

LEGAL SERVICES CORPORATION
TIG Final Evaluation Report

Grantee name: Legal Aid Society - Louisville **TIG grant number:** 09359
Submission date: July 29, 2011 (revised) **Approval date:** August 1, 2011

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I. Project Goals and Objectives
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Project Goal

The goal of TIG #09359 is to develop and publish self-help videos that improve the ability of pro se litigants to represent themselves effectively in court.

Project Objectives

1. Develop and post on the Kentucky statewide website (SWWS) ten videos that equip low-income Kentuckians with the tools to protect their rights in five substantive areas of law;
2. Develop and post on the Kentucky SWWS three to five videos with content useful to clients across the country (and facilitate the posting on other states' websites); and
3. Use these videos to increase the use and effectiveness of the self-help resources on the Kentucky SWWS.

II. Evaluation Data and Methodologies
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The evaluation data and methodologies included the following.

1. *LAS produced and posted nine videos that equip low-income Kentuckians with the tools to protect their rights in five substantive areas of law:*
 - Criminal record expungements (<http://www.kyjustice.org/node/1845>)
 - This video describes who is eligible for an expungement and which charges may be expunged. The video also outlines the documents clients should take to court.
 - General foreclosure information (<http://www.kyjustice.org/node/1844>)
 - This video describes the foreclosure process and defines complicated terms for the viewer.
 - Alternatives to foreclosure (<http://www.kyjustice.org/node/1847>)
 - This video provides detailed options for individuals in foreclosure.

- Small claims (<http://www.kyjustice.org/node/1843>)
 - This video outlines the small claims process. It explains how to navigate the court process and other considerations a person must weigh before entering small claims court.
- Security deposits (<http://www.kyjustice.org/node/1846>)
 - This video defines what constitutes a security deposit and explains the actions a tenant should take before and after moving into a rental property to secure the return of the security deposit. In addition, the video outlines tenant responsibilities.
- Client testimonial – wrongful eviction (<http://www.kyjustice.org/node/1849>)
 - This video feature a former Legal Aid Society client who sought our help with an eviction.
- Client testimonial – foreclosure victim (<http://www.kyjustice.org/node/1850>)
 - This video features a former Legal Aid Society client who sought our help when her home entered foreclosure.
- General eviction information (<http://www.kyjustice.org/node/1875>)
 - This video educates viewers about the eviction process and their rights.
- Landlord-tenant law in Kentucky (<http://www.kyjustice.org/node/1874>)
 - This video outlines tenants’ rights in Kentucky.

2. *LAS produced and posted three videos on the SWWS (and facilitated the posting on other states’ websites) with content useful to clients across the country:*

- Earned Income Tax Credit (<http://www.kyjustice.org/node/1873>)
 - This video explains the Earned Income Tax Credit program and the Volunteer Income Tax Program.
- Bankruptcy Law (<http://www.kyjustice.org/node/1876>)
 - This video provides the viewer with an overview of bankruptcy law and how bankruptcy can affect credit.
- Veterans Benefits (<http://www.kyjustice.org/node/1883>)
 - This video provides veterans with an overview on how they can file for VA benefits.

3. *Increase the use and effectiveness of the self-help resources on the Kentucky SWWS:*

- “Video Library” page to the SWWS
- Google Analytics to determine how the videos affect user navigation on the SWWS

- Materials developed for presentations
- Promotional materials to heighten awareness of the resources

4. *Processes used to produce and post videos on the SWWS:*

- LAS worked with law students from the University of Louisville Brandeis School of Law to write the scripts for each video.
- LAS used the above videos to increase use and effectiveness of the self-help resources on the Kentucky SWWS by creating and researching the following:
 - Usage data for each video is available through Google Analytics
 - Promotional materials to heighten awareness of the resources

5. *Test protocols, test results and significant changes in videos based on test results:*

LAS selected a local video production company to assist in the filming and editing. This company provided the technical expertise on editing, filming and teleprompting. LAS attorneys were used as speakers for filming the video. The video production company evaluated the first draft of each video and offered feedback with respect to the videos' production quality. LAS, in consultation with the video production company, determined the first drafts were not of high-quality and recommended replacing these "talking head" drafts (while keeping the sound) with video based on Flash Animation.

6. *Usage data:*

Videos that equip low-income Kentuckians with the tools to protect their rights in five substantive areas of law;

- The criminal record expungement video has been viewed 203 times since January 31, 2011 (usage data from Google Analytics).
- The general foreclosure information video has been viewed 65 times since January 31, 2011 (usage data from Google Analytics).
- The alternatives to foreclosure video has been viewed 60 times since January 31, 2011 (usage data from Google Analytics).
- The small claims video has been viewed 44 times since January 31, 2011 (usage data from Google Analytics).
- The security deposits video has been viewed 26 times since January 31, 2011 (usage data from Google Analytics).
- The client testimonial – wrongful eviction video has been viewed 25 times since January 31, 2011 (usage data from Google Analytics).

- The client testimonial – foreclosure victim video has been viewed 24 times since January 31, 2011 (usage data from Google Analytics).
- The general eviction information video has been viewed 43 times since March 28, 2011 (usage data from Google Analytics).
- The landlord-tenant law in Kentucky video has been viewed 45 times since March 28, 2011 (usage data from Google Analytics).

Videos with national application

- The Earned Income Tax Credit video has been viewed 32 times since March 28, 2011 (usage data from Google analytics).
- The bankruptcy law video has been viewed 62 times since March 28, 2011 (usage data from Google analytics).
- The veterans benefits video has been viewed 152 times since April 7, 2011 (usage data from Google analytics).

7. *User survey data or other information re: videos' usability and usefulness:*

- LAS surveyed legal aid organizations across the country to determine which, if any, videos with national relevance had already been produced.
- LAS looked at our program data to determine the most requested services by analyzing data in our case management system.
- LAS consulted with our intake department to determine which topics would offer the greatest interest and value for our client community.

8. *Outreach activities:*

- Project manager presented at the 2011 TIG Conference in Albuquerque, New Mexico where participants were informed of these available resources.
- Project manager announced these videos to the Kentucky's four legal aid programs via email list serve postings and by program visits and presentations.
- Program manager promoted the videos by posting them on the Kentucky Legal Aid Network Channel on You Tube. The station can be found at <http://www.youtube.com/user/LegalAidKY>.

III. Summary of Major Accomplishments, Recommendations and Future Steps

The project successfully accomplished the project objectives. In particular, the project:

1. Produced and posted nine videos on the SWWS on the following topics: criminal record expungements, general foreclosure, alternatives to foreclosure, small claims, security deposits, client testimonial-wrongful eviction, client testimonial-foreclosure victim, general eviction, and landlord-tenant law in Kentucky.

In addition to the nine videos we produced and posted on the SWWS, Legal Aid produced two client testimonial videos that are used for promotional and fundraising purposes. These videos were distributed in two separate emails to 3,700 local attorneys and community leaders on December 21 and December 29, 2010, respectively. The videos are also posted on the Legal Aid Society website on our “Success Stories” page.

2. Produced and posted three videos on the SWWS with content useful to client across the country on the following topics: Earned Income Tax Credit, bankruptcy law, and veterans benefits.
3. These twelve videos have been extensively viewed. As of April 1, 2011, the entire video catalog has been viewed 781 times.

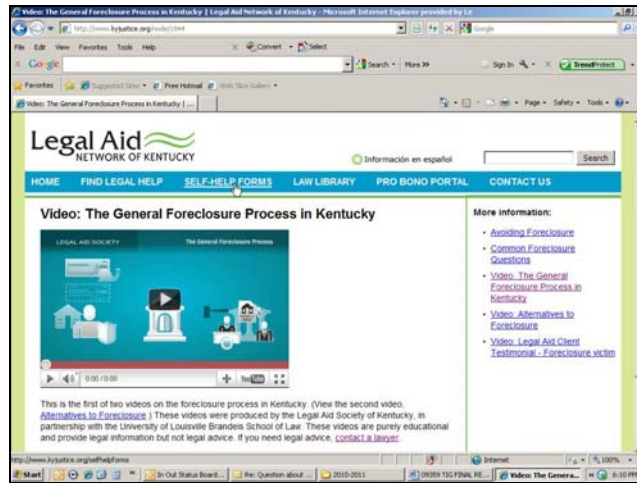
IV. In-Depth Analysis of Accomplishments

1. Legal Aid produced and posted nine videos on the SWWS.
 - ✓ **Criminal record expungements**
(<http://www.kyjustice.org/node/1845>): 203 views since January 31, 2011.
This video describes who is eligible for an expungement and which charges may be expunged. The video also outlines the documents clients should take to court. See Appendix 1 for script.



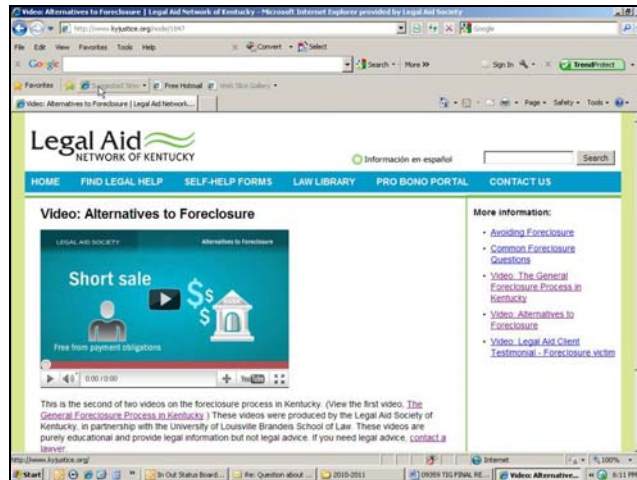
- ✓ **General foreclosure information (<http://www.kyjustice.org/node/1844>): 65 views since January 31, 2011.**

This video describes the foreclosure process and defines complicated terms for the viewer. See Appendix 2 for script.



- ✓ **Alternatives to foreclosure (<http://www.kyjustice.org/node/1847>): 60 views since January 31, 2011.**

This video provides detailed options for individuals in foreclosure. See Appendix 3 for script.



- ✓ **Small claims (<http://www.kyjustice.org/node/1843>): 44 views since January 31, 2011.**

This video outlines the small claims process. It explains how to navigate the court process and other considerations a person must weigh before entering small claims court. See Appendix 4 for script.



- ✓ **Security deposits (<http://www.kyjustice.org/node/1846>): 26 views since January 31, 2011.**

This video defines what constitutes a security deposit and explains the actions a tenant should take before and after moving into a rental property to secure the return of the security deposit. In addition, the video outlines tenant responsibilities. See Appendix 5 for script.



