

*When will they  
ever learn?*

**Educating to  
End Domestic  
Violence**

*A Law School  
Report*

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American Bar Association  
Commission on Domestic Violence  
*Produced with the support of the  
Office for Victims of Crime  
U.S. Department of Justice*

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# **Educating to End Domestic Violence**

*A Law School Report*

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*With the special assistance of Diane Welsh*

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American Bar Association

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*U.S. Department of Justice*

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# TABLE OF CONTENTS

<b>Introduction</b> .....	I-5
<b>Advantages of Integrating Domestic Violence Issues into Law School Curricula</b> .....	1
Enhancing Legal Education .....	1
Producing Benefits for Law Schools .....	11
Creating Resources to Assist Victims .....	15
Improving Communities .....	19
<b>Incorporating Domestic Violence Legal Issues into Law School Curricula</b> .....	24
Core Curricula Courses .....	25
Upper Level Courses .....	46
Clinical Programs .....	57
Co-Curricular Programs .....	62
<b>Linking Law School Programs to the Community</b> .....	64
<b>Challenges in Incorporating Domestic Violence Legal Issues into Legal Education</b> .....	67
<b>Appendices</b> .....	A-1
Selected Resources .....	A-1
Safety Planning .....	A-2
Survey of Existing Domestic Violence Law School Programs .....	A-7
Participant List from Educating to End Domestic Violence Symposium .....	A-20
National and State Domestic Violence Organizations .....	A-23

## **INTRODUCTION**

Domestic violence is a societal problem of epidemic proportions. Experts estimate that 2 to 4 million American women are battered every year,<sup>1</sup> and that between 3.3 and 10 million children witness violence in their homes.<sup>2</sup> Battering affects families across America in all socioeconomic, racial and ethnic groups.<sup>3</sup> As information about the extent and impact of domestic violence emerges, it has been identified as a criminal justice issue, a public health crisis, and a costly drain on economic productivity.<sup>4</sup>

Domestic violence has a tremendous impact on the legal profession. Whether or not lawyers realize it, domestic violence permeates the practice of law in almost every field.<sup>5</sup> Corporate lawyers, bankruptcy lawyers, tort lawyers, real property lawyers, criminal defense lawyers, and family lawyers, regularly represent victims or perpetrators of domestic violence.<sup>6</sup> Criminal and civil judges preside over a range of cases involving domestic violence as an underlying or a hotly contested issue. Failure to fully understand domestic violence legal issues threatens the competency of individual lawyers and judges, as well as the legal profession as a whole.

Legal professionals who are uninformed about domestic violence issues may endanger the safety of victims or contribute to a society which has historically condoned the abuse of intimate partners. In Maryland, for example, a victim was killed by her intimate partner after a judge refused to grant her a civil protection order.<sup>7</sup> Recently, another judge expunged a batterer's criminal record for wife abuse in order to allow him to join a country club; the judge reversed his ruling only in response to public outcry.<sup>8</sup> Still another judge modified a custody order and awarded custody of the child to the child's father, despite the fact that the father had abused the child's mother, and had been convicted of murdering his first wife.<sup>9</sup>

The vast majority of telephone calls received by the American Bar Association Commission on Domestic Violence indicate that lawyers, too, are not representing victims of domestic violence according to the standards dictated by the profession. Callers report that many family and criminal lawyers fail to address a client's safety needs where there is a history of domestic violence or refuse to introduce evidence of the violence in court, despite the legal consequences. This hesitation to handle domestic violence cases, or to address domestic violence issues when they arise, stems in part from a lack of legal training. It is time for law schools to fill this desperate gap in legal education by incorporating domestic violence law into core curricula courses, upper level courses, and clinical programs.

Integrating domestic violence issues into legal education may improve the ethical standards of the legal profession, as well as produce better representation for victims. Across the country, disciplinary committees and courts have already begun to address the professional consequences for lawyers who commit acts of domestic violence against their intimate

partners.<sup>10</sup> This serious treatment of lawyers who perpetrate domestic violence upholds ethical standards and improves the system's ability to provide justice for victims of domestic violence.

