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## ABOUT CRASS

Community RNC Arrestee Support Structure is a non-hierarchical coalition of RNC arrestees and community allies. CRASS provides multifaceted support to those arrested during the 2008 Republican National Convention to ensure that all interested arrestees have the support necessary to fight their charges and stand up for free speech. CRASS has a travel fund available to aid arrestees in returning to the Twin Cities for their court dates, is actively working on court solidarity strategies to support those still facing charges, and is dedicated to aiding and facilitating civil suits.

## CONTACTS

Courtwatch – [rnccourtwatch@gmail.com](mailto:rnccourtwatch@gmail.com)

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Fundraising – [rnc08fundraising@gmail.com](mailto:rnc08fundraising@gmail.com)

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Outreach – [rnc08outreach@riseup.net](mailto:rnc08outreach@riseup.net)

Pressure – [rnc08pressure@lists.riseup.net](mailto:rnc08pressure@lists.riseup.net)

Zine Project – [crasszine@riseup.net](mailto:crasszine@riseup.net)

## SUPPORT CRASS!

You can donate to us through the PayPal donation link on our website. For checks and money orders, make them payable to Coldsnap Legal Collective and write CRASS in the memo line. Mail your donation to:

CRASS c/o Coldsnap Legal Collective  
P.O. Box 50514  
Minneapolis, MN 55405

Attend our bi-weekly general assemblies, weekly spokescouncil meetings, or a working group's meeting! Check our website for meeting times and locations, or contact a working group directly.

# CIVIL LITIGATION 101: WHAT YOU NEED TO KNOW TO MAKE THEM PAY



## COMMUNITY RNC ARRESTEE SUPPORT STRUCTURE

<http://www.rncaftermath.org>

[rnc08arrestees@riseup.net](mailto:rnc08arrestees@riseup.net)

Announcements: [rnc08arrestees-announce-subscribe@lists.riseup.net](mailto:rnc08arrestees-announce-subscribe@lists.riseup.net)

## WHY FILE A CIVIL SUIT?

Civil suits are a means of holding people, corporations, and governments accountable for wrongs they have done to others. If you win a civil suit, the court could issue a range of orders, such as ones to enforce a right, award damages, or impose an injunction to prevent or compel an act. In the case of civil suits arising from arrests at protests, they can help change the way the cops treat protesters and make cities compensate survivors of police abuse and brutality.

For example, after a mass arrest of people peacefully protesting the World Trade Organization in Seattle in 1999, the city settled the civil lawsuit brought against it when its insurance company agreed to pay \$1 million in damages. Each of the 175 protesters wrongfully arrested was eligible to receive between \$3,000 and \$10,000. The city also agreed to seal the arrest records and ask any law enforcement agencies that received copies to expunge them.

## CRIMINAL CASES VS. CIVIL SUITS

After an arrest, there are two paths in the legal system that arrestees may take: **criminal** and **civil**. These proceedings are separate, but for arrestees at demonstrations, they are most likely linked to the same event. People who are going through the criminal system are not required to go through the civil system, and civil proceedings do not happen automatically. People who are interested in suing in civil court do not have to go through the criminal system first.

and detained but never formally arrested (e.g., you were never given any paperwork or were never moved to a holding facility), or being arrested but never prosecuted. The possibility of these claims should be discussed with your attorney.

## CLASS ACTION AND SMALL GROUP SUITS

You may be asked to decide between a class action suit and a small group suit. There are benefits to both. A **class action suit** means that there are a few people who the attorney feels were greatly harmed, who represent the entire class. These folks are called **named plaintiffs**. They generally have to testify in court about their experiences. People who are not named plaintiffs don't have to do much, except for get in contact with the attorney who brought the suit if there is a settlement. This can sometimes take many years.

In a **small group suit**, the people suing will probably have to testify at least once, but may have more involvement in the way the case is structured. If an attorney approaches you about a civil suit, it is always your choice to select that attorney or not.



There are likely to be many civil attorneys who want to sue the state; there is nothing wrong with shopping around and choosing the attorney you think will represent you best.

all charges against you will be dropped. Sometimes, a deal may involve an admission of guilt.

The status of your criminal case is called your **disposition**. For example, this can be that your case is still open, you were found guilty, or you were found not guilty. When deciding whether or not to pursue a civil suit, it is important to know the disposition of your criminal case.