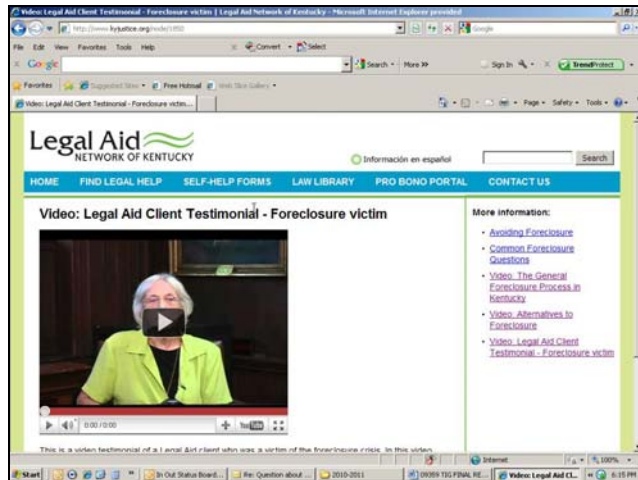
- ✓ **Client testimonial – wrongful eviction**
(<http://www.kyjustice.org/node/1849>): 25 views since January 31, 2011.

This video features a former Legal Aid Society client who sought our help with an eviction. See Appendix 6 for script.



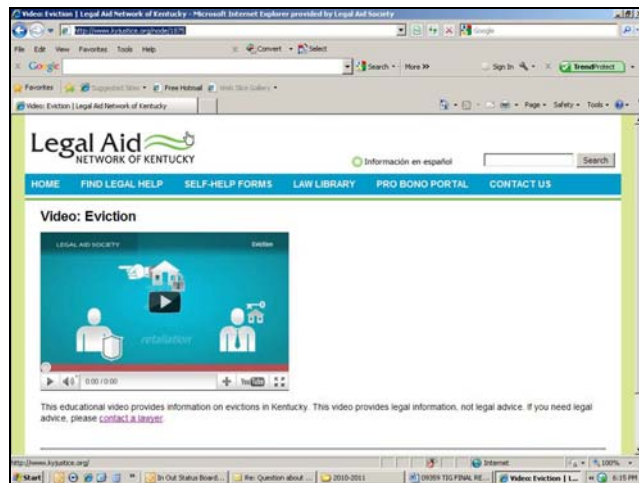
- ✓ **Client testimonial – foreclosure victim**
(<http://www.kyjustice.org/node/1850>): 24 views since January 31, 2011.

This video features a former Legal Aid Society client who sought our help when her home entered foreclosure. See Appendix 7 for script.



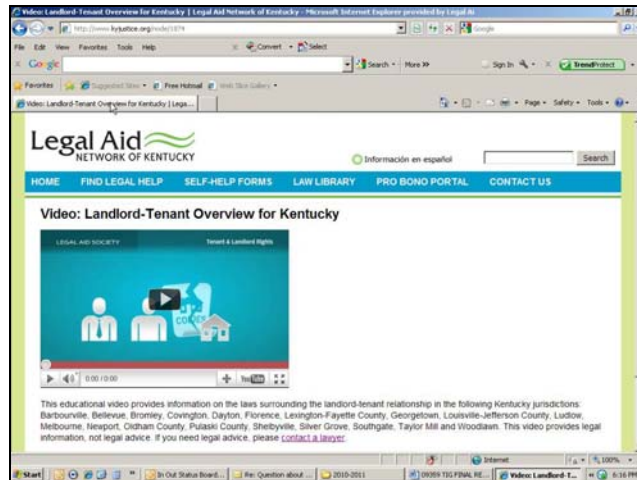
- ✓ **General eviction information**
(<http://www.kyjustice.org/node/1875>): 43 views since March 28, 2011.

This video educates viewers about the eviction process and their rights. See Appendix 8 for script.



- ✓ **Landlord-tenant law in Kentucky**
(<http://www.kyjustice.org/node/1874>): 45 views since March 28, 2011.

This video outlines tenants' rights in Kentucky. See Appendix 9 for script.



In addition to the nine videos we produced and posted on the SWWS, Legal Aid produced two client testimonial videos that are used for promotional and fundraising purposes. These videos were distributed in two separate emails to 3,700 local attorneys and community leaders on December 21 and December 29, 2010, respectively.

- ✓ **Client testimonial – wrongful eviction (promotional and fundraising edit)**

This video features a former Legal Aid Society client who sought our help with an eviction. See Appendix 10 for script.

- ✓ **Client testimonial – foreclosure victim (promotional and fundraising edit)**

This video features a former Legal Aid Society client who sought our help when her home entered foreclosure. See Appendix 11 for script.

In order to determine topics for creating the videos, LAS conducted an evaluation of our most requested services by analyzing data in our case management system. LAS also cross-referenced demand data against the five case priority areas established by our Board of Directors. Our interviews with stakeholders included: Legal Aid Society Self-Help Center case handlers and intake paralegals; University of Louisville Brandeis School of Law faculty; and attorneys and professors on the Louisville Bar Association Communications Committee. LAS sought the guidance and input from the Communications Committee since its role is to identify how the bar association can be of service to the community.

In drafting scripts, LAS approached University of Louisville Brandeis School of Law students for assistance. Legal Aid attorneys proofread the scripts for accuracy, and volunteer attorneys from the private bar who have expertise in the areas of law covered by the video did additional proofreading of the scripts.

LAS selected a local video production company to assist in the filming and editing. This company provided the technical expertise on editing, filming and teleprompting. LAS attorneys were used as speakers for filming the video. The video production company evaluated the first draft of each video and offered feedback with respect to the videos' production quality. LAS, in consultation with the video production company, determined the first drafts were not of high-quality and recommended replacing these "talking head" drafts (while keeping the sound) with video based on Flash Animation.

LAS contracted with Anthony Houde of Vakava Designs Animation to develop and complete video animation. In coordination with Anthony Houde, LAS edited the sound in-house using Apple's Garage Band software.

LAS promoted our animated videos by posting on the Kentucky Legal Aid Network Channel on You Tube. Our station may be found at <http://www.youtube.com/user/LegalAidKY>. Through the use of analytics associated with our You Tube account, LAS tracked the number of views for each video. LAS added a "Video Library" page to the SWWS. LAS distributed a mass email of the two client testimonial videos to 3,700 local attorneys and community leaders and posted two client testimonial videos on the Legal Aid Society website at www.laslou.org.

LAS promoted these videos both nationally and regionally. LAS's Law and Technology Manager Marc Theriault presented at the 2011 TIG Conference in Albuquerque, New Mexico where participants were informed of these available resources. Theriault also announced these videos to the Kentucky's four legal aid programs via email listserve postings and by program visits and presentations.

Google Analytics of our SWWS show usage of the videos, given the relatively short period of time they have been available on the SWWS. These analytics also demonstrate that once a user has viewed the video, the user is likely to proceed to the automated document assembly program and to complete forms. LAS anticipates this usage is likely to spike depending on the targeted outreach and education on the particular videos and the current needs.

For example, the Louisville community has expressed significant interest in expungement of criminal records. LAS has produced a brochure for distribution to the community which specifically promotes the expungement video. As this brochure receives wide distribution, the number of video views is increasing. This is reflected in that the expungement video currently has the most views of any of the videos produced.

LAS is the first program in Kentucky to establish a You Tube channel and a video library. We developed and posted on the Kentucky SWWS ten videos that equip low-income Kentuckians with the tools to protect their rights in five substantive areas of law. Video tutorials have been shown to be much more effective vehicles for conveying critical information to clients than written instructions. This holds true particularly for low-literacy clients who have difficulty sifting through pages of information.

As of the 2000 Census, 685,000 Kentuckians (approximately 26 percent of the state's population) did not have a high school diploma, and 309,293 people had less than a ninth-grade education. Thus, providing legal information in mediums other than written materials was crucial to getting the most out of previous investments in the SWWS and other self-help resources.

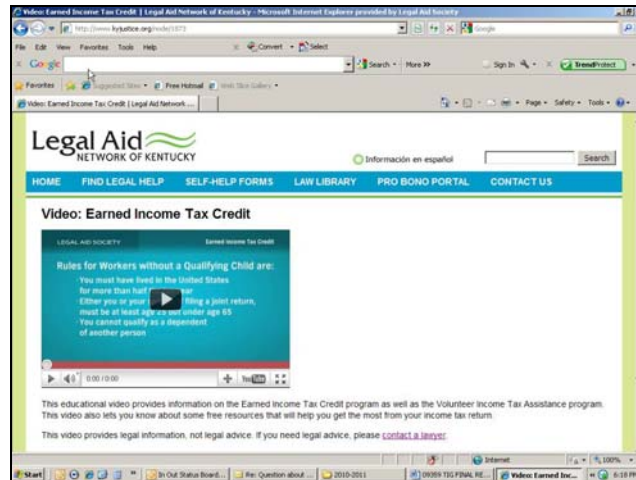
When a legal problem occurs, it can unravel a multitude of things that are no longer in a person's control. Without sufficient financial resources, families often lack the ability to solve legal problems. The online video tutorials have provided the growing number of unemployed and disadvantaged individuals with the tools to complete court forms and navigate the legal process.

The creation of self-help resources is important to our most disadvantaged Kentuckians. At a time when our economy is struggling, pro se programs give clients whom we may not otherwise be able to help an opportunity to effectively represent themselves in court. Self-help resources offer LAS and other LSC-funded programs an opportunity to help those who might have otherwise been turned away.

2. LAS created three videos that have national application:

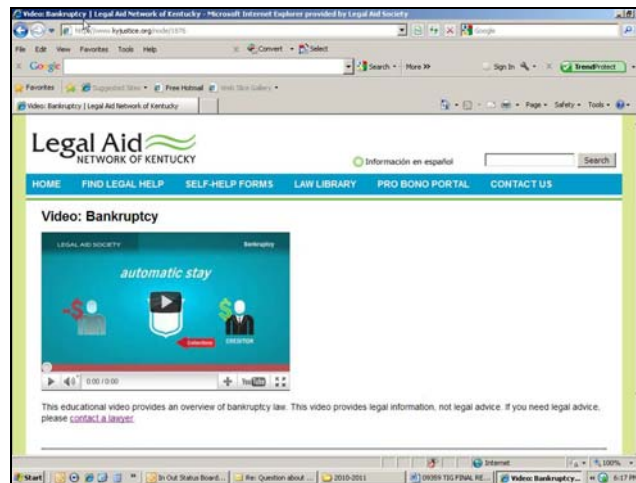
- ✓ **Earned Income Tax Credit**
(<http://www.kyjustice.org/node/1873>): **32 views since March 28, 2011.**

This video explains the Earned Income Tax Credit program and the Volunteer Income Tax Program. See Appendix 12 for script.



- ✓ **Bankruptcy Law (<http://www.kyjustice.org/node/1876>): 62 views since March 28, 2011.**

This video provides the viewer with an overview of bankruptcy law and how bankruptcy can affect credit. See Appendix 13 for script.



- ✓ **Veterans Benefits (<http://www.kyjustice.org/node/1883>): 152 views since April 7, 2011.**

This video provides veterans with an overview on how they can file for VA Benefits. See Appendix 14 for script.



In producing the videos with national application, LAS first surveyed legal aid organizations across the country to determine which, if any, videos with national relevance had already been produced. LAS also considered video subjects that dovetail with existing LSC projects. LAS looked at our program data to determine the most requested services by analyzing data in our case management system. LAS also consulted with our intake paralegals. This investigation and input allowed us to identify those topics which would offer the greatest interest and value for our client community.