The increasing intolerance for lawyers or judges who commit or condone domestic violence suggests that the legal system has begun to treat violence against intimate partners as a criminal matter. Despite this shift, however, many legal professionals have not been trained adequately on appropriate legal interventions for domestic violence. By integrating domestic violence issues into law school curricula, law schools can provide lawyers with the tools to assist victims effectively and to improve the legal system's response to family violence.

The recommendations in this report stem from a two-day meeting of experts conducted at the American Bar Association on December 9-10, 1996, with support from the Office for Victims of Crime. A select group of law school professors who teach domestic violence seminars or clinical programs attended the conference and provided information about current law school practices and recommendations for the future. Several victim advocates from communities which are currently underserved by law schools also attended the symposium in order to suggest ways that law schools might better serve the needs of all victims. Experts in intervention with perpetrators of domestic violence also attended and offered insights from that perspective. The following report could not have been produced without the invaluable assistance of these participants. We are also indebted to the many professors and practitioners across the country who have been representing victims and advocating for systemic reform for years.



ENDNOTES:

1. Antonia C. Novello, *From the Surgeon General, U.S. Public Health Service*, 267(23) JAMA 3132 (June 17, 1992). *See also*, RONET BACHMAN, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, VIOLENCE AGAINST WOMEN: A NAT'L CRIME VICTIMIZATION SURVEY REPORT iii (1994).
2. HOWARD A. DAVIDSON (REPORTER), THE IMPACT OF DOMESTIC VIOLENCE ON CHILDREN (ABA, 1994).
3. MARY P. KOSS ET AL., NO SAFE HAVEN: MALE VIOLENCE AGAINST WOMEN AT HOME, AT WORK, AND IN THE COMMUNITY 49-58 (1994).
4. *See, e.g.*, TED MILLER ET AL., NAT'L INSTITUTE OF JUSTICE, U.S. DEP'T OF JUSTICE, VICTIM COSTS AND CONSEQUENCES: A NEW LOOK 18-19 (1996) (finding that domestic violence costs \$67 billion a year in property damage, medical costs, mental health care, police and fire services, victim services, and lost worker productivity).
5. THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK (ABA, Goelman et al. eds., 1996).
6. Kathleen Waits, *Battered Women and Family Lawyers: The Need for an Identification Protocol*, 58 ALB. L. REV. 1027, 1028 (1995).
7. *See* Civil Protection Order Transcript, Petitioner Helen Jenkins, District Court of Maryland, Prince George's County, Maryland, 1993.
8. *Judge Rescinds Ruling That Cleared Man of Beating Wife; Impartiality Questioned*, CHI. DAILY L. BULL., Feb. 11, 1997.
9. *Ward v. Ward*, No. 95-4184, 1996 WL 491692 (Fla. Dist. Ct. App., Aug. 30, 1996); Amicus Curiae Brief In Support of Appellant at 9, *Ward* (No. 95-04184).
10. American Bar Association, Recommendation 120, in REPORTS WITH RECOMMENDATIONS TO THE HOUSE OF DELEGATES (Aug. 5-6, 1996) (condemning lawyers or judges who commit acts of domestic violence or manifest approval of domestic violence in the course of their professional conduct); *In re Magid*, 655 A.2d 916 (N.J. 1995) (finding that a lawyer who assaulted his intimate partner was guilty of professional misconduct); *In re Principato*, 655 A.2d 920 (N.J. 1995) (finding that a lawyer who assaulted his partner should be disciplined to restore public confidence in the profession).

