

Legal Support Training

120 minutes

Materials: Phone Tips sheet, handouts, butcher paper, legal system flow chart, props for phone role play (notepad, pens, phone, clock, arrest roster form, butcher paper w/ arrestees names, list of important legal phone #s), markers

I. Introduction (10 min)

- Introduce trainers and participants.
- Midnight Special has done legal support for actions small and large since the year 2000. We've been involved with the legal support for actions like the FTAA protests in Miami (2004) & in Quebec city (2000) the Seattle WTO protests, and many local actions
- How many of you have been arrested before? How many of you have done legal support for activists who have been arrested? How many of you plan to do legal support for activists?
- We think legal support is important for the success and sustainability of our movements. An example of good legal support: When people protested the war on Iraq at the Oakland docks in 2003, no one expected to get assaulted and arrested. But 35 people did, and because there was a legal team, all the arrestees were tracked, and they came out of the experience inspired and organized.
- An example of consequences of bad (or no) legal support: on Mayday 2001, a group of 80 activists in Long Beach, CA were wrongfully arrested and brutally beaten. They all lost their cases and lost the chance to sue the cops who hurt them.
- Legal support looks different with 10 arrestees than with 1000 arrestees. It's also different if you know the arrestees than if they're all strangers.
- Our goal for this training is to prepare you to provide legal support for a small action (1-30 arrests) where you know everyone involved.
- Agenda review
- What questions do people have so we can make sure to answer them? (write down these questions) Feel free to ask questions throughout the training; also, the legal system is full of jargon, so if we use some words that don't make any sense, just ask us.
- Real life is weird. If something weird comes up when you're doing legal support, call us. We always like helping people out.

II. The Legal System (10 min)

In order to give effective and caring legal support, it's important to understand what people are going through when they are arrested and jailed. We're going to briefly go through the legal process. For each step we'll give some information from our experience.

1. Arrest

- The cops are often violent. Even if arrestees aren't injured, they're probably shaken up, bruised and uncomfortable.

2. Booking

- Booking usually happens right when you get to jail, but can be delayed for hours and hours.
- The guards take your picture, fingerprint you, and ask questions about medical history and identity (tatoos, home address, etc)

3. Jail

- Jail means sitting around. Just getting processed in and out takes hours and hours.
- Expect the guards to be rude at best, violent at worst. They may do things like force arrestees to submit to strip searches, turn the a/c on full blast, pack the cells far beyond capacity, beat people up, seperate people, etc.
- Because you are basically at the mercy of the guards, jail is very scary, especially if you are alone.

- There's often no food or water. If there is, it'll be very low quality.
- The guards will lie about the charges and the penalties. If they actually want to question someone, they'll be very manipulative.

In most protest cases, people are released from jail and have to return for court. It's good for the legal team to have a basic grasp of the legal system steps at the court level:

7. Arraignment

- This is when you find out what you're actually being charged with and get to enter a plea.

8. Pre-Trial Hearings

- A hearing is a court appearance before a judge, usually to argue a particular issue (ie, setting bail, or allowing certain evidence).
- There can be any number of of hearings before trial.

9. Trial

- Just like on TV, but more boring.

The case could get resolved at any point along the way. Usually the charges are dropped or a plea bargain is reached very early in the process.

III. The Big Picture (15 min)

A. Goals of legal support? (10 min)

Brainstorm: Let's say you and your friends occupied an army recruitment office to protest the war and all got arrested. What would you need from legal support?

Trainer: condense the brainstorm into these Goals of Legal Support (write on butcher paper)

- Keep people safe, physically and legally
- To help arrestees achieve their goals
- Make protests more effective

B. Brainstorm: How can we achieve these goals? (5 min)

- Answering legal calls, providing information and emotional support
- Tracking people in custody, especially targeted people – the police often go after organizers, people who did more militant actions, people of color, and transgender people, for example.
- Dealing with medical emergencies and other problems in jail (such as access to medication)
- Help people use collective bargaining
- Help find lawyers for jail visits, arraignment, trial, etc.
- Organize political pressure
- Educate people ahead of time on their rights and the legal process

IV. What you are (30 minutes)

Basically, you are one part bureaucrat, one part counselor, and one part organizer.

A. On being a bureaucrat (10 min)

- Keeping all of this info "straight" is really important. For example, if you are asking a lawyer to visit your friends in jail, you want to be able to give them all the info available on who is in custody and what they need.
- Take good notes: for every call get the callers name and phone #; record the date and time; write legibly. You'll often forget to ask for a piece of crucial info and have to call someone back.
- Use wall charts to log important developments so everyone in the office can see what's going on. We usually have one for Street Updates (e.g. police using tear gas at 7th & Market) and one for Jail Updates (e.g. Sharon Smith separated from the group)
- Update everyone helping with legal support as often as possible. It's hard to make time for

this, but it's more important that everyone knows what's going on than that any one phone call gets answered.