LAS used University of Louisville Brandeis School of Law students to help in developing video scripts, using federal statutes as guides. Students from the University of Louisville Brandeis School of Law provided rough drafts of the scripts which were reviewed by Legal Aid attorneys and volunteer attorneys for accuracy.

LAS selected a local video production company to assist in the filming and editing. This company provided the technical expertise on editing, filming and teleprompting. LAS attorneys were used as speakers for filming the video. The video production company evaluated the first draft of each video and offered feedback with respect to the videos' production quality. LAS, in consultation with the video production company, determined the first drafts were not of high-quality and recommended replacing these "talking head" drafts (while keeping the sound) with video based on Flash Animation.

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LAS promoted our animated videos by posting on the Kentucky Legal Aid Network Channel on You Tube. Our station may be found at <http://www.youtube.com/user/LegalAidKY>. Through the use of analytics associated with our You Tube account, LAS tracked the number of views for each video. LAS added a “Video Library” page to the SWWS.

LAS promoted these videos both nationally and regionally. LAS’s Law and Technology Manager Marc Theriault presented at the 2011 TIG Conference in Albuquerque, New Mexico where participants were informed of these available resources. Theriault also announced these videos to the Kentucky’s four legal aid programs via email list serve postings and by program visits and presentations.

LAS is currently in discussions with LawHelp.org to determine how these videos of national relevance can be duplicated and used by other states participating in the LawHelp network. The three videos relate to topics that are timely and are of particular relevance to legal aid program clients throughout the country. The EITC video enhances the other written information available on websites and can encourage more web viewers to take advantage of the ICAN EITC program, when appropriate. This issue has been heavily supported by LSC and other providers who work with individuals from the low-income community. The video on bankruptcy offers an increasing number of viewers information relating to options on discharging debts. At this time of economic recession, more and more low-income families struggle with mounting debts. This video offers timely guidance. The video on veterans benefits dovetails with numerous national initiatives to increase support and services for individuals who are returning from conflicts overseas. This video offers the veterans community critical information and direction at a time when these services are critical.

3. Use these videos to increase the use and effectiveness of the self-help resources on the Kentucky SWWS. Usage data from Google Analytics shows the following:
 - Criminal record expungement video: The video has been viewed 203 times, and 65 percent of viewers stayed on the SWWS after watching the video. Of the viewers who stayed on the site, 30 percent navigated to the “Expungement Self-Help Form” and 57 percent continued to expungement-related content.
 - General foreclosure information video: The video has been viewed 65 times, and 71 percent of viewers stayed on the SWWS after watching the video. Of the viewers who stayed on the site, 36 percent navigated to the "Alternatives to Foreclosure" video, and 15 percent visited the SWWS’s "Common Foreclosure Questions" link.

- Alternatives to foreclosure video: The video has been viewed 60 times, and 84 percent of viewers stayed on the SWWS after watching the video. Of those viewers who stayed on the site, 69 percent continued to other foreclosure content.
- Small claims video: The video has been viewed 44 times, and 86 percent of viewers stayed on the SWWS after watching the video. Of those viewers who stayed on the site, 50 percent continued to other small claims content.
- Security deposits video: The video has been viewed 26 times, and 70 percent of video viewers stayed on the SWWS after watching the video.
- Client testimonial - wrongful eviction video: The video has been viewed 25 times, and 65 percent of viewers stayed on the SWWS after watching the video. Of those viewers who stayed on the site, 52 percent continued to other eviction content.
- Client testimonial - foreclosure victim video: The video has been viewed 24 times, and 85 percent of viewers stayed on the SWWS after watching the video. Of those viewers who stayed on the site, 56 percent continued to other foreclosure content.
- General eviction information video: The video has been viewed 43 times, and 78 percent of viewers stayed on the SWWS after watching the video.
- Landlord-tenant law in Kentucky video: The video has been viewed 45 times, and 65 percent of viewers stayed on the SWWS after watching the video.
- Earned income tax credit video: The video has been viewed 32 times, and 100 percent of viewers navigated to the “Video Library” page after watching the video.
- Bankruptcy video: The video has been viewed 62 times, and 72 percent of viewers stayed on the SWWS after watching the video. Of those viewers who stayed on the site, 19 percent visited to the “Find Legal Help” link, 19 percent visited the “Video Library” page, 10 percent visited the “Self-Help Forms” page, and 10 percent visited the “Law Library” page.
- Veterans benefits video: The video has been viewed 152 times, and 56 percent of viewers stayed on the SWWS after watching the video. Of those, 75 percent went to the “Video Library” page.

LAS started with a simple proposition and assumption: If an individual is offered access to content that is not written and is easy to understand, the person is more likely to access that information and to link to services or other resources that could help resolve the problem. LAS developed video content, posted it and made it accessible, and the initial assumption was proven correct: these new resources are attracting an increased number of users, and the users are then accessing other resources on the site.

LAS gathered data from Google Analytics to determine if the project increased the use and effectiveness of the self-help resources on the SWWS. The collective data shows that once a viewer has watched a video, the viewer is more likely to continue to visit other self-help resources on the SWWS. Overall, the website experienced a 60 percent increase in site traffic since the previous year. The data suggests that a significant reason for this increased traffic is the new resources on the website, particularly the video content.

This traffic or usage is only likely to increase as LAS promotes its services and uses links to these videos as part of its promotional literature. Currently, LAS has a brochure on expungements which is circulating to all social service providers in Louisville. This brochure has a specific reference to the video content on the website relating to expungements. This accounts for the increasing number of views of this content.

The videos with national relevance will also see more use as our work with LawHelp.org continues and the videos are made available to other participating LawHelp.org states.

V. and VI Factors affecting project accomplishments and strategies to address major challenges

The management of this grant was a challenge due to unforeseen issues with the ability to adequately edit and produce high-quality videos for the SWWS. The videos originally filmed were not of a quality commensurate with the work being done by Kentucky's four legal aid programs. Further complicating the project management was the recognition at a mid-point of the grant that the videos could not have been edited and completed in a timely fashion had we maintained the original plan.

As a result, we developed a back-up plan in which we stripped the audio from the "talking head" drafts and overlaid Flash Animation graphics to the sound. The use of Flash animation is far more instructional and effective in educating users than the standard "talking head" variety of videos. The animated videos are of a high quality, both visually and educationally. Most importantly, the videos in their present form are innovations in the use of video tutorials for the LSC client community, both in the

technology used and the viewer-friendly format. The end result is a collection of videos that are replicable and effective in the communication of legal information.

Some of the time spent in addressing this production issue led to a delay in the promotion of the finished product. Once the final videos were available to post and promote, Marc Theriault, the project manager, left the employment of LAS and was unable to aggressively promote the use as planned.

However, since then, LAS has been in discussion with LawHelp.org to determine how the videos of national relevance can be duplicated and hosted by states participating in the LawHelp network. This will increase exponentially the number of viewers and the usage data.

VI. Major lessons and recommendations

Legal Aid Society is the first program in Kentucky to create online educational videos. In doing so, we learned two significant lessons: 1) the use of law students for volunteers in the development of the scripts can be extremely helpful in advancing the project; and, 2) “talking head” videos should be rejected and animated graphics should be used instead.

First, we learned the use of law students can be of tremendous benefit to a program seeking to develop scripts for the videos. Research and writing are two skills at which law students excel. In our project the students offered hundreds of hours of services in the script development phase. Although this still required review by lawyers with expertise in the subject area, it advanced the project efficiently. It also attracted students to this new form of connecting with and educating website users. As these students are likely to see more and more use of technology in the course of their profession, this experience introduced them to the concept of how technology and the delivery of legal information could be combined productively.

Second, we learned the use of volunteer film professional and “talking head” videos are not the most cost-effective or timely method in which to produce video content for website users. Efforts to film and edit “talking head” videos often come off as low quality and did not effectively hold the viewer’s attention. Thus, visual aids, (including the use of slides, pictures, and other illustrative devices) are best in educating low-literacy users. The positive feedback received from viewers of the videos produced by this grant support this assertion.

Legal Aid Society experience with the use of Flash videos has been positive. Broader application and use is feasible in educating users of LSC-funded statewide websites. Flash video is inexpensive to develop and may be simply overlaid onto easy-to-produce audio clips. For these reasons, this type of project would also be highly replicable.

Appendix 1

Kentucky Legal Aid's Pro Se Video Collection

CRIMINAL EXPUNGEMENT

TITLE SCREEN: An introduction to criminal expungement in Kentucky

Attorney:

Hello. My name is Marc Theriault. I am here today to walk you through the criminal record expungement process in Kentucky. Expungement is a legal process that allows you to obtain a clean slate when it comes to your criminal record. Many people expunge their criminal record in an effort to obtain new employment or housing. It is important to note that not every charge is eligible for an expungement. The Kentucky legislature determines when and what charges may be expunged.

Comment [MT1]: Can we delete from the video altogether?

Generally speaking, only the following people may apply to have their criminal records expunged:

1. A person who has been convicted or found guilty of a misdemeanor charge or a series of charges or violations coming from a single incident
AND
2. A person who has been charged with a criminal offense but was either found not guilty or the charge was dismissed with prejudice.

A common misunderstanding in criminal expungement cases is what criminal charges can actually be expunged. Instead of going through the long list of charges that can be expunged, an easier way is to tell you what cannot be expunged. The following charges cannot be expunged in Kentucky:

1. Felony convictions with the exception of Class D Felony drug offenses
2. Offenses that involve children or offenses that are of a sexual nature may not be expunged in the state of Kentucky.
3. If you have a felony conviction on your record, you are generally not eligible to have your misdemeanor charges expunged.
4. Traffic offenses
5. Charges from other states. To have these charges expunged, you must complete that state's process for expungement.
6. Federal or Military charges

Misdemeanor Charges

If you were convicted or found guilty of a misdemeanor offense, you must wait five years after the conviction date before you can apply for an expungement. This five year time period does not begin until the completion of your sentence, which includes any probation time. Please note, during this 5-year period you cannot have been convicted of any other misdemeanor or violation of the law. Also, at the time of filing the petition, you cannot have any current criminal charges or proceedings against you.

Comment [MT2]: Graphics or a animated timeline would be helpful in showing this, since people often get confused by this rule.

Felony convictions are generally not eligible for an expungement. If you have been convicted of a felony charge and wish to have it expunged, please consult with a private attorney. However, if you were charged with a felony and the charge was later dismissed with prejudice, you may be eligible to have that record expunged. If your charge was dismissed with prejudice, you only have to wait 60 days before filing your motion.

Comment [MT3]: Maybe have a graphic where there are three sample records: one with a felony: guilty, one with a felony: dismissed without prejudice, and one with a dismissed with prejudice, and then have a Red X go through graphics 1 and 2, and a green check mark for graphic 3.

Remember, your expungement will not be granted just because you petition the court to have it done. Even if you file all of the right paperwork and appear in court on time, the outcome of your criminal expungement is ultimately up to the judge.