## ***Teaching Domestic Violence Legal Issues in the Law Schools Benefits Students and Improves the Practice of Law***

The legal profession has a unique role to play in developing and implementing coordinated community responses to domestic violence. To realize this goal, however, law school programs must ensure that law students -- who may become prosecutors, defense attorneys, family law attorneys, general practitioners, business leaders, legislators, lobbyists, policy analysts, or judges -- attain an adequate understanding of domestic violence issues. Continuing legal education or *pro bono* training programs can train lawyers to handle these cases well, but such programs often come too late in a busy legal professional's career to have a real impact on legal practice. Incorporating domestic violence law into the various curricula used in law schools will provide students with the substantive and lawyering skills necessary to competently represent clients and improve the system's response to domestic violence.

*A recent study of female homicide victims in New York City between 1990-1994 found that 49% of the known perpetrators were the victims' former or current intimate partners. (NYC Dept. of Health, Injury Prevention Program). Criminal cases in other jurisdictions indicate a similarly high proportion of domestic violence crimes.*

One of the most important services law schools can provide in helping to end domestic violence is to ensure that graduating law students understand what domestic violence is and how many areas of law it affects. It is startling how many lawyers do not know what the legal definition of domestic violence is or what abusive behaviors are covered by the law. Because domestic violence is a pattern of actions, legal professionals must be trained to scrutinize even seemingly benign activities -- like making a telephone call or sending flowers to a former victim.

One of the first lessons law schools can teach students is that domestic violence occurs when one intimate partner uses a *pattern of behaviors*, including physical violence, coercion, threats, intimidation, rule making, isolation, or emotional, sexual and economic abuse, to maintain power and control over the other intimate partner or spouse. Because a combination of

psychological, social and familial factors create the context in which abuse occurs, law students must be trained to recognize abusive behavior meant to manipulate the victimized partner. For example, a perpetrator may use the children to convey “messages” to the victim after the court has forbidden direct contact or may send gifts to the victim after she has left in order to lure her back. Law students must learn that abusers use varied psychological tools, such as minimizing or denying what has happened, or shifting the blame by saying that the victim provoked the abuse.<sup>1</sup> Domestic violence has been defined as a pattern of interaction in which one intimate partner is forced to change his or her behavior in response to the threats or abuse of the other partner.<sup>2</sup>

Teaching law students about domestic violence issues should be an inherent part of legal education, rather than a specialized track taught only by professors who are experts in domestic violence law. Raising domestic violence issues provides students with an opportunity to engage in profound debate about the law’s role in shaping social policy. The diversity of approaches to the criminal, civil, and federal aspects of domestic violence law allows students to consider a range of perspectives across the political spectrum.

*Teaching Domestic Violence Law Enhances the Substantive Skills of Law Students*

The pervasiveness of domestic violence ensures that lawyers will come in contact with domestic violence issues in a variety of ways. Some lawyers may believe that domestic violence does not affect their practice because only low-income people perpetrate domestic violence, while their clients are from upper-income families. Domestic violence, however, affects individuals regardless of socioeconomic status. Therefore, most lawyers are likely to represent clients who are experiencing or perpetrating violence in their homes. Lawyers may also be approached by colleagues or acquaintances who are victims or perpetrators of family violence. All lawyers must be prepared to screen for domestic abuse and provide

appropriate legal advice when domestic violence has been identified as an issue.

Domestic violence has an impact on almost every area of legal practice. If clients have been abused or have perpetrated abuse, their lawyers may need to invoke special statutory provisions or advocate for safeguards in judicial orders. For instance, family lawyers need to know if their state laws prohibit mandatory mediation in domestic violence cases. Further, since all lawyers may have clients who are victims of domestic violence, they should know how to develop safety plans with their clients.

Domestic violence is a primary factor in certain areas of the law, such as family law and criminal law. A survey of family lawyers found that as many as half of family law cases involved spousal abuse.<sup>3</sup> Domestic violence also underlies many of the nation's estimated 354,000 annual child abductions.<sup>4</sup> Similarly, a large proportion of criminal cases involve violence against intimate partners or spouses.<sup>5</sup> Despite the presence of domestic violence as an overt or underlying factor in criminal and family law, traditional law school courses fail to even mention domestic violence as an issue.