- As much as possible, collect information from people risking arrest. NB - this works very well for small actions, and very poorly for huge ones.

B. On Being a Counselor (10 min)

- It's critical to give emotional support for folks in jail.
- People are going through trauma. They're probably exhausted and scared. They may have been injured or seen someone they care about get beat up. And don't forget how much jail sucks.
- Remember that you are probably the only source of reliable information for people in jail, and maybe the only friendly person they have to talk to.
- Just having a number that a friendly voice answers (that's you) is good emotional support.
- Make sure to ask them if they're ok and if they need anything. Give them positive feedback and reassurances.
- One nice thing to do if it isn't too busy is play music for them over the phone.
- Brainstorm: Doing legal support can be stressful. What are some ideas people have to deal with stress so they can be effective legal supporters?

C. On Being an Organizer (10 min)

- Organize legal trainings before the action.
- Help supporters organize a jail vigil, call-in campaigns to pressure the mayor, DA, police chief, jail warden, etc.
- When people are released: make sure they have rides home, warm clothes, friendly faces, and some food. It's great getting out of jail, but it sucks getting stuck in some random part of town at 2am with nothing.
- Get everyone's info (charges, court dates, etc.) as soon as they get out of jail. Activists have a habit of traveling for six months at a time at a moment's notice. It's hard to get someone's citation number when they're in Burma.
- Organize an arrestees meeting to help defendants and the attorney(s) get information and work together. Help the group communicate effectively with each other and the attorneys.
- The media always like to talk to lawyers and the legal team. Before the action, decide if you'll talk to the media and what your media strategy will be.
- Figure out if and how you'll raise money for bail.

V. Jail phone call role plays! (35 min)

Doing legal support means doing a lot of different things, but one of the most difficult and important is answering calls from jail.

- [Hand out the Phone Tips sheet and briefly go over it with participants] (5 min)
- Setup the office: Trainer sets out all the office props and explains each one (phone, notebook & pen, arrest roster sheet, clock, list of important legal phone #s)
- Setup the roleplay: In this next role play, 8 of your friends just did some civil disobedience and got arrested. There are four men and four women. Luckily, one of your friends called from the action and gave you the names of the arrestees (hang up butcher paper with arrestee names). Answer the phone and take notes as if you were running a legal hotline. You can use the Phone Tips as a guide.

Note to trainers:

The main goal of this role play is to keep track of people, take care of any emergencies, and listen to callers and give them what they need, within reason.

While one trainer is on the phone as an arrestee, the other should be sitting next to the

participant who's taking the call in order to give them help if they need it (e.g. "Let the dad know you hear that he's upset and you're doing everything you can to find his daughter.") While that advice is being given, the trainer who is on the phone should not be saying anything.

Make sure participants copy down names and info on the arrest roster and take good notes. After each participant finishes their call, briefly give one piece of positive feedback and one piece of constructive criticism.

Call 1: This is Troy Metzger. All four of the men are arrested and in jail. Everything's fine, except that they won't let John have his meds yet.

Troy is pretty calm. He just needs to give the info he has to the participant.

- Troy doesn't know exactly what John's meds are, but he'll find out if asked.
- John had his meds on him when he was arrested.
- Troy doesn't know how often John needs his meds, but John seemed pretty upset.
- It looks like they'll be released in the morning.

Call 2: This is Helen Vitale from the women's side. Only three of us are here: me, Mary, and Beth. Jane was separated from us after we were booked, and we don't know why.

Helen is also pretty calm. She's worried about Jane, but is able to give all her info with a little coaching.

- Jane did nothing different from anyone else at the protest, and has never been arrested before.
- There's no obvious reason for her to be targeted by the police

Call 3: This is Andrew Kasai. Look, I just remembered I have a lot of DVDs that are due tonight by 9 o'clock. You have to return them for me. Just pick them up at my house and drop them off at Mega Video, ok?

Andrew is obnoxious, but not unreasonable. He needs to be told that it sucks about his DVDs, but they're focusing on helping people with more urgent problems.

- John still hasn't gotten his meds, but Andrew doesn't think it's a big deal.

Call 4: This is Mary Gonzalves. Look, this is an emergency. We need to find Jane right now. You have to start a massive letter writing campaign and call the UN because this is a war crime.

Mary is panicked about Jane. She needs to be told she's being heard, and that they're trying as hard as they can to find Jane.

- Mary needs emotional support.