NEW TITLE SCREEN – GETTING STARTED, the Intake Process

Attorney:

When filing a petition for criminal expungement, you will be known as the petitioner. The first step is to obtain your criminal record. This can be done by filling out a AOC-PT 49 form. These forms are available online at the Kentucky Administrative Office of the Courts webpage. Fill out the form and send it with a check or money order to the following address: (SHOW ON SCREEN)

Comment [MT4]: Can we link to these forms within Flash?

\$15 Check or Money Order, made out to the KENTUCKY STATE TREASURER

And mailed to:

Administrative Office of the Courts
Pretrial Services Records Division
100 Millcreek Park
Frankfort, KY 40601

Be sure to include a self addressed stamped envelope for a return reply. Certain older offenses may also require that a background check to be ran through the Kentucky State Police. To do this, you must send your request form, in writing, to the State Police. The request form can be found online at the Kentucky State police homepage, under their forms section. Then click the "Background Check" tab, then Employment. Fill out the form, print it, and send it to the following address:

Kentucky State Police Headquarters
Room 102
919 Versailles Road
Frankfort, KY 40601

Once you have received your criminal records, determine which records you are eligible to have expunged. Then you will need to complete the proper paperwork and turn it in at your circuit court clerk's office. This paperwork includes your petition for expungement and re-docket forms. Make sure you have a valid photo ID with you when turning in these forms. Your re-docket form will be returned to you; make sure you bring this to court on your assigned date. You may have to pay a filing fee depending outcome of the charge that you are having expunged. If you were found guilty of the charge you are required to pay \$100.00 fee per criminal charge. If you were acquitted of the charges or they were dismissed with prejudice, there is no filing fee.

Comment [MT5]: animate

On your petition for expungement, you will need to include every government agency that may have a copy of your criminal record. You definitely need to list the agency that arrested you. The following is a list of agencies that may possess your criminal records:

(LIST ON SCREEN)

1. The Administrative Office of the Courts (AOC)
2. The Cabinet for Health and Family Services (CHFS)
3. Kentucky State Police (KSP)
4. Your Local Police Department
5. Your Local Department of Corrections
6. Your Local Expungement and Information Processing Department (EIP)

The Circuit Court Clerk will notarize your petition when you turn it in. Finally, make sure you have been assigned a day to appear in court before you leave the clerk's office.

NEW TITLE SCREEN – Your Day in Court

Attorney:

Once you have your court date, the most important thing you can do is **BE THERE**. At this point you have paid too much money and spent too much time to not appear in court. Make sure you are on time and dress as if you were going to church or a job interview. Always address the judge as your honor and be polite. Wait your turn to speak, never interrupt the judge while he or she is speaking to you.

The judge will review your file and ultimately determine whether your petition for expungement will be granted. A judge may deny your petition for many reasons. If your petition is denied, you may or may not be able to reapply to have your record expunged at a later date. This decision is also up to the judge who hears your case.

IF your petition is granted, congratulations, you have successfully had any record of the offense sealed. Remember, if your expungement is granted it only seals the state's records to that particular offense. Each petition can only pertain to one criminal case. If you have numerous criminal cases, you must file a separate petition for each one, including pay a separate filing fee.

NEW TITLE SCREEN – My petition was granted, what happens now?

Attorney:

After the judge grants your expungement, the following actions will occur to complete the process. (SHOW ON SCREEN)

1. A Review of Court order is performed to verify accuracy.
2. A check of court records is conducted for any outstanding bench warrants or summons in the case.
3. Certified copies of the expungement order is sent to the defendant, the Department of Corrections, Kentucky Cabinet for Health and Family Services, Kentucky State Police, and any other law enforcement agency that has information on the case.
4. The case is then sealed. Please note the defendant should do a re-check in 4-6 weeks to ensure the expunged information was removed from the arresting agencies.

Attorney:

This concludes our video on the criminal record expungement process. Should you have additional questions, please contact your local legal aid office or visit our website at www.kyjustice.org/expungement. Thank you for visiting our website and watching this video.

Appendix 2

Legal Aid Pro Se Video Project

General Foreclosure Process

<p>Introduction: Enter Ben</p> <p>TEXT GRAPHIC: Foreclosure is a slow process.</p> <p>TEXT GRAPHIC: You do not have to leave your home immediately.</p> <p>(Ben voice over, over footage of a person entering a bank, looking over a contract, signing the contract, etc.) TEXT GRAPHIC: What is a foreclosure?</p> <p>TEXT GRAPHIC: Borrower TEXT GRAPHIC: Lender</p> <p>TEXT GRAPHIC: Default</p>	<p>Hello, and welcome to the Legal Aid Society instructional video about the general foreclosure process. I'm Ben, and today we are going to discuss some basics about foreclosure. In this video segment, we'll walk through the basic foreclosure process and the important moments you need to need to take note of.</p> <p>First, it's important to remember that foreclosure is generally a very slow process. It will usually take a minimum of five to six months before you will be asked to leave your home. The take home point is that you do not have to leave your home immediately. This gives you time to make other arrangements and possibly even save your home. But first, let's learn some basic definitions associated with the foreclosure process.</p> <p>First, what is a foreclosure? A foreclosure is the legal process by which a home owner's right to property is terminated, usually because the owner has missed one or more payments on the home loan. This typically results in a forced sale of the property at public auction, with the proceeds applied to discharge the mortgage debt. The borrower is the home owner who has taken out a loan. The lender is the party from whom the loan was acquired, usually a bank. When the borrower takes out a loan, he signs a set of documents. These documents create a contract between the borrower and the lender. Within this contract are terms that explain the payment</p>
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<p>Back to Ben TEXT GRAPHIC: Notice of default</p> <p>Ben Voice over Video of borrower opening up a notice of default letter</p> <p>Back to Ben TEXT GRAPHIC: Pre-foreclosure phase</p> <p>TEXT GRAPHIC: 60 Days</p> <p>TEXT GRAPHIC: Complaint TEXT GRAPHIC: Answer</p> <p>TEXT GRAPHIC: If the borrower files an answer within 20 days Ben VO, Video of Master Commissioner reviewing a file and a judge making a ruling</p> <p>TEXT GRAPHIC: If the borrower does not file an answer within 20 days TEXT GRAPHIC: Default Judgment Ben VO, Video of house being sold</p> <p>Back to Ben TEXT GRAPHIC: Conciliation Conference Ben VO, video of a borrower and lender trying to work things out across a table, etc.</p>	<p>process, finance information and default terms. A default is a late or missed payment of the monthly mortgage payment, although this varies by contract. Once an individual is in default, the lender will usually begin the default process.</p> <p>As soon as the borrower misses a payment, the lender generally send a notice of default. This notice will state the borrower is in default. Usually, this means that the entire balance of the mortgage will become due at once, and unless the borrower can pay the full balance, the house will be foreclosure upon.</p> <p>At this point, the borrower has entered the pre-foreclosure phase. Provided the borrower has not paid off the balance of the loan, lenders will begin sending warnings of foreclosure at about 60 days past the due date. If the borrower does not pay off the loan, the lender will file a complaint and the case will be assigned to one of the 13 circuit court divisions. From here, the borrower will be served with a complaint. The borrower will have 20 days to respond with an answer.</p> <p>If the borrower files an answer within 20 days, the case will be reviewed by a Master Commissioner, who will make recommendations to a judge about whether to issue an order of sale. This is the time for the borrower to assert any defense he or she may have regarding a missed loan payment. The judge will issue a final ruling.</p> <p>If the borrower does not file an answer within 20 days, the lender will receive a default judgment. This means the house will be sold to satisfy the debt. The borrower will receive no further paperwork.</p>
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<p>Ben VO, Video of borrower be alerted via mail</p>	<p>Kentucky courts now require a conciliation conference between the lender and the borrower. A conciliation conference means that before a sale is scheduled, the borrower must sit down with the lender and attempt to work things out. Depending on the borrower's financial situation, this may include a new financial package to get the loan back on track, or a possible mortgage modification.</p>
<p>TEXT GRAPHIC: Notice of Sale for the Property</p>	<p>If the borrower has failed to file an answer, or the judge has issued an order of sale, or if the conciliation has failed, the Commissioner's office will prepare a Notice of Sale for the Property. The borrower will receive the notice of sale via registered mail or by delivery by the sheriff. The Commissioner will place a sales notice on the property. This information will also be recorded in the Commissioner's office and published in the local newspaper three weeks prior to sale.</p>
<p>Video of property being sold, etc. TEXT GRAPHIC: Auction or Sale</p>	<p>Upon auction or sale, the property will be sold to the highest bidder, who will receive deed to the property upon payment. If the property sells at auction for <u>less than two-thirds</u> of its appraised value, the borrower has one year to buy back the property for the price paid at auction and retake possession. This is known as the redemption period.</p>
<p>GRAPHIC: Less than two-thirds</p>	<p>This is the end of this segment of the Legal Aid foreclosure video. Hopefully this video has helped you acquaint yourself with the basics of the foreclosure process. For more help, contact your local Legal Aid office.</p>
<p>GRAPHIC: Redemption Period</p>	
<p>Back to Ben</p>	

Appendix 3

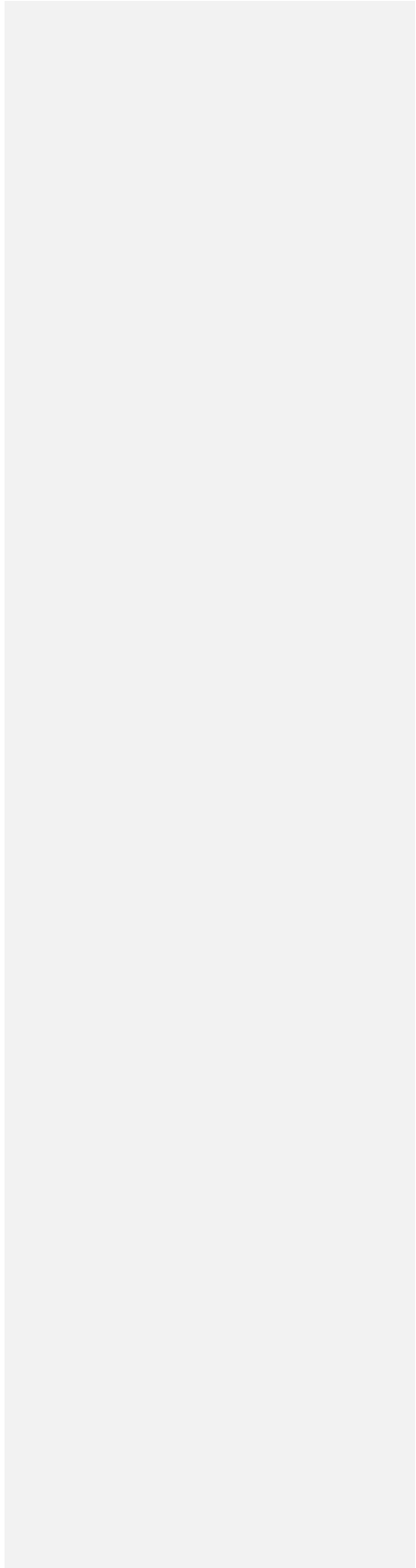
Alternatives to Foreclosure Video:

Introduction: Enter Ben	Hello, and welcome to the Legal Aid Society instructional video about alternatives to foreclosure. I'm Ben Carter, and in this video, you will learn some potential options to avoid foreclosures. It will nearly always be in the borrower's best interest to avoid having his home foreclosed upon. You may be able to avoid foreclosure depending on several factors, including your financial status, and whether you want to keep or leave your home. So let's get started.
GRAPHIC: Temporary income changes	First, it is important to honestly assess your current financial state. Sometimes borrowers miss payments because of temporary changes in income that will readjust in the near future. Temporary changes may include _____.
GRAPHIC: Permanent income changes	Permanent changes in income may mean that you simply cannot afford your home. Permanent changes include _____. In either case, make sure you make an honest appraisal of what you can and cannot afford.
GRAPHIC: Keep or leave your home?	Next, consider whether you want to keep or leave your home, while keeping in mind your financial state. This will directly impact what foreclosure alternatives are available to you.
GRAPHIC: Sale	There are several options for those borrowers who are willing to leave their home. First, the borrower may sell his home. In a sale , the borrower uses the proceeds from the sale to pay off the loan. This option works best when the borrower owes less than the sale price of the home.
GRAPHIC: Deed in Lieu	The borrower may also seek a deed in lieu . Here the borrower gives the lender the deed

<p>GRAPHIC: Short Sale</p>	<p>to your home. This works best when the borrower owes less than the fair market value of the home and when there are no junior liens on the home. The borrower should be advised that she will lose equity in the home. However, she will also avoid the expenses of foreclosure.</p>
<p>GRAPHIC: Cash for Keys</p>	<p>The borrower can also engage in a short sale. Here, the borrower sells the home for less than she owes. The borrower may not make back all the money she needs to repay the loan, but at least makes some of the money back. The borrower can then attempt to give the lender a certain amount in return for a release of the rest of the debt. This way, the lender makes some of its money back, and the borrower is free from future payment obligations.</p>
<p>GRAPHIC: Leaving the home: sell the home, a deed in lieu, a short sale, or cash for keys.</p>	<p>Cash for keys is another option that may be available to the borrower. Here, the lender promises to give the borrower money in exchange for leaving the home in good condition. This works best when the home has just been sold at the Master Commissioner's sale and the lender wants to avoid the expenses of eviction by the Sheriff.</p>
<p>GRAPHIC: Keep the home</p>	<p>To recap, borrowers who want to leave their home can pursue several options. These include sale of the home, a deed in lieu, a short sale, or cash for keys.</p>
<p>GRAPHIC: Begin setting money aside immediately</p>	<p>Some borrowers may want to keep their home. Again, it is important to critically evaluate whether you can afford to keep your home. If you do want to keep your home, it is a priority that you begin setting money aside as soon as possible during the foreclosure process.</p>
<p>GRAPHIC: Forbearance Agreement</p>	<p>Several options may be available for those borrowers who wish to keep their home. First, the borrower can enter into a</p>

<p>GRAPHIC: Loan Modification</p>	<p>forbearance agreement. Here, the lender allows the borrower to temporarily suspend payments. The terms of the loan remain the same, but the borrower has time to pay back the overdue interest. This works best when the borrower cannot currently afford her monthly payments, but expects to be able to afford them in the future. The disadvantage is that it is normally a short period of time before the payments must be made.</p>
<p>GRAPHIC: Chapter 13 Bankruptcy</p>	<p>The borrower can also seek a loan modification. Here, the borrower and lender renegotiate the terms of the loan. This works best when the borrower has an adjustable interest rate. This is the preferable option for many borrowers, since any aspect of the loan can be negotiated.</p>
<p>GRAPHIC: Chapter 7 Bankruptcy</p>	<p>The borrower may be able to file for Chapter 13 bankruptcy protection. This involves a reorganization of the debt. This works best when the borrower has regular income and can afford monthly payments outside bankruptcy and additional payments within bankruptcy. The borrower must make sure that she can make the payments when they are due. Chapter 7 bankruptcy protection may also be an option. Here the borrower files for bankruptcy protection and the lender agrees to reaffirm the debt outside of bankruptcy. This method is not very helpful to the borrower.</p>
<p>GRAPHIC: Reinstatement</p>	<p>The borrower may also seek a reinstatement. Here, the borrower agrees to pay missed payments plus an applicable late fees, legal fees, and foreclosure fees. This works best when the borrower missed payments, but can afford her full monthly payment and can pay fees associated with the reinstatement.</p>
<p>GRAPHIC: Refinance</p>	<p>GRAPHIC: Keep the home: forbearance agreement, loan modification, Chapter 13 bankruptcy, Chapter 7 bankruptcy, reinstatement, refinance.</p>

	<p>Finally, the borrower can attempt to refinance. In this option, the borrower agrees to find another lender to borrow money from in order to pay back the original lender. This works when the borrower has good equity in the house and has regular income and a good credit score.</p> <p>To review, those borrowers who wish to keep their home may be able to seek a forbearance agreement, loan modification, Chapter 13 bankruptcy protection, Chapter 7 bankruptcy protection, a reinstatement, or a refinancing plan.</p> <p>This concludes this segment of the Legal Aid alternatives to foreclosure video. For more information, contact your local Legal Aid office.</p>
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Appendix 4

Kentucky Legal Aid's Pro Se Video Collection

SMALL CLAIMS COURT

Narrator: (During title screen: Small Claims Court)

An individual or a business has committed a wrong against you and you want to know your legal options. This video will help you learn how to sue an individual or a business in small claims court.

Attorney:

This video will take you step by step through the small claims court process. First, you need to decide if small claims court is your best legal option.

Small Claims court is a division of the District Court that decides disputes between two parties. If you are the party suing another person or business, you are the Plaintiff. If another person or business is suing you, you are the Defendant.

The maximum amount of money that a judge can award in Small Claims Court is fifteen hundred dollars. You may sue someone for more than this amount but in small claims court, this is the most that you may recover. If your claim is worth more than fifteen hundred dollars, you may take your case to District Court. However, taking your case to District Court is more complicated and it is suggested that you hire an attorney before taking this route.

Before filing a suit in Small Claims Court, you should also consider the defendant's ability to pay. Some defendants are "judgment proof". "Judgment Proof" is a term that describes individuals who have little or no income or property. If the defendant is

“judgment proof” then collecting your award may be postponed until the defendant has the ability to pay.

A small claims court judge can not hear every type of claim. The following claims cannot be pursued in small claims court: criminal actions, causes of libel, slander, or defamation, malicious prosecution and abuse of process. Also, it is important to note that individuals are only allowed to bring a maximum of 25 small claims a year.

Now that we have gone through the basic information about small claims court, the most important question you have to ask yourself is whether small claims court is something you want to pursue. The process is not that complicated but it does require simple research and dedication. Small claims court can only offer money as a solution to your problem. The judge cannot make the other side apologize for what they have done and you are not guaranteed to win your claim. You are only guaranteed to have your claim heard in a court of law. Other things to be considered are whether the other side will hire an attorney, countersue you, or try to move the action into the regular civil division of District Court.

NEW TITLE SCREEN – I know I want to go to small claims court, how do I begin the process?

Attorney:

Now that you have made the decision to bring your claim in small claims court, you will need to complete the following steps to get your claim started.

First, you will need to fill out the small claims court complaint. This form is available online at <http://www.kyjustice.org/smallclaims> or you can pick it up at your county’s district court clerk’s office. When filling out this form (show form on camera) you are the plaintiff. Be sure to include both yours and the defendant’s correct addresses. The clerk cannot help you fill out this form. Additional information on how to fill out the

form is available at <http://www.kyjustice.org/smallclaims>. Once you have correctly filled out your complaint, you will need to file it at your District Court Clerk's office. Currently the filing fee for small claims court is \$33.25.

When filling out the claim portion of the complaint on page 2, you need not tell every detail of how and why you are bringing your claim. You only need to briefly describe how the defendant has harmed you. For example, if you are bringing a claim against your neighbor for ruining your new rose bushes in your front yard, you only need to say that your neighbor ruined your rose bushes causing you \$XXX.XX amount of damages. You can tell any other detail that you feel is necessary to your claim when you are presenting your case to the judge. On the actual complaint, KEEP IT BRIEF.

In addition to the complaint, you must also fill out a summons. A summons is addressed to a defendant in a legal proceeding. Typically, the summons will announce to the person to whom it is directed that a legal proceeding has been started against that person, and that a file has been started in the court records. The summons announces a date by which the defendant(s) must either appear in court, or respond in writing to the court or the opposing party or parties. There are two ways to serve your complaint on the defendant, certified mail or by sheriff delivery. Certified mail currently costs \$43.29. If you choose to have the sheriff deliver your complaint and summons, the cost is \$40.00 and you will need to pay this fee to the sheriff's office.

When you pick up your complaint form at the clerk's office, you will also have to fill out a small claims court checklist. This form is easy to fill out. It simply asks you basic questions about your claim and general information about yourself and the defendant.

If you are unable to afford these costs, you may fill out additional paperwork to proceed without costs. This form is available at your District Court Clerk's office. In addition to this form you will need to fill out an affidavit stating why you are unable to afford the court costs. The judge will review your forms and decide if you are allowed to proceed

without court costs. If the judge denies your request, you will have to pay the fees but if you win your case, the judge will order the defendant to pay you back for the filing fees.

NEW TITLE SCREEN – I have a court date, what do I do now?

At this point you have successfully filed your claim and delivered your summons, now you will finally have your day in court. On your court date, make sure you do the following -

1. Be on time. This is very important.
2. Dress appropriately for court. Dress as if you were going to a job interview or church.
3. Always address the judge as “your honor”. Respond to the Judge’s questions clearly and loud enough to be heard. Be polite and calm. Speak only to the Judge, not to your opponent. Never use profanity of any kind or show disrespect to anyone in the courtroom.
4. Be organized. Bring any and all paperwork that supports your claim, such as cancelled checks, damage estimates, contracts, letters, or any other documentation that supports your claim. It is best to keep all of this paperwork in folder.

On your first day in court, if both parties are present, the judge will order the plaintiff and the defendant to participate in mediation. Mediation is a non-binding conference between you and the other party that is designed to help both parties come to a settlement agreement. You do not have to enter into any agreements that you do not wish to, although it is a wise decision to reach a settlement in mediation. It is wise to reach a settlement in mediation because it is impossible to determine what a judge will decide in regards to your claim. If the other party fails to live up to the settlement agreement, you can still collect the amount you initially sued them for.

If you and the other party are unable to reach a settlement in mediation, you will be given a new trial date to state your claim before a judge. You will not have a jury trial in small claims court. The judge will decide the outcome of your claim. At your new trial date, be sure to bring your folder that contains all of your documents that support your claim. You should also bring any witnesses that you feel you may need to prove your case.

If you missed your first court date, the judge likely dismissed your claim. You are allowed to bring your claim again, but you will have to repeat the filing process and again pay the filing fees. You should contact the clerk's office to see what happened on the day you missed. It is possible that the judge found against you if the other party was present and filed a counter claim. If you show up on your court date and the defendant does not, you may be able to request a default judgment. A default judgment awards you what you asked for in your complaint. You will still have to present your case to the judge and he or she will ultimately decide whether or not to grant you a default judgment.