*Professor Holly Maguigan teaches a Criminal Defense Clinic at the New York University School of Law. Students in the clinic handle misdemeanor and felony cases, including representing battered women charged with homicide or assault against their batterers. The seminar component of the course teaches students substantive and procedural criminal law, as well as trial advocacy skills. Students also learn about the realities that battered women face in the criminal justice system by working directly in New York City courts.*

### *Criminal Law*

A major shift in the treatment of domestic violence cases has been taking place across the country. Cases which turned up previously in the family division of the court are now being directed to the prosecutor's office for criminal prosecution. A primary reason for this change was the enactment of the Violence Against Women Act of 1994 [VAWA]. The VAWA raised the profile of domestic violence cases in the law enforcement community by creating new federal crimes of domestic violence. Additionally, the VAWA funded grant programs to train prosecutors to handle domestic violence cases.

Another major influence encouraging the prosecution of domestic violence cases is the growing use of victim advocates in prosecutors' offices and court intake

centers across the country. Victim advocates, who are aware of the dynamics of domestic violence and the capabilities of the legal system, can help victims seek the most effective response to end the violence -- which may include criminal prosecution of domestic violence crimes. These new laws and practices make the criminal justice system one of the centerpieces of a successful community response to domestic violence.

As a result, law students who are not exposed to domestic violence legal issues in law school are ill equipped to pursue criminal law careers upon graduation. Without appropriate training, defense attorneys may not be able to effectively represent battered women who kill or assault their abusers in self defense. Other defense lawyers may assist batterers to avoid criminal penalties, rather than recommend that clients seek intervention to end the violence, which may be in their long-term best interest. Similarly, untrained prosecutors may be frustrated by the unwillingness of some victims to testify against their spouses in criminal cases; lawyers who have studied domestic violence law, however, may understand that perpetrators exercise power and control over victims, and that victims face increased danger upon separation from their abusers. This practical knowledge can assist prosecutors to develop alternative ways of prosecuting domestic violence cases.<sup>6</sup>

*Second and third-year students at the Children and Family Justice Center of Northwestern University School of Law can choose to work in the domestic violence division of the clinic. The domestic violence division usually trains 7-10 students to represent low-income battered women in restraining order, divorce, child custody, or child support matters. Referrals are obtained from local agencies, courts, and shelters.*

#### *Family Law*

Despite the new trend of aggressive criminal prosecution of domestic violence cases, family law responses remain integrally important in assuring victim safety and independence. Family lawyers should seek the full panoply of remedies available under civil protection order or dissolution statutes, thereby allowing victims to leave an abusive situation. Family lawyers can help victims break free of the economic strangleholds created by abusers. For example, a victim may need spousal support or rehabilitative alimony to pursue further education or job training to support herself and her children. If a victim is employed, the abuser may stalk or harass her at work in

order to force her to become financially dependent. A well-trained family lawyer will seek a stay-away provision in a civil protection order if this occurs. Family lawyers can make an enormous contribution by ensuring that victims receive the economic or safety protections they need.

In order to offer this help, however, law students must be informed about the impact of domestic violence on family law. When one party in a dissolution or custody proceeding has abused the other party, a range of legal and safety issues are raised. For instance, lawyers may need to invoke statutory prohibitions against joint custody or mediation when the parties have a history of domestic violence. Additionally, most custody statutes require courts to consider domestic violence as a factor in custody determinations or create a presumption against granting custody to a perpetrator of domestic violence. Students who learn domestic violence law while in law school will be familiar with these legal issues when they become lawyers, rather than learning at the expense of clients or failing to address critical issues as practicing lawyers.

