Self Help Center Family Law Attorney Interviews

The Self Help Center staff review motions drafted by pro se parties, before the party may obtain a court hearing date.

Please review the attached pro se motion.

In the interview, you will be asked to role play - you are the self help center staff attorney and the interview committee is the pro se party. What will you tell the pro se party about her motion?

State of Minnesota

County of Hennepin

District Court

Fourth Judicial District

Case type_____

File # DC 459274

Juliette Brown
(Plaintiff/Petitioner)

v.

Roger Johnson
(Defendant/Respondent)

Notice of Motion and Motion

To: Hennepin Family Court, the above name plaintiff/defendant.

YOU WILL PLEASE TAKE NOTICE that there will be a hearing before the Honorable _____, at Room _____ of the

☐ Court Tower of the Hennepin County Government Center, 300 S. 6th Street, Minneapolis, Minnesota,

OR

☒ Hennepin County Family Justice Center, 110 S. 4th Street, Minneapolis, Minnesota,

on Nov. 2, _____ at 2:30 o'clock in the am/pm, or as soon thereafter as this matter can be heard.

The Plaintiff/Petitioner or Defendant/Respondent (circle one) will move the Court for an order as follows:

1. I need a transcript of our last hearing and 2 copies of my divorce but can't afford fees
2. To change to venue child support to Anoka county because Hennepin county isn't pursuing him and he hasn't paid since feb.
3. He should not be able to take kids to Canada fishing because he hasn't paid support for them and he should be in jail for contempt from court.

Use additional paper if more room is needed

NOTICE TO OTHER PARTY

After you receive these papers, if you want to respond to anything raised by the other party in his/her papers, your written response must be personally served on the other party at least five (5) days before the hearing or mailed to the other party at least eight (8) days before the hearing. Your responsive paper must be filed with the District Court Administrator at least five (5) days before the hearing.

If you want to raise new issues at the hearing the other party has scheduled, your *Motion* and *Affidavit* must be personally served on the other party ten (10) days before the hearing or mailed to the other party at least thirteen (13) days before the hearing. Your papers raising new issues must be filed with the District Court Administrator at least ten (10) days before the hearing.

******If you do not serve and file a written response, the Court might not look at papers you bring to the hearing and might not allow you to make a verbal response at the hearing.******

VERIFICATION AND ACKNOWLEDGEMENTS

a) I have read this document. To the best of my knowledge, information and belief, the information contained in this document is well grounded in fact and is warranted by existing law.

b) I have not been determined by any Court in Minnesota or in any other state to be a frivolous litigant and I am not the subject of an *Order* precluding me from serving or filing this document.

c) I am not serving or filing this document for any improper purpose, such as to harass the other party to cause delay or needless increase in the cost of litigation or to commit a fraud on the Court.

d) I understand that if I am not telling the truth or if I am misleading the Court or if I am serving or filing this document for an improper purpose, the Court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of the serving or filing of this document, court costs and reasonable attorney's fees.

Date: _____

_____
Signature

_____

_____

_____

State of Minnesota

County of Hennepin

District Court

Fourth Judicial District

Case type_____

Judicial Officer_____

Roger Johnson
(Plaintiff)

File # 00000 245-F39-247

v.

Juliette Johnson
(Defendant)

Affidavit of Juliette Brown

MY WRITTEN STATEMENT OF FACTS PERTAINING TO THE HEARING IS AS FOLLOWS:

When we got divorced he was supposed to pay me $15,000 from the house. He has not paid me for my share NOR any maintenance for our child.

Please I have no money and need him to pay what is ordered.

~~Back before when we were married~~

In our divorce he said he would cover John on medical.

Please waive fees.

My father will come to court to testify that he is working and can pay me.

thank you!

Date _____

(your signature)

4225 Sargent St.
Norwood, MN 55363
763

Subscribed and sworn to before me this

_____**day of** _____, _____

_____

THIS DOCUMENT MUST BE NOTARIZED

This completed form must be filed with the Court before your hearing!