NEW TITLE SCREEN – The judge made a decision, what happens now?

Attorney:

If on your court date, the judge rules in your favor, congratulations, you have won your small court claim. However, the process does not end here. At your hearing, the judge will tell you who won, how much is to be paid to you and how it is to be paid. The judge will give you a court order entitling you to receive the money awarded to you by the court. The defendant/losing party has 10 days after the stated due date to pay you your award.

If the defendant fails to pay you within the timeframe allotted by the judge, additional action may be necessary. In order to collect your award, you will need to go through a special process called post judgment collection procedure. Once you have gone through this process, the Sheriff's office may be able to "attach" or put a lien on property owned

by the defendant and give it to you as payment. You may also be able to garnish the defendant's bank account or a part of the defendant's wages. This process requires that you follow special procedures. It is a bit complicated so you should carefully follow the district court clerk's instructions. If it becomes too complicated, you should seek the advice of an attorney.

If you lost your claim, you should ask yourself why you lost. If you lost because the judge used the law incorrectly, you may appeal the decision. However, it is good to know that 90% of appeals from small claims court rule in favor of the party who won at the initial court date. Appealing because you feel the judge treated you unfairly or appealing just because you lost your claim is not a good decision. It will be a waste of your time and money.

However, if you do decide to appeal, you will need to file your notice of appeal within 10 days of the date that the judge made his or her decision. Do not be late; courts are very strict with deadlines and if you fail to file your appeal within the 10 days, you are simply out of luck. Notices of appeal should be filed in your county's circuit court clerk's office. In addition to your notice of appeal, you are required to file a statement of appeal within 30 days. This statement will include your legal reasons for appealing the judge's decision and should also state how much you feel you are entitled to money-wise.

The appeal process is expensive, complicated, and time consuming. The current cost for filing an appeal on small claims is \$80.00. If you lose your claim, it is best to move on. At the least, you have had your day in court and have had your complaint listened to by a judge. Should you decide to further pursue your action through the appeals process, it is highly recommended that you consult with a private attorney before moving forward.

TITLE SCREEN – Other things to consider

Attorney:

There is strong chance that when you file your small claim against the defendant, they will file a counterclaim against you. If the defendant files a counterclaim, the judge will hear their claim at the same time they hear your claim. You should carefully evaluate their claim and write down your response to their claim. If the defendant counterclaims, the incentive to settle your claim in mediation increases. The outcome of the trial could end up being worse than you initially expected because you could lose your initial claim and also lose the counterclaim that the defendant brought against you.

Once you have your claim and summons served upon the defendant, they may hire an attorney. You may still pursue the claim on your own but due to the expertise of the defendant's attorney, it is highly suggested that you obtain an attorney to represent you. If you are looking for an easy and inexpensive way to receive the advice of an experienced attorney, you should contact the Lawyer Referral Service of your county. The lawyer referral service can provide you with a free referral and you can receive 30 minutes of free consultation with any lawyer they refer you to. You may also be able find attorneys who provide their services at a reduced rate or for a percentage of whatever judgment you receive.

It is quite possible that the defendant may move your court proceeding to the regular division of District Court. You are unable to prevent this as any defendant is allowed to request that the district court hear the claim against them. If they do so, you may proceed in representing yourself but it is highly recommended that you obtain your own counsel as the process becomes much more difficult to handle.

If the defendant files for bankruptcy, it is likely that your claim will be dismissed or your judgment against the defendant will be released. You may have some rights in bankruptcy court, but again this is a more complex process and it is recommended that you obtain a private attorney.

This concludes our video on the small claims court process. Should you have additional questions, please contact your local legal aid office or visit the following website

www.kyjustice.org/smallclaims. Thank you for viewing this section of the Legal Aid Video series. We wish you the best of luck in pursuing your claim.

Appendix 5

Illegal Evictions:

[can be read by any one. Again, "Illegal Evictions" on a slide or over video at the beginning of the segment]

As we have already discussed, it is illegal for a landlord to evict you without going through the proper court process. It is also illegal for a landlord to set out your belongings without a court ordered eviction and the presence of a Sheriff. Another tool that landlords might use to illegally try to evict you is a lockout. A lockout is just what it sounds like: the landlord locks you out of your residence. *[video of someone's key not working in a door, and them getting out phone to call police]* You should not try breaking into the residence because that could cause damage to the landlord's property which you would be responsible for. Instead, you should call police immediately, and they can require the landlord to allow you into your residence.

A landlord might also try to evict you by disconnecting essential services such as water, gas or electric. If this happens to you, you should contact Legal Aid ^{for} ^{SECURITY} advice. If any of these illegal evictions occur, you might be able to sue the landlord, but it might be best to just move out. You should get an attorney or contact Legal Aid for advice regarding your options.

Security Deposits

[any one can read. Again, "Security Deposits" on a slide or over video still at the beginning of the segment]

When you move into a rental property, your landlord will likely require a security deposit to cover any damage you might do to the property. The security deposit you pay to the landlord should be held in a bank account, and your landlord should notify you of the bank and the account number in which the deposit is held. This segment will discuss ways to make sure you get your security deposit back when you move out.

First, before you move into the rental property, you and your landlord should do a "walkthrough" of the residence. *[show LL and T "walking through" a 'residence' and making a list of the damage they find]* The purpose of a walkthrough is to determine what damage already exists in the residence. That way, when you move out, the landlord will know that you did not cause certain damage, but that it was already damaged when you moved in. Once you and your landlord have both completed the walkthrough, you should write down all of the damage to the residence, and both of you should sign this document. DO NOT sign the document, though, unless you agree that it is a complete and accurate description of the existing damage.

When you move out, unless you were evicted, you should do another walkthrough and note any damages at that time. Then, you and your landlord should compare the list of damages you made before you moved in and the list of damages you made after you moved out. This will

give both you and the landlord an idea of any damages that you caused. At that time, you landlord should provide a list of the estimated costs of repairs for the damages that you were responsible for. *[video] of LL figuring up costs and giving tenant back part of the security deposit* The amount of these costs will be subtracted from your security deposit, and the rest of your security deposit should be returned to you. For example, if you caused \$50 in damages and your security deposit was \$100, you get \$50 back. If you did not cause any additional damages you should get the full security deposit or, \$100 back.

If the landlord does not return either your full deposit, or the portion left over after you pay for damages, you can sue the landlord to get your deposit back. However, if damages you caused cost more than your security deposit, the landlord can also sue you for the remaining amount. A landlord cannot charge you for "wear and tear" damages. These damages include use by an average tenant such as carpet wear and nail holes from hanging pictures.

Conclusion:

[any one can read. Again, "Conclusion" should appear on a slide or over video still]

This video educated you about evictions, illegal evictions, and the court process. It also explained how to avoid losing your rental security deposit. If you have further questions contact an attorney or Legal Aid or, visit KYJustice.org. Self-help forms for stages of the eviction process and for communicating with your landlord are available at Legal Aid and at KYJustice.org/legal-information.

Appendix 6

My name is Lamond Russell. I was caught up in a situation where my landlord told the property I was living in was sold and that I was going to be evicted.

Somebody told me about the Legal Aid Society and I had a meeting with Soha Saiyed. At this point I'm thinking we are going to have to move into a shelter. I don't know what I am going to do about my family. We are looking at being homeless. Ms. Saiyed sat down with me and comforted me. She let me know that it was all going to be alright.

The way it turned out was the way she said it would. We went to court and my landlord realized they had no legal standing. They had no legal right to evict us. I just can't say enough—having somebody that reached out and helped me when I couldn't reach in my pocket and fix the situation. So, I just want to say thank you.

Appendix 7

My name is Nevera Roberts and I went to Legal Aid for help because I had gotten behind on my mortgage. I did not lose my job; I had to give it up for health reasons. The only source of income I have is my Social Security. I have four children, seven grandchildren, and eleven great grandchildren.

I had tried to go to several places for help, but no one could help me. Everything kind of kept snowballing. I had no hope until I went to Legal Aid. When I met with Legal Aid they set up a meeting with my mortgage company and I was able to keep my home. Everyone at Legal Aid is professional and knowledgeable. They made you feel good and gave you hope about the whole thing.

Appendix 8

The Rental Relationship: Evictions and Security Deposits

Introduction:

Sometimes we find ourselves in difficult situations in life. Those situations can come from a variety of factors; be it family, finances, or circumstance. This video is designed to educate you about the difficult situation of an eviction and help you navigate the process, including a trip to eviction court. Also, the video will address security deposits and how to avoid losing them.

Eviction:

Eviction is legally known as “forcible detainer.” It is the legal process a landlord must go through to remove a tenant from rental property. A tenant can be evicted for failure to pay rent, violation of the lease agreement, or because the lease has expired. A landlord can only evict a tenant if he has gone through the correct legal process, which will be discussed later in this video. Since a landlord cannot evict you without going through the correct legal process, if a landlord tries to evict you without a court order, you should immediately call the police and then call an attorney.

Before your landlord can even file for an eviction in court, he must give you a notice and opportunity to pay your rent within 7 days of the notice. During those 7 days, he is **REQUIRED** to accept your rent, if paid in full, including late fees. If he accepts **ANY** money from you, at any time during those 7 days, even if it is less than the rent you owe, he must give you another notice and another 7 day opportunity to pay your rent in full. Basically, the landlord accepting a portion of what you owe in that 7 day period starts the 7 day process all over again. After the 7 days have expired, the landlord is no longer **REQUIRED** to accept **ANY** money from you. Even though the acceptance of part of the money from you prevents him from being able to evict you, the landlord could still sue you in small claims court for the remaining amount.

If your landlord is evicting you for some other reason than paying the rent, he must give you 14 days to fix the violation he is accusing you of. But, he is not required to give you the 14 day opportunity if you have committed that same behavior within the past 6 months. Also, if your landlord accepts any rent from you after he knows about the violation, he cannot evict you for the violation.

If your landlord is trying to evict you, you will know because he will already have provided you a written notice. When he goes to court to start the legal process, you will receive a Complaint and Summons. The Complaint will tell you the reason that the landlord is evicting you and the Summons will tell you when and where you need to go to court. **YOU MUST SHOW UP TO COURT** for your eviction hearing. First, if you do not show up to court you will be automatically evicted. Second, you have a right to defend yourself at court. You have the right to bring witnesses and other evidence such as photographs, letters and rent receipts to court. If your witnesses are unwilling to come to court to help you, you can Subpoena them. A Subpoena is a tool used by the court to make people come testify. You can get a Subpoena from the court clerk, and it is important that you fill it out and get it to the witness as quickly as possible.

Going to Court:

When you go to eviction court you should arrive early because you do not want to be late. You should allow extra time and bring money for parking, allow time to get

through courthouse security, and allow time to find the courtroom. You should turn off all cell phones and electronic devices before entering the courtroom. You should also dress nicely, as if you were going to a job interview. When you enter the courtroom you should check in with the bailiff or court clerk. You should never approach the judge unless he or she asks you to, and you should address the judge as “Your Honor.” The judge will first hear the landlord’s case and will then ask you to respond. This is your opportunity to raise potential defenses, as well as to ask the judge to look at your evidence. Your evidence is any witness you have brought or subpoenaed, pictures you have taken, letters, and rent receipts.