#### *Other Areas of Practice*

Law schools can improve their curricula by teaching students about domestic violence legal issues in all areas of practice -- not merely in family and criminal law courses. Tax lawyers who understand that domestic violence perpetrators often exert financial control over their victims can assist innocent spouses to avoid liability for tax fraud committed by their abusers. Immigration lawyers should be aware that abusers often threaten to deport their battered spouses as an additional means of control, and that the Violence Against Women Act provides protection for battered immigrant spouses.<sup>7</sup> Domestic violence also plays a role in tort law, corporate liability law, poverty law, and trusts and estates law,<sup>8</sup> raising malpractice questions if lawyers fail to appropriately address the issue.

*Students at the Sex Discrimination Clinic at Georgetown University Law School helped set legal precedent for domestic violence cases in the District of Columbia. Students from the clinic represented the petitioner in an underlying civil protection order case, and helped draft the appeal in Powell v. Powell. The Court of Appeals held that the “catch all” provision in the District of Columbia’s protection order statute permits courts to award child support in civil protection orders if necessary to effectively resolve domestic violence cases.*

### *Domestic Violence Law is an Ideal Topic for Teaching Lawyering Skills*

Students can develop their practical lawyering skills, as well as their substantive legal skills, by studying domestic violence law. For instance, students can handle an entire case from beginning to end, and obtain a temporary or long-term civil protection order on behalf of a client, during semester-long courses. Domestic violence issues provide a means to improve practice skills whether taught in clinical programs or presented as hypothetical cases in general lawyering courses.

Even short-term domestic violence cases require students to develop their lawyering skills. Students interview clients and witnesses, and construct a theory of the case. Students then draft petitions requesting relief from the court, which may be accompanied by more detailed motions or legal briefs on matters of first impression. Next, students have the opportunity to negotiate with opposing parties or counsel regarding the entry of consent civil protection orders. Finally, if consent orders are not entered, students represent clients in civil protection order hearings. In some jurisdictions, to litigate civil protection order cases, students must: prepare witnesses for trial; present opening and closing statements; introduce evidence; conduct direct and cross examinations; and make objections. Students working in domestic violence prosecution units or handling contempt trials have the opportunity to acquire lawyering skills in criminal cases. Clinical programs or externships help students develop transferable lawyering skills whether or not they pursue careers in domestic violence law.

Students also bridge the gap between theory and practice by preparing and litigating domestic violence cases. For instance, the experience of handling domestic violence cases can give life to civil procedure law, as students handle actual service, notice, and jurisdictional issues. Similarly, students litigating protection order trials are required to understand and apply the rules of evidence. Additionally, clinical programs familiarize students with

*Third-year students at the Battered Women's Rights Clinic at the City University of New York Law School assist low-income clients with a range of legal needs. This may include obtaining civil protection orders, pursuing contempt charges, seeking child support or custody orders, or handling housing or public benefits cases. The clinic teaches students to consider the unique social and economic obstacles confronted by battered women, and to work on law reform efforts to overcome these barriers. Students have conducted workshops in local shelters, victim services agencies, at the Citizens Advice Bureau, and with the Committee for Hispanic Women and Children. Students are required to take a family law seminar prior to the clinic, and they receive 8 credits/semester for participating in the clinic.*

lawyering skills that cannot be taught within the confines of a classroom -- including courtroom behavior, the need to interact appropriately with court personnel and clients in crisis, and strategies used by opposing counsel.

#### *Professional Responsibility and Case Management Skills*

Students may confront challenging professional responsibility issues through litigating domestic violence cases. Students who represent batterers in criminal defense cases or victims in civil cases may experience internal conflicts when they attempt to zealously represent clients who pose a danger to other parties, such as their partners, spouses, or children. Students may also face ethical decisions if they are ordered by courts to disclose information, such as a client's new address, when disclosure might endanger the client.