STATE OF MINNESOTA **DISTRICT COURT**

COUNTY OF HENNEPIN **FOURTH JUDICIAL DISTRICT**

In Re the Matter of:

Case No. 00000 245-F39-247

_____
Name of Petitioner/Plaintiff

AFFIDAVIT OF SERVICE BY MAIL

v.

_____
Name of Respondent/Defendant

STATE OF MINNESOTA)
) SS
COUNTY OF _____)
(County where Affidavit signed)

I, Juliette Braun, being sworn, state on _____, _____, I served the following papers: Notice of Motion and Motion and Affidavit of _____ by placing in an envelope a true and correct copy of each document addressed to Roger Johnson _____ at _____ in the City of _____ _____, State of _____, Zip Code _____ and depositing the envelope, with sufficient postage, in the United States Mail at the Post Office located in the City of _____ _____ in the State of _____.

_____
Signature of Person Who Mailed Documents
(Sign only in presence of Notary Public)

Date: _____
Month Day Year

Address: _____

City & State: _____

Telephone: (_____) _____
(of person who mailed documents)

Subscribed and sworn to before me this
_____ Day of _____, _____.

_____
Notary Public or Court Clerk

Attorney II Interview
Motion Issues spotting exercise
Applicant: _____

What's wrong with this picture?
(Use this "cheat sheet" to see how many issues the applicant has spotted.)

Notice of Motion and Motion

1) "To: Hennepin Family Court" - A motion is sent to the opposing party, not the Court.
2) The Notice does not include the name of the Judicial Officer or the court room.
3) 2004 is not included in the date.
4) She has not circled am or pm.
5) She has not circled either Plaintiff/Petitioner or Respondent/Defendant where requested.
6) In numbered paragraph #1
   a. A person does not obtain a transcript by motion – she would call the Judge/Referee's court reporter to request a transcript. (I would also ask her why she wants a transcript and let her know that they can be quite expensive.)
   b. She requests copies of her "divorce" (does she mean the divorce decree?). Copies are also not received by motion – from records in the basement of the FJC.
   c. A waiver of fees is not requested by motion but by using the IFP form. (However, a person may ask for the waiver of a fee for an evaluation or a waiver of the costs of genetic testing.)

7) In numbered paragraph 2,
   a. she should not give reasons why she wants to change venue in the motion.
   b. The language of #2 isn't great but it is pretty clear that she wants to change venue. However, she claims she wants to change "child support" but her file number indicates she is a litigant in a divorce case. Does she realize that to change venue means the whole case is venued in Anoka county so that all issues would be dealt with in Anoka?
8) In numbered paragraph 3 (the spacing is off which is messy).
   a. She is just making a statement, not asking for relief. If she wants him to be held in contempt, she should be using the Contempt motion packet with an Order to Show cause.
   b. Also in #3, she is making statements and giving reasons as opposed to making concise requests for relief.
9) Writing down the margin is not appropriate. She should attach another sheet of paper.
10) He motion is not signed.
11) She did not include her address and phone number.

Affidavit

1) Roger's name is now written on the Petitioner line (Juliette's name is written on the Petitioner line on the Motion). The original Petitioner will always be the Petitioner when filing motion under this DC file number.
2) Also, Juliette's name is Brown on the caption of the Motion and Johnson on the caption of the Affidavit. Her legal name should be used in the "Affidavit of _____" line and the original case caption should be used on both the Motion and Affidavit forms. (She could write n/k/a Juliette Brown under her name in the case caption.)
3) She is using a different "case number" on the Affidavit than on the motion. This looks like a child support case number and she should use her DC file number.
4) Her affidavit must support the relief requested in her motion. Her affidavit raises another issue and does not support her request to change venue and gives little support for her request for him to be held in contempt for non-payment of child support.
5) She refers to "maintenance" when she likely means "support."
6) Crossing out a line, looks messy. (But it is generally good not to make arguments based on what happened prior to the last order.)
7) She states that in the divorce he "said" he would cover John on medical. Was this a verbal agreement or is it court ordered? If she wants her ex husband to cover the child or wants that included in the contempt request she needs to request that as part of her motion.
8) She is again asking for a fee waiver.
9) If she would like to have her father testify, she needs to ask for oral testimony to be taken in her motion (and she should have legal advice about how to conduct an evidentiary hearing). I would tell her that unless the Court has ordered an evidentiary hearing, she will not be able to call witnesses and she needs to include all the evidence she wants the court to consider in written form. I would tell her that it all needs to be served on the other side so the other side can respond to her evidence. If she wants to include a written statement from her father with her motion, I would tell her it should be short, dated, notarized and state facts her father is personally aware of.
10) The "Thank you!" is not necessary but not really an error.
11) Her signature is not notarized.
12) Her phone number is not complete.

