

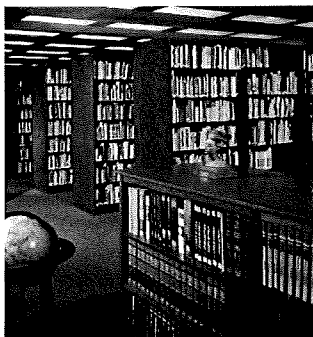


REPRESENTING YOURSELF? VISIT A PRO SE HELP CENTER.

Approximately 75% of the patrons at the Dakota County Law Library in Hastings are representing themselves in a legal matter, said Sara Galligan, head librarian.

Galligan is also in charge of the Dakota County Family Court Self-Help Center which provides a half hour of legal information to pro se individuals at the public libraries in Hastings, Apple Valley and West St. Paul. This program started as a pilot project for self-help centers in rural areas.

The idea was simple: Where would people go for legal information? The obvious answer is a law library. Each county courthouse throughout the state has some collection of legal books and information said Galligan. However, some courthouse collections are small, not always known to the public and not always very open to the public. That is why the Dakota County pilot project is located at public libraries.



Legal Assistance of Dakota County recruits volunteer attorneys to provide the half-hour consultation, screens the potential users, and manages the scheduling of both attorneys and users.

When a user arrives at the library, he/she receives an Acknowledgment of Nonrepresentation, and a list of resources for finding free or low-cost forms and laws.

Before and after the half-hour consultation,

law library staff is available to direct users to helpful videotapes and other resources. Galligan frequently invites users to review videotapes developed by the Hennepin County Self-Help Center on how to start a divorce and how to bring a motion.

The Dakota County project has been in place since July 2002 and has served 216 users. Galligan noted that there is a county law library directory available at <http://www.lawlibrary.state.mn.us/publicn.html>. Many of the county law libraries have family law resources. For those who do not, the state law library can help with resources as well, see <http://www.lawlibrary.state.mn.us/libinfo.html>.

In Dakota County, the law library has partnered with the public libraries to offer country wide legal research through Versus law, which is available at all of the branches. Live Westlaw is available at the public library in Apple Valley. There is no charge for these online research tools.

Within the seven county area, the following self-help centers are available:

- Hennepin (general civil) 612-348-9399
- Hennepin (family) 612-596-1067
- Ramsey (family) 651-266-2847
651-266-2832
- Dakota (family) 651-438-8080
- Washington (general civil) 651-430-6330

In addition, some County Support and Collection Agencies offer classes on how to represent yourself before a child support magistrate.

Inside this issue:

Representing Yourself? Visit a Pro Se Help Center. 1

Book Review: Philosophy Offers Insights Into Problem—Or Puzzle-Solving. 2

Evidence 101 3

The publisher thanks Sara Galligan, Dakota County Librarian, for her help with this issue. Attorneys can call Karissa Schumann at 952-431-3200, to volunteer to help with the Dakota County Pro Se Help pilot project.

Checklist For The Upcoming Two Months

Get ready to file tax returns. Need the forms for claiming dependency exemptions? See www.irs.gov and www.taxes.state.mn.us/

Attend spring parent-teacher conferences.

Confirm spring break and Easter parenting time schedules.

Start thinking and talking about kids' summer plans.

BOOK REVIEW:

PHILOSOPHY OFFERS INSIGHTS INTO PROBLEM – OR PUZZLE SOLVING

The fight took place without many words. The first speaker sarcastically said that the club secretary had invited him to talk about philosophical puzzles and posited that there were only philosophical problems. The second speaker responded that he had dictated the wording of the letter and raised a poker leaning by the fireplace – to emphasize a point – to calm agitation or irritation – to threaten the speaker?

There is no answer to the question, but the history of this one small incident is the topic of the book Wittgenstein's Poker: The Story of a Ten-Minute Argument Between Two Great Philosophers, by David Edmonds and John Eidinow.

Why would there be any big debate about the difference between a puzzle and a problem?

Merriam-Webster's Dictionary defines the word "puzzle" as "something that puzzles."

One definition of the verb "puzzles" is "to offer or to represent to (as a person) a problem difficult to solve or a situation difficult to resolve; to challenge mentally." It would appear that this definition, incorporating the word "problem" couldn't be the source of the tension between the two speakers in Wittgenstein's Poker.