Tenants’ Defenses to Eviction:

There are two defenses that tenants are likely to be able to use in eviction court. First, the tenant can show that they have fixed the problem that the landlord stated in the Complaint as his reason for evicting them. For example, if the landlord states in the Complaint that the tenant is \$1400.00 behind on rent, the tenant can bring to court receipts showing he has paid up the \$1400.00 in rent that he was behind on.

Second, a tenant might be able to show that the only reason the landlord is evicting them is in retaliation. Retaliation means taking revenge. For example, maybe the tenant called the Health Department or a housing inspector and reported the landlord or maybe the tenant made repairs and withheld rent. These behaviors angered the landlord so the landlord decided to “get back” at the tenant by evicting him. This would be a retaliatory eviction. Remember, retaliation is hard to prove.

If you state either of these defenses and the judge believes the evidence you have, you win and will not be evicted. If you bring these defenses and do not have enough evidence, or the judge doesn’t believe your evidence, your landlord wins and you will be evicted.

After Eviction Court, Being Evicted:

If you ‘lose’ in eviction court and an eviction is entered against you, you will have 7 days after the court date to make arrangements with your landlord. Typically, the landlord wants you to move out, but in some cases, the landlord will continue renting to you. If the landlord requires that you move out, you must do so within 7 days after the court date. If you do not voluntarily move within those 7 days, the landlord will contact the Sheriff’s Office to schedule a set out date. A set out is when the landlord, with the Sheriff, forcibly removes your property from the residence. The set out MUST be supervised by a Sheriff and you will get notice of the set out prior to the date. If your landlord tries to remove your belongings without the Sheriff present, it is illegal and you should call the police. It is ALWAYS best to move out voluntarily before a set out to avoid loss and damage to your property.

Illegal Evictions:

As we have already discussed, it is illegal for a landlord to evict you without going through the proper court process. It is also illegal for a landlord to set out your belongings without a court ordered eviction and the presence of a Sheriff. Another tool that landlords might use to illegally try to evict you is a lockout. A lockout is just what it sounds like: the landlord locks you out of your residence. You should not try breaking into the residence because that could cause damage to the landlord’s property which you would be responsible for. Instead, you should call police immediately, and they can require the landlord to allow you into your residence.

A landlord might also try to evict you by disconnecting essential services such as water, gas or electric. If this happens to you, you should contact the Legal Aid Society for advice. If any of these illegal evictions occur, you might be able to sue the landlord, but it might be best to just move out. You should get an attorney or contact Legal Aid for advice regarding your options.

Security Deposits

When you move into a rental property, your landlord will likely require a security deposit to cover any damage you might do to the property. The security deposit you pay to the landlord should be held in a bank account, and your landlord should notify you of the bank and the account number in which the deposit is held. This segment will discuss ways to make sure you get your security deposit back when you move out.

First, before you move into the rental property, you and your landlord should do a “walkthrough” of the residence. The purpose of a walkthrough is to determine what damage already exists in the residence. That way, when you move out, the landlord will know that you did not cause certain damage, but that it was already damaged when you moved in. Once you and your landlord have both completed the walkthrough, you should write down all of the damage to the residence, and both of you should sign this document. DO NOT sign the document, though, unless you agree that it is a complete and accurate description of the existing damage.

When you move out, unless you were evicted, you should do another walkthrough and note any damages at that time. Then, you and your landlord should compare the list of damages you made before you moved in and the list of damages you made after you moved out. This will give both you and the landlord an idea of any damages that you caused. At that time, your landlord should provide a list of the estimated costs of repairs for the damages that you were responsible for. The amount of these costs will be subtracted from your security deposit, and the rest of your security deposit should be returned to you. For example, if you caused \$50 in damages and your security deposit was \$100, you get \$50 back. If you did not cause any additional damages you should get the full security deposit or, \$100 back.

If the landlord does not return either your full deposit, or the portion left over after you pay for damages, you can sue the landlord to get your deposit back. However, if damages you caused cost more than your security deposit, the landlord can also sue you for the remaining amount. A landlord cannot charge you for “wear and tear” damages. These damages include use by an average tenant such as carpet wear and nail holes from hanging pictures.

Conclusion:

This video educated you about evictions, illegal evictions, and the court process. It also explained how to avoid losing your rental security deposit. Self-help forms are available at Legal Aid and at KYJustice.org/LegalInformation. These forms can be used for certain stages of the eviction process and for communicating with your landlord. If you need additional assistance, contact an attorney or your local Legal Aid office for advice.

Appendix 9

The Rental Relationship: Rights and Responsibilities of Landlords and Tenants

Introduction:

As a renter, or tenant, we can sometimes feel powerless against our landlords. That is why it is important to know your rights as a tenant, so that you will not be treated unfairly. This video will help you to understand your basic rights as a tenant and the rights of your landlord.

Your Lease:

What is a lease? Your lease is the written agreement between you and your landlord. Your lease lays out the basic rights and responsibilities of both you and your landlord. Most importantly, the lease gives you the right to occupy the rented property. This right is important because you, the tenant, have the right to total possession of the property. It gives you the right to keep other people, including your landlord, off of the property. Your lease will also state the amount of rent that you must pay to the landlord, and the date on which your rent is due. The lease will also contain the address of the rental property, the dates that you will live there, and may include other things as well.

When it is time for you to sign a lease, your landlord will probably give you one that he has already written. You may feel that you are forced to sign the lease, and agree to whatever he has put in it. You are **WRONG!** You have the ability to talk with your landlord about what is in the lease, and you both can agree to make changes. But, it is **YOUR** responsibility; first, to read the lease thoroughly, and second, to ask the landlord to make changes to parts you disagree with.

Reading and understanding your lease is the first step to knowing your rights as a tenant. If you don't understand parts of the lease you should have someone else look at it, or ask the landlord to explain. And, don't be afraid to ask your landlord to make changes.

Tenant's Responsibilities:

Your main responsibility as a tenant is to pay your rent, and pay it on time. Some landlords give tenants a grace period to pay the rent after its due date, before considering it late. Once your rent is late, many landlords charge late fees. You are then responsible for paying both your rent and the late fees to the landlord. You should **ALWAYS** get a receipt from your landlord when you pay your rent, and keep the receipts at least until you no longer live there.

In **EXTREME** cases, tenants may be excused from their obligation to pay rent. These are cases where the landlord doesn't make repairs to necessities, there are code violations, and/or living conditions are very bad. This does not apply to situations where a landlord simply fails to make a routine repair. If you think the circumstances are so extreme that you should not pay your rent, you should consult with an attorney before stopping payment. **DO NOT** stop payment without first getting legal advice because the consequences are severe. If you fail to pay your rent on time, your landlord may evict you, even if you withheld rent due to an extreme situation. To learn more about the eviction process, please see the other video in this series titled "Evictions and Security Deposits."

Another responsibility you have as a tenant is to keep the residence in a livable condition. This means that you should remove trash and waste, not destroy or damage

the property, not disturb other residents, and cut the grass or do yard work if it is required by your lease.

If you violate any of your tenant responsibilities your landlord must provide you with time to fix your violation. Tenants have fourteen days to fix most violations, but only seven days to pay rent if rent is the violation. Violations can ultimately cause your landlord to evict you.

Landlord's Responsibilities:

It is important to note that landlords may have more responsibilities that are not discussed in this video. If you feel your landlord is trying to avoid his legal responsibility, you should consult an attorney or the Legal Aid Society. The major and common responsibilities of landlords are discussed in this segment.

First, the landlord must follow all building and housing codes and keep the residence in such a condition. There are many codes landlords are required to follow. If you feel that your landlord is not following these codes you can contact the Department of Licensing and Inspections by dialing 311 from your phone. An inspector will come out and notify the landlord of any code violations. However, calling a code inspector should be considered a last resort, because calling an inspector could anger your landlord and start a difficult relationship between the two of you. If you do decide to call an inspector, it is probably a good idea to let your landlord know ahead of time.

In addition to following building and housing codes, the landlord must keep the residence in a livable condition. This does not require the landlord to maintain luxury items, but it does require him to maintain the basic necessities such as a toilet or bath. The landlord must also maintain all facilities that he provides to tenants. This includes things such as air conditioning, electrical systems, elevators, and appliances.

As part of maintaining the residence in a livable manner, landlords must provide essential services. These include running water, hot water, electricity and heat. But heat is only required to be provided from October 1 to May 1. Landlords are not required to provide air conditioning; but if they do provide it, they are required to maintain it. A landlord has not violated his responsibilities if any of these services are disconnected because a tenant failed to pay their own utility bill.

Solutions for Landlord's Violations:

If your landlord does not meet his responsibilities, you should give him written notice of what he has failed to do. You should keep a copy of any notice you give the landlord or any notice that he gives you, because they may become important later, especially if you have to go to eviction court. If you feel the violations are severe enough that you want to terminate your lease, you should talk with a lawyer or Legal Aid because there could be serious consequences.

If you go ahead with terminating your lease, there are several requirements. First, you must give the landlord written notice to fix the violations within fourteen days of the notice. If the landlord does not fix his violations within fourteen days, the lease will end thirty days from when the landlord was given the notice. Both of these statements must be in the written notice that you give the landlord. To make sure you give proper notice, Legal Aid has a form that you should use.

An alternative to ending your lease is something called "repair and deduct." What repair and deduct means is that you first get permission from the landlord to make a repair yourself. You make the repair, then you take away the amount the repair cost you

from your rent payment. But, the cost of the repair cannot be more than one half of your monthly rent; so if your monthly rent is \$400.00, the repair cannot be more than \$200.00. When deciding to 'repair and deduct' you should first talk to an attorney or contact Legal Aid. Remember, any time you don't pay the full amount of your rent you could face serious consequences and even eviction.

A third option is to find somewhere else to live until your landlord makes the repairs. If you do find alternative housing, the cost may be deducted from the rent you pay your landlord. If the landlord has failed to provide you an essential service, such as running water, you can immediately terminate your lease and find other suitable living arrangements.

Landlord's Rights to the Property:

Even though you as a tenant have sole possession of the rental property, there are certain times when your landlord will need to enter the property and he has the right to do so. First, if you call your landlord and ask him to make a repair, you have given him permission to enter the property to make that repair. If you request that a repair be made, it is always best that you and the landlord set up a specific time to do the work, if possible.

Second, he can enter the property if he is there to make other required repairs. It is your duty as a tenant to make the property available to the landlord to make such repairs. However, your landlord is required to give you at least a forty-eight hour written notice that he will be entering your residence. This notice might be mailed to you or posted on your door.

Third, your landlord can enter your residence without permission or notice in an emergency situation.

Abandonment of Property by Tenant:

As a tenant, you are generally required to stay on the property that you rent. If you are going to be away from the property for a period of time, it is best to notify your landlord in writing of your absence. This way, your landlord will have notice that you have not abandoned the property but are just on vacation for example. The length of time a tenant is away before the rental property is considered abandoned varies by lease agreements, but is usually some period of time longer than one week.