Affidavit of Service

1) Again, there is what appears to be a child support case number.
2) She has written her own name in as the server. She cannot serve the papers on her ex-husband. She needs to have a third party who is at least 18 years old put the papers in the mail to her ex and then sign the Affidavit of Service.

Why I - general

1. You were given a document to review prior to the interview. Please comment on the types of changes you would suggest. You can give an example to illustrate the types of changes.

2. When the interview was scheduled, you were asked to read General Rules of Practice, Rule 110. This rule provides guidance for Self Help Center personnel who are court employees.
   - Did you get a chance to read Rule 110?
   - ~~Did you have~~ any questions about how the self help attorney role differs ~~from an attorn~~ey in private practice?
   - What do you see as the main differences in the role of a SHC attorney and a private attorney?

3. In your role as the SHC attorney, you meet with someone who shows you a court order and says "The Judge made a mistake." You read the order and agree. What do you do?

A litigant in an open case stops by the Judges' chambers

4. A judge sends someone to the SHC for help putting a request into a motion. The litigant doesn't understand what a motion is or why the Judge won't just listen to her and make an Order. What do you do?

5. Who would you consider to be the "customers" of the SHC?
6. Are you comfortable working on a computer and typing your own documents?

7. Assume you find that there are consistently too many people to help. What ideas do you have for serving as many people as possible?

8. - If you were starting a collaborative project with another agency or multiple agencies, what would you do to improve the likelihood of a successful outcome?

9. Volunteer lawyers and law students are an important part of the resources available at the SHC.
If you hired a new staff member, what would you tell him about working with volunteers?

10. You are sitting at your desk and you hear a customer becoming increasingly vocal and upset. You can tell that the SHC clerk helping the customer is also getting upset. You are the supervisor. What do you do?

11. What differences might there be working on a court matter with an American born person and a recent immigrant?

12. A court clerk in civil filing sends someone to you with a question. You don't know the answer. What do you do?
13. What areas of law are you most knowledgable in?
14. Why are you interested in this position?

Interview Questions - Second Interviews

1. Please tell us briefly about a program or project or problem you have managed, and describe the approach you took. In hindsight, would you have done anything differently?

2. Did you get a chance to read the Evaluation Report? (Consultants' report evaluating the Self Help Centers)
What stands out for you in the Report?

3. Did you visit the SHC?
What were your impressions?

4. It would be fair to describe the efforts of the SHC thus far as trying to effectively assist those people who walk- in and request help.

The Evaluation Report notes that a significant majority of those who go to court pro se do so without the help of the Centers.

a. Should the SHC attempt to reach more of the litigants? Why or Why not?

b. If the SHC made it a goal to increase the percentage of pro se parties using the SHC, what ideas would you explore to accomplish the goal?

5. In this position, you would be working with and supervising Sr. Court clerks. Given that self help center lawyers are not permitted to provide personalized legal advice, explain how your role would differ from that of the Sr. Court Clerks.

6. Given what you know about the job from the job description, the SHC Evaluation Report and the questions we asked at the first interview, what would you like to tell us about why you should be hired for the job?

7. What do you envision yourself doing professionally 5 years from now?