The second definition of "puzzle" is "a question, problem or contrivance designed for testing ingenuity." The implication of this definition is that the puzzle is susceptible of a discrete answer since it was "designed" for "testing ingenuity." If the answer was not known, then how could there be a test?

In comparison, the same dictionary defines "problem" as "a question raised for inquiry, consideration or solution." Another meaning of problem is "an intricate unsettled question."

Both of these meanings of "problem" suggest an open-ended process that may generate options for answers rather than one answer.

Having no philosophical background of any note, this writer disclaims any authority to speak to the philosophical debate in Wittgenstein's Poker to any extent beyond the ordinary dictionary meanings of the two terms. Even this limited understanding of the topic, however, generates some useful observations for thoughtful living.

First -- take any challenging situation – perhaps a disagreement over who should have a child for Christmas Day. If we view this disagreement as a puzzle, we are looking for one answer that someone – who we don't know – has already determined. If we view this disagreement as a problem, then we view it as an "unsettled question" raised for "inquiry, consideration or solution." We are not limited to a search for the one answer. We can expand the search to many options.

Second – if one party to the disagreement over Christmas Day views the issue as a puzzle and the other views it as a problem, both may find the discussion frustrating.

Third -- if we could just get the parties to focus on an alternative definition of puzzle – the first one listed in the Merriam-Webster Dictionary – they might avoid the semantic hang up. A "puzzle" can be a "problem."

In fact, the proponent of "puzzle" in Wittgenstein's Poker had dictated the language of the letter in question at a time before he had come to view the questions raised in his work as susceptible of multiple answers. Who knows maybe there was no real disagreement that generated the famous story of Wittgenstein's poker?

EVIDENCE 101

I've heard it more than once in my practice. "I called the police so that I'd have some evidence for my case."

Evidence is testimony, documents, or things which establish a fact. So for example in a car accident case, the evidence might include (1) testimony, such as "I saw the two cars collide," (2) documents, such as the police report made before the drivers left the scene, and (3) things such as the dented bumper from one of the cars.

Courts are concerned with having relevant evidence to prove a fact.

The legal definition of "relevant evidence" is evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Some relevant evidence may be excluded from the Court's decision-making. For example, if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. Or perhaps its probative value is outweighed by considerations of undue delay, waste of time or needless repetition of evidence.

The Rules of Evidence provide guidelines for ensuring that relevant evidence is also reliable and that both attorneys have a fair chance to test the evidence.

Hearsay is a common type of evidence that is considered unreliable. If a participant told a neighbor two days later that he slammed on his brakes, and

then the neighbor testified that the participant slammed on his brakes, that would be considered hearsay on the issue of what the participant did during the accident. The neighbor wasn't there and didn't make his/her own observation of what happened.

Might the neighbor be called as a witness anyway? If the issue is how good a recollection the participant has of the accident, the neighbor's testimony might be reliable and relevant evidence that the participant has given more than one story about what happened. A Rule of Evidence allows the Court to consider prior inconsistent statements of a witness in evaluating a witness's credibility.

So, you might ask yourself, is that police report really evidence? The answer is that it depends on what fact you are trying to prove.

The police report is the best evidence that the incident was reported to the police, and that the police made a written report. It might also be evidence that the incident was of a type to which the police routinely respond by coming to the place of the incident.

The police officer who made the report is the best witness as to what the people present at the scene told him and what he observed at that time. He might refer to the report to refresh his memory.

The people who were involved in the incident are the best witnesses as to what occurred. The report or the police officer might offer information different from what the participants testify and that discrepancy would be some evidence on whether the participants are credible (telling the truth, accurate memory).



DEWALT LAW OFFICE

2412-117th Street, Suite 100
Burnsville, MN 55337

Phone: 952-895-5543

Fax: 952-646-9311
www.dewaltlaw.com

Office Hours:
Monday—Friday
8:30 a.m.—5:00 p.m.

Providing attorney representation, mediation, and collaborative law services in divorces, paternity, post-decree, adoption, guardianship and other family law cases.

Ripples...

the drop of one stone...

a single event transforming the lake...



Each family law matter creates ripples in the lives of the people involved in the case and in our society. This publisher believes that individuals can choose to toss the stone in a way that promotes ripples of cooperation, connection and positive values for the benefit of themselves, and the smaller and greater communities in which they live. "Family Law Ripples" is dedicated to providing practical and legal information to that end.

"Family Law Ripples" is published by Deborah N. Dewalt © 2004

Family Law Ripples
2412-117th Street
Burnsville, MN 55337