file in federal court without the OTCA notice requirements, so long as we only filed the federal claims and it was still within the 2-year statute of limitations. But, we still wanted to have a lawyer. While I was in prison I heard about this program where we could get an attorney appointed for us if we filed in federal court.

[**SLIDE 46:** PRO BONO APPOINTMENT]

**RR**: Wait, why did you need a lawyer? I thought you had a lawyer? I’m so confused!

**ALI**: That was for the criminal case. We were trying to file a civil claim. We learned that, if you are unable to pay for an attorney in a pending civil case in the District of Oregon, you can file a motion for appointment of pro bono counsel. They have a shell for the motion on their website.

**VV**: So did you get a lawyer thru that program?

**JC**: No, they didn’t appoint one. They don’t have enough and there are no guarantees. It’s totally left to the discretion of the judge presiding over your case, and they have to balance your ability to argue the case and the likely merits of your case. But we can apply again later.

**RR**: SO what did you do?

**ALI**: We went ahead and figured out how to file the claim ourselves.

**JC**: But we ran into issues there too. There are filing fees, which a court can break into installments if you show that you’re unable to afford the fee. That’s called in forma pauperis. Normally a court can waive the entire fee, but not for prisoners.

[**SLIDE 47**: PLRA AND TORT CLAIMS]

There’s also the Prison Litigation Reform Act, which requires prisoners to exhaust their administrative remedies before they can file a claim in federal court. And the PLRA requires the court to screen prisoner complaints for merit even before the defendant gets served. So there are a lot of barriers.

**VV**: You overcame so much, and you’re still together. That’s so impressive. How did it turn out?

**JC**: Well, it got dismissed. Turns out I hadn’t exhausted my administrative remedies. And, we still had to pay the whole filing fee over time, because of the payment program!

**QQ**: WHAAAAAT? That’s an outrage. I am so sorry.

**VV**: Well, gee, I’m sorry to end on such a sad note, but thank you very much for sharing your story.

## [JEREMY/ALI SIT DOWN]

[**SLIDE 48:** Law Tawlk Logo Card]

# WRAP UP: VIKKI & RICKY

**RR:** Well, that’s our show this week. I don’t know about you, but I am thoroughly disheartened about the many barriers to justice that we learned about today.

**VV:** *(LOOKING OVER AT ESME AND MICKEY)* Yeah, but the important part is that it seems like the legal community is recognizing that there are many barriers to justice, and based on what we have learned today there are steps being taken to address those issues. And hopefully, our viewers, if they ever have to have an encounter with the legal system, Gawd forbid…

**RR/ESME/MICKEY/CHRIS:** Gawd forbid!

**VV:** …they will have some information that will help them break those freakin’ barriers down!

**RR:** (*LOOKING AT VV IN AWE)* You are so freakin’ WISE! Thank you for helping me work through that. You go girl!

**QQ**: *(HIGH FIVE ONE ANOTHER)*

**VV:** Thanks for watchin’ Law Tawlk on T-A-W-L-K Portland Channel 54. We’d like to thank all our guestsand our Sponsor, and of course, you the viewers for tuning in.

**RR:** And please keep tuning in as we continue to try and get REAL INFORMATION to REAL PEOPLE about important aspects of the law. On our next show, we’ll be explaining exactly when you can and cannot secretly record someone you think is a lying piece of trash. Until then…

**VV**: Stay out of trouble!

[*APPLAUSE SIGN*]

[**SLIDE 49** : Cast Card]

***<BANJO!>***