

Emergency, Community, Health and Outreach

ECHO TV Program Questions and Answers “Going to Court in Minnesota”

1. Why would someone WANT to go to court?

- Sometimes the court can help settle legal problems with business, family or neighbors.
- When you go to court, you get to tell YOUR SIDE of the problem, and the other party gets to tell their side.
- You might be required by law to go to court, or risk penalties – regardless of your immigration status.
 - Examples: You might receive a summons for jury duty, or receive a subpoena to appear as a witness. Or someone might sue you and you need to respond.
 - You may find out you need to go to court in several ways:
 - You get a letter in the mail
 - A court summons is delivered to you
 - You are arrested and brought to court
 - You choose to solve a problem by starting your own civil case in court.

2. What are some common reasons people go to court?

- There are many reasons to go to court, but they fall into two types, called “cases”.
 - Criminal cases include: Traffic tickets, robberies, domestic assault and other crimes against people or property.
 - Civil cases include: Injury from a car accident, divorce, child support, landlord/tenant issues, orders for protection, harassment restraining orders, business disputes, and other cases.

Emergency, Community, Health and Outreach

3. What can I do to prepare to go to court BEFORE I am required to go to court especially if I have a language barrier or disability?

- Many courts have local resources on their web site or Self-Help Centers located at the court building with resources.
- In Minnesota, the STATE web site and phone line with local and state information.
- COURT INTERPRETERS:
 - The court will provide qualified interpreters to repeat in your own language what is being said in court, and to repeat what you say in English.
 - Court interpreters and other court employees cannot give you legal advice. Only an attorney can give legal advice.
 - You cannot use your own interpreter in a courtroom, but you can bring someone to the courthouse to help you understand information given at the public counters or Self Help Centers.
 - If you have a disability and need special help, tell court staff what kind of help you will need BEFORE the date of your hearing, so the court can be prepared.

4. How much time should I allow for going to court?

- You must be on time for court. If you are even a couple of minutes late, you may lose your chance to be heard. Allow extra time to find parking, clear security and find your court room.
- You may also need time to meet with your attorney and/or interpreter BEFORE you appear in court.
- If you have an emergency situation and can't attend your scheduled court date, call the court and talk to someone to find out if it's okay. You might have to show proof of the emergency, such as hospital records.

Emergency, Community, Health and Outreach

5. What should I wear and bring with me to court?

- What to bring (or not bring):
 - Bring legal ID such as a driver's license, passport or green card.
 - Bring written documents to support your case.
 - Leave children at home unless the court asks you to bring them.
 - No cell phones in court. You will be asked to turn them off.
 - Bring a way to pay court fees such as cash or credit cards. You may be eligible for assistance.
 - Bring an attorney, if you have one.

- What to wear (or not wear):
 - Dress like you would to go to work, or place of worship.
 - For security reasons, hats and head coverings may not be worn in court by men or women, unless they are worn for religious reasons.

6. How is court different in the United States including Minnesota, compared to other countries?

- The court wants to hear the opinions of all people or parties involved in criminal or civil cases.
- The goal of the court is to listen and provide legal decisions for all those who go to court.
- The court makes its decisions based on the law. Outcomes cannot be bought. In the US, bribing judges or witnesses is a serious crime.
- The laws are applied equally and fairly to all people regardless of age, race, gender or culture. That is the right of everyone in court.

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7. What should I expect when I go to court?

- The court is place of honor so people treat each other with respect.
- Everyone stands when the judge or jury enters the court.
- Judges are introduced or spoken to by saying “your honor”
- People do not eat, drink, read, talk, chew gum or use cell phones during court cases.
- Wait your turn to speak and when you do, speak loudly and clearly so everyone can hear your concerns.
- Be patient. Sometimes many cases are scheduled for the same time. You may have to come back to court more than once until all the work is done.

8. Why is court so formal and time-consuming?

- It takes time for the judge and the court system to listen and be sure that everyone is treated fairly and equally.
- Taking time helps avoid mistakes and lets all facts come to light.
- Taking your time and coming prepared shows respect for a fair process no matter your race, gender, age or culture.

9. What are the most common mistakes people make when going to court?

- People who don’t arrange for a court interpreter or special assistance because of a disability (called an ADA request) in advance cause delays. Plan ahead.
- People who don’t understand the law or the court rules so they have to come back to court after they learn what to do.

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- People who don't have an attorney to help them may take extra time.

10. Who are some of the different people in the courtroom?

- There are many people who work for the court – too many to mention.
- Most cases have at least these people in the court room:
 - Judge: Expert in the law and court process. Makes decisions about the law in criminal and civil cases.
 - Court Clerk: Keeps the records organized and collects the documents provided in court as directed by the Judge. Checks in the people who are supposed to be in court.
 - Court reporter: Takes notes of what goes on in court.
 - Attorneys or Lawyers: Represent people or groups of people coming to court for criminal or civil cases.

11. What is the attorney's role in court?

- An attorney knows the law and the rules of making a case in court.
- Your attorney's job is to help present your criminal or civil case in court to the judge and sometimes a jury.
- Attorneys speak for you in court, unless the judge asks you to speak.
- If you are charged with a crime and you can't pay for an attorney, ask the court to appoint a public defender to represent you.
- You may be represented by an attorney, and the other side may be represented by another attorney. The attorney for the other side can't give you legal advice and does not have your best interests in mind.

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- Make sure you tell **your** attorney all of the information about the case. Information you give **your** attorney is almost always confidential. .
For civil cases, low income residents might qualify for Legal Assistance by contacting the Legal Aid group in your area. You can find them on the web site. You can also get help at walk-in legal clinics.
- If you are representing yourself in court, you still have to follow all the rules. You can ask court staff and the judge questions, but they can't give you legal advice. Remember, the judge has to stay neutral.

12. Do all legal problems have to be solved in Court?

- No. Going to court is not always the best way to solve a legal dispute because it can be costly, time-consuming and very stressful.
- Other ways to solve legal problems are called "alternative dispute resolution" or ADR.
- ADR includes **mediation** and **arbitration**.
- Sometimes you HAVE TO use ADR. Other times you might have a choice.
- Only you can decide what's best for you. Ask for help by consulting an attorney or legal resources to make the best decision.

13. [IF TIME AVAILABLE:] Is there anything else you would like us to talk about in the few minutes we have left?

- Suggestion: Repeat the web site / phone line resources.
- Suggestion: Emphasize that there's a lot to learn, but there's help available – plan ahead.