If your landlord has no notice that you will be away for a period of time, he may think you have abandoned the property, which allows him to remove and dispose of your belongings, change the locks, and rent to another tenant. A court can also determine whether you have abandoned the property or not. Courts look at your actions, rather than your intentions, when determining whether or not you have abandoned. So, if you don't give notice to your landlord and stay gone for a month, a court could determine that you have abandoned the property, regardless of your intention to return home after your vacation.

Maintaining a Good Relationship with Your Landlord:

Building a good relationship with your landlord could be very beneficial to you. The key to any good relationship is communication. Talk to your landlord about any problems with the property. Try to keep in contact with your landlord to discuss issues and find out what is really going on. Keep your landlord informed about your own situation, but also try to learn about his situation as well. Learn to look at an issue from his point of view. Pay your rent on time and hold up your end of the bargain. Finally,

keep rent receipts, take photographs and write down notes, especially if you are having true difficulties with your landlord.

Conclusion:

This video covered the basic rights and responsibilities of landlords and tenants. This information was about residential rental relationships only. If you work for your landlord and are receiving a rent discount, this video may not apply to you. For more information, please see the other video in this series, titled “Evictions and Security Deposits.” If you need additional assistance, contact an attorney or your local Legal Aid office for advice.

Appendix 10

Legal Aid will help 4,500 clients this year like Lamond who faced legal problems that made it even more difficult in this economy to meet their basic human needs.

Please consider making a gift to Legal Aid today by visiting our website at www.laslou.org.

Appendix 11

Legal Aid will help 4,500 clients this year like Nevera who faced legal problems that made it even more difficult in this economy to meet their basic human needs.

Please consider making a gift to Legal Aid today by visiting our website at www.laslou.org.

Appendix 12

EITC

Every year, millions of dollars in eligible tax credits are just left on the table by low- and middle-income families. A major program that helps people keep more of their money in their pockets is the United States Federal Earned Income Tax Credit or Earned Income Credit (EITC).

Generally speaking, if you or your household make less than \$48,000 a year, you should consider applying for this tax credit.

The EITC primarily benefits taxpayers with qualifying children, but there is also a smaller credit available for individuals and couples without children. The maximum credit for qualifying families is over \$5,000. However, for individuals without dependant children, you can still get back hundreds of dollars in your tax refund.

As the name suggests, the Earned Income Tax Credit is based on a taxpayer's "earned income". Earned income includes all the taxable income and wages you get from working. You can receive earned income either by working for someone else who pays you or by working for your own business. Taxable earned income generally includes:

- Wages, salaries, and tips;
- Union strike benefits;
- Long-term disability benefits received prior to minimum retirement age;
- Net earnings from self-employment.

As we mentioned though, you don't have to have children to claim your EITC. Rules for Workers without a Qualifying Child are:

1. You (and your spouse, if filing a joint return) must have lived in the United States for more than half the tax year,
2. Either you or your spouse, if filing a joint return, must be at least age 25 but under age 65,
3. You (or you spouse, if filing a joint return) cannot qualify as a dependent of another person.

There are a number of great resources out there to help you claim this credit. One great resource provided by legal aid society is the iCAN!® E-file web-based program. iCan can help you file your federal taxes for FREE. Just answer simple questions on each screen and print your completed tax return. I-CAN!® E-file can also e-file your return to the IRS. You can also visit the official IRS page at www.irs.gov.

VITA

If you feel uncomfortable using the computer assisted programs available you can take advantage of a nationwide, in-person program called the Volunteer Income Tax Assistance program, or VITA. The VITA Program offers free tax help to low- to moderate-income (generally, \$49,000 and below) people who cannot prepare their own tax returns. Certified volunteers sponsored by various organizations receive training to help prepare basic tax returns in communities across the country. VITA sites are generally located at community and neighborhood centers, libraries, schools,

shopping malls, and other convenient locations. Most locations also offer free electronic filing. ***To locate the nearest VITA site, call [1-800-906-9887](tel:1-800-906-9887), check online, or call your local legal aid office.***

The goal of this video was to educate you on some of the resources available to low- to middle-income families who need help with their income tax returns. We hope you found this video useful. For more information, please visit your state's legal services website.

Appendix 13

Bankruptcy script

For individuals who have become overwhelmed by large amounts of debt, filing for bankruptcy is a potential solution. Filing for bankruptcy can allow someone with high debt to resolve the financial problems they face and possibly even start over with a clean slate.

Bankruptcy is a legal process which may help you get rid of some or all of your debt. But it will stay on your credit report for up to ten years. This may mean you may not get a loan when you want one. Bankruptcy is a serious step, and how much it can help you depends on your situation. If you are thinking about bankruptcy you should talk to a lawyer as early as possible.

Bankruptcy may make it possible for you to get rid of the legal duty to pay some kinds of debt (called a discharge of debt), including:

- Medical Debt
- Utility bills
- Credit card debt

Declaring bankruptcy can also temporarily stop certain actions by creditors, including:

- Foreclosure on your home. In a Chapter 13, it can give you a chance to catch up on missed payments.
- Repossession of a car or other property, or force the creditor to return property even after it has been repossessed.
- Wage garnishment, debt collection harassment, and similar creditor actions.
- In a Ch 13, you may be able to get time to catch up on your rent and keep your below-market-rent lease.
- Get your utility service back or keep it from being cut off;

However, Bankruptcy Cannot Fix Every Financial Problem. In Bankruptcy, You Usually Cannot:

- A “secured” creditor is a creditor that gives you a loan to buy something (a home or other property) but gets the right to repossess the item if you don’t make your loan payments.
- Stop you from going into debt in the future if your income is less than your expenses.
- Get rid of debts that are singled out by the bankruptcy law for special treatment, such as: Child support; Alimony; Most student loans;

The Automatic Stay

As soon as the bankruptcy is filed, the “automatic stay” goes into effect. The automatic stay is an order of the bankruptcy court in place in most cases, prohibiting most creditors from taking collection actions against the debtor or the debtor’s property while the bankruptcy is pending. This gives the debtor some breathing space when the case is filed.

Types of Bankruptcy

The two most common types of bankruptcies for individuals who have fallen on hard financial times are Chapters 7 and 13 bankruptcies.

Chapter 7 bankruptcy is also known as a “straight bankruptcy” or a “liquidation case” because the debtor agrees to sell or give up all of their non-exempt property. The bankruptcy court trustee (a lawyer or accountant who is employed by the Department of Justice and who handles administrative aspects of the bankruptcy) will supervise the sale of the property and he will give the money from the sale to the creditors. If property is non-exempt but still of limited value considering the costs of holding the sale, the trustee may decide not to take the property, but that will be a decision of the trustee, and not of the debtor. Once the sale is complete, the court enters an order discharging all of the debtor’s dischargeable debts that are not covered by the money from the sale of assets. Many Chapter 7 cases are “no asset” cases in which the debtor has no non-exempt assets and the debts are discharged without partial payment.

Chapter 13 is called reorganization because it allows the debtor a chance to get organized – to pay off certain debts over time. In turn, this allows the debtor to keep valuable property, like a house or car. When the debtor files for Chapter 13 bankruptcy, he makes a bankruptcy plan for how he will pay his debts. Generally the plan will call for a payment to the trustee each month; in turn the trustee will use these payments to pay the creditors, the debtor’s attorney and the trustee’s fees and the creditors in order of priority. This plan usually lasts from 3 to 5 years. The plan must be approved by the court. After completion of payments under the plan, Chapter 13 debtors receive a discharge of most debts.

The decision whether to file a bankruptcy and under what chapter is an extremely important decision. This decision should be made only with competent legal advice from an experienced bankruptcy attorney after a review of all the relevant facts of the debtor's case.

While it is possible to file a bankruptcy case "Pro Se", that is, without representation by an attorney, it is extremely difficult to do so successfully. Hiring a competent attorney is highly recommended. The Court is not able to give legal advice or help fill out forms.

Appendix 14

If you are a veteran of a branch of the United States armed services and have a current medical condition, you could be eligible for VA Disability Compensation benefits. While it is best to file for benefits either as soon as you get out of the military or as soon as the condition occurs, there are no time limits or deadlines for when you file your first claim. Therefore, you may file for VA disability compensation benefits at any time for any condition that you reasonably believe was caused or aggravated by your service.

The initial filing of a VA Benefits claim is relatively simple. You may either file the forms for yourself or you can get help from a local Veterans Service Organization or from your State's Veterans Affairs Office. You should know that at this stage, you are not allowed to pay anyone to represent you with your claim.

How do I know whether it's worth filing a claim?

Before you file your initial claim, you'll need to understand the basic requirements.

Eligible military service: You must have done military service, and you must have a discharge that is other than dishonorable. If your discharge is "other than honorable" but not dishonorable, you may be qualified for a more restricted range of benefits. (Anthony: Show graphic with the diff levels of discharge status: Honorable, General, Other Than Honorable, Bad Conduct, Dishonorable)

Current "condition": You must have a current injury or illness (condition) that can be connected to your military service. This means that you should have a fairly clear diagnosis. It should be stated in a medical record prepared by a qualified health care provider (preferably a doctor). The more precisely defined the condition is in the record, the better.

An "event" in Service: You must have had an event in service that you reasonably believe was the cause for your current illness. You will need to give the VA written evidence of this event. The best evidence is an event that is recorded in a Service Medical Record (SMR). This is a detailed description of the cause of the injury or illness leading to your condition, how it was treated, and any residual effects of the event. If there is no military record of this event, you can get "buddy testimony", that is, a written statement from someone who witnessed the event, to support your claim. If the condition is related to a non-combat event, you will need documentation of:

A clear service connection: Your medical evidence must be clear enough to prove that your current condition is connected to the in-service event. This is called "service connection" or "nexus." If you can't prove the service connection, you will not receive benefits.

How Do I file my VA benefits claim?

Now that you know the requirements for VA Disability benefits, you should file your forms as soon as you decide you have a reasonable claim.

This is important because your filing date sets the start date of your award. You do not need to gather all the supporting evidence before filing your claim; you can even submit your evidence after you file. Waiting until you gather every last piece of evidence only costs you money; the VA will pay you only from the date of the claim, no matter when the condition began.

What do I file?

The VA Form you will need to file is called the 21-526. You can print out this form from the va's website, or you can e-file online. Whichever option you choose, remember to keep a copy of the claim you submitted. Keeping records of all your dealings with the VA is in your best interest.

If you choose to print the form out, you will then need to mail it to the VA Regional Office (VARO) in the state where you live. If your state has more than one, mail to the closest VARO in your state.

The VA claims process can be slow and frustrating. Although the VA has a duty to assist you with your claim, you should remember that this is a legal proceeding and that you should be ready to prove every part of your claim. You are much more likely to be successful if you can organize your information and keep good records of your interactions with the VA. If you have trouble with these kinds of tasks, you may want to seek help from a VSO or your state veterans affairs office.

For more information on how to file for your initial VA Disability benefits claim, visit www.statesidelegal.org or www.va.gov.