## CIVIL

A civil suit is a set of proceedings in which a plaintiff is suing a defendant (such as the state) for alleged harms committed against them. There are many claims that can be brought against the state, and which ones you choose are affected by the disposition of your criminal suit, what exactly happened when you were harmed, and which claims will work best in the state in which you are suing. If you have a guilty judgment against you from anything in your criminal case (whether you were convicted, plead guilty, or took a plea deal), it can be very difficult, if not impossible, to successfully sue the state in civil court. This is true even if what the cops did to you was not connected with the crime that you allegedly committed.

That said, the less of a relationship there is between the cops' actions and the alleged crime, the less likely a guilty disposition will affect your civil suit. This matter is complicated, so it's always best to consult with an experienced civil attorney before accepting any plea in a criminal case and before filing a civil suit.

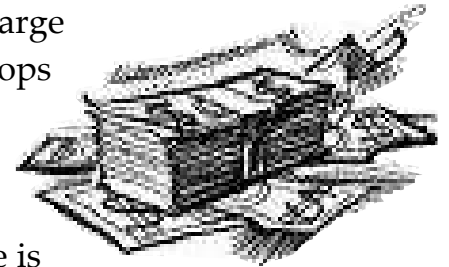
## FILING A CIVIL SUIT

There are a variety of claims that you can make against the state, and the specifics should be discussed with an attorney. Some common reasons to sue are that the cops beat you up, pepper sprayed or tear gassed you, or falsely arrested you.

You can sue for either injunctive relief or damages.

**Injunctive relief** means that you are asking the court to instruct the defendant to do something or to stop doing something. For example, the court could instruct the city to stop using pepper spray, stop using horses as crowd-control mechanisms, or provide someone to negotiate with the leaders of unpermitted marches. There are a wide range of things you can ask for, and an attorney can tell you more.

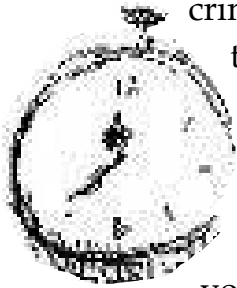
Suing for **damages** means asking for money. Your lawyer will determine how much to ask for. Police departments generally take out large insurance policies before events such as the RNC, so winning a large settlement from the city or the cops does not mean that you are taking money away from other city agencies. Because civil and criminal suits are separate, there is nothing to stop the civil attorneys from filing claims before your criminal suit is over. It is generally in your best interest to wait until your criminal case is over to pursue a civil case. If you have an open criminal case, any statements you make regarding the circumstances of your arrest or what you were doing when you got arrested, even if you are making a



statement in preparation for a civil suit, can be used against you in your criminal case.

## TIME LIMITS AND STATUTES OF LIMITATIONS

There is a time limit on suing, which varies based on where you are suing. This time limit may come up before your criminal suit is over. If you are planning to sue the government, you may be required to file a **notice of claim**. This document tells the government that you may be planning to sue some time in the future. It doesn't mean that you are definitely going to sue, just that you may. If you have an open criminal case, this can be written so it is not incriminating to you. Let your attorney know that you have an open criminal case when they are writing this document.



The notice of claim gives the government an opportunity to settle with you before the suit ever goes to court. The government will almost never offer to settle at this point.

Be aware that there may also be a **statute of limitations** on a civil suit. This means that you only have so much time to file your lawsuit. This time period is usually longer than the deadline for the notice of claim (possibly a year, as opposed to a few months).

You may be able to sue in civil court even if you were not officially arrested. Instances in which this may happen can include being pepper sprayed but not arrested, being cuffed

## CRIMINAL

A criminal suit is a case that is brought against a **defendant** by the state for alleged crimes against the state. A criminal case can be resolved in a variety of ways: you can plead guilty and accept certain consequences (e.g., jail time,



community service); you can plead not guilty and go to trial, where you can be acquitted or convicted by either a judge or a jury; the case can be dismissed; or you can take a plea deal.

Many protest cases are dismissed or never prosecuted. A case can be dismissed by a judge for a variety of reasons or the defendant will never appear in the court system (this is the equivalent of a case being dropped). Sometimes, you may receive a citation in the mail, which tells you that you can pay a fine and make the case go away. If you pay the fine, this is the equivalent of entering a guilty plea. Instead, you can always go to court to fight the charges!

During the criminal process, a defendant may be offered a **plea deal**. There are a variety of deals that the state could offer you, and you should discuss each one's consequences with your attorney before you agree to one. There are cases in which your attorney may believe that a deal is in your best interest, but you are never required to accept a deal. An example of a deal is that you stay out of trouble (e.g., don't get arrested again) for a certain period of time, and in return