Trainer: It's been quiet for a few minutes. Take this time to call the jail to see if they have more information about your friends.

Call 5: This is Sgt. Matthews. Yeah?

Sgt. Matthews is courteous, but brief. He won't volunteer any information (except maybe to speed things up a little). He needs to be asked specific questions – What are people's charges? etc.

- Only 7 people are listed in the system – are you sure Jane was arrested?
- John? Well, if someone needs medication, they'll definitely get it. Don't worry, I'm sure he's fine.
- All 7 listed in the computer are being charged with misdemeanor trespass.
- They should be out right away. Maybe in a couple hours. Or tomorrow morning, whatever.

Call 6: This is Bob Oro, Jane's father. Are you the one who got her arrested? I just found out she was been separated from everyone else! She just got out of high school, and if this

keeps her from going to college, I'll sue you!

Jane's father is really freaked out. He also needs to be told he's being heard, and that they're trying as hard as they can to find Jane.

- He heard his daughter was arrested from Mary, who was even more freaked out.
- He didn't know his daughter was political before this.
- If asked, Jane's father will mention his daughter's a minor.

Call 7: This is John Delacour. Do the police have to give me my meds?

John's pretty calm.

- John is only a little worried about his medication.
- He takes thyroid medication, and can easily go a day or so without getting it.
- He says they're scheduled to be released in the morning, and the legal people shouldn't worry too much about him until then.
- **This is the end of the John scenario.**

Call 8: This is Jane Oro. I'm at Juvie right now because they found out I'm a minor. My dad's coming to pick me up.

Jane is also pretty calm.

- **This is the end of the Jane scenario.**

Group feedback (5 min) – The group gives itself feedback.

Debrief (5 min)

- What was difficult about that? (brainstorm)
- The most important thing was to track people, take care of any emergencies, and listen to what callers are saying and give them what they need. How did that go?

VI. Lawyers (15 min)

• **Intro / Disclaimer**

- When doing legal support, you will be working with lawyers. All lawyers are different, but our experience has shown us that all lawyers share certain traits that make it hard to work with them.
- Specifically, lawyers often think they know everything, refuse to share information, and tend to boss around non-lawyers.
- This doesn't mean they are bad people, it just seems to come with the turf. You should be well aware of these habits so you can deal with them before they get out of control.
- First we're going to talk about what lawyers do and where to find them, then we'll talk about "lawyer handling".

• **You need lawyers for 2 very different roles: jail visits and representation.**

- **Jail visits:** Anyone with a bar card'll do. (a bar card is a lawyer's license to do legal work) Their duties are to communicate with people in jail and deal with emergencies in jail (brainstorm some jail emergencies: injury, people not being released if they want to, access to water, housing of transgender people, etc.) The commitment level for this is relatively low; the lawyer just needs to be available for a day or two while people are in custody.
- **Representation:** These lawyers need some criminal law experience. For serious cases, each person should have their own lawyer (serious = felony, immigration issues, anything that separates them from the group in a bad way). Basically most folks can be represented by Public Defenders (they're usually pretty cool about working in groups, etc.) but you should be sure to have some lawyers who are the same page with you about strategy. The commitment level for this is relatively high; the lawyer needs to be available for the duration of the case, do prep work, and maybe attend strategic meetings, etc.

- **Where to get lawyers**

- First, try the National Lawyers Guild - they're a national network of leftie lawyers. Even if there isn't a chapter where you live, you can call the national office and find some progressive lawyers nearby.
- Also, check non-profits that do legal work, progressive bar associations, etc.
- Ask local activists what lawyers they work with.

- **Lawyer Handling**

- First and foremost, have good communication. Most of our other tips boil down to this.
- Make sure the lawyers know what you expect of them (both in terms of the work they will do and the decision-making structure) and what they can expect from you.
- Make sure the attorneys are willing to take leadership from the arrestees and work collectively with other attorneys and legal support team.
- Call them on their shit early on if you see problematic behavior. Be respectful, but firm.
- Treat them like colleagues and expect them to treat you the same.
- Acknowledge the hard work they're doing.
- In the long term, think about how to make these lawyers feel like a part of your social and political community. It will make it more likely that they volunteer in the future, and they'll be more accountable.

VII. Questions & Wrap-up (5 min)

- Every jurisdiction is different - ask lawyers and local organizers what you should expect. (e.g. in SF, most everyone's going to get cited out)
- This is the last section. Let's see if there are any questions from the beginning that still haven't been answered.
- Do you feel like you could do legal support for your group now?
- Real life is weird. If you have problems or have any questions, please please call us. We're friendly! [give out contact info]
- There are a lot more materials on our website: midnightspecial.net

VIII. Evaluation (5 min)