The complexity of domestic violence issues also presents an opportunity for students to practice case management while striving to provide holistic legal services. For instance, one client may require representation in a range of interwoven legal cases including the following:

- a civil protection order case for immediate protection
- a long-term domestic relations custody or divorce case
- a paternity and child support case
- a criminal case against the batterer
- a contempt case against the batterer for violation of a protection order or a custody order
- a landlord-tenant case in which a client is being evicted because of noise resulting from the domestic violence
- a public benefits case in which a client's benefits were terminated based on the batterer's misrepresentations to a case manager
- an immigration case in which a client's abuser threatened to have the client deported



an insurance case in which a client was denied insurance based on the history of domestic violence  
a criminal defense case in which a victim used self defense or was falsely charged  
a parental termination or child in need of protection case involving the parties' child  
a bankruptcy case resulting from the abuser's control over family finances

Students will learn that when they are unable to satisfy the breadth of their clients' legal needs, they can investigate other services for victims in the community and provide clients with appropriate referrals.

*Incorporating Domestic Violence Legal Issues into Law School Curricula May Encourage Lawyers to Advocate for Social Justice*

Law schools which offer courses on domestic violence law may improve the practice of law by training future lawyers to serve unrepresented individuals. The ABA Model Rules of Professional Conduct recommend that lawyers render at least (50) fifty hours of *pro bono* legal services per year.<sup>9</sup> Such *pro bono* services may include representing persons of limited means, participating in activities for improving the legal system, and providing legal services to community organizations.<sup>10</sup> Law students who represent domestic violence clients, perform legal research for shelters, or participate in community advocacy groups may be more likely to pursue public interest careers or devote time to *pro bono* cases upon graduation.

Besides training future lawyers to accept *pro bono* cases, offering domestic violence law courses may inspire students to devote their talents to reforming the legal system so that it better serves victims of domestic violence. The prevalence of family violence in our society ensures that law students who are educated about domestic violence will put their skills to good use -- lawyers who gain a reputation for domestic violence law expertise are

frequently approached by persons experiencing domestic violence.<sup>11</sup> Informed law students can assist individuals who are victims of family violence, whether or not they are clients.

*Domestic Violence Law Can Have a Profound Effect on the Lives of Law Students*

Law students, like other members of society, may confront domestic violence issues in their personal as well as professional lives. Law students may be victims or perpetrators of domestic violence,<sup>12</sup> or they may know friends or family members who are being abused or are perpetrating abuse. Incorporating domestic violence legal issues into law school curricula prepares students for their professional responsibilities, and provides students with the information they need to assist themselves or others to seek legal remedies to end the violence.

Law school programs on domestic violence can inform students who are perpetrating violence against their spouses or intimate partners that domestic violence is a crime and will not be tolerated by the legal profession. The American Bar Association, for instance, recently enacted a policy resolution condemning lawyers or judges who commit or condone domestic violence and urging the profession to take affirmative steps to educate judges and lawyers.<sup>13</sup>

*Failure to Teach Domestic Violence Legal Issues in Law Schools Harms Law Students When They Become Lawyers*

Lawyers who are unaware of domestic violence dynamics or appropriate legal remedies may endanger their clients. Studies have shown that perpetrators tend to escalate the violence when victims attempt to leave,<sup>14</sup> which often coincides with the commencement of legal proceedings. Lawyers who represent victims must understand the potential lethality of perpetrators and help their clients develop comprehensive safety plans.<sup>15</sup>

Without appropriate legal education, lawyers may unwittingly expose their clients to further violence as a result of legal developments in their cases. For instance, if lawyers draft visitation agreements which allow direct contact between the parties, perpetrators are likely to assault or harass victims when the children are transferred. Similarly, if lawyers fail to consult their clients about the timing of legal procedures, such as filing for child support, victims may be assaulted by their abusers when they could have taken precautions to protect themselves.

A lawyer's failure to understand the dynamics of domestic violence can harm third parties as well. Studies show that children are often traumatized by witnessing or experiencing domestic violence.<sup>16</sup> Lawyers who fail to present the courts with information on the effects of violence on children harm children by promoting unsafe custody or visitation arrangements. Similarly, lawyers who fail to take seriously a perpetrator's threats to kill his or her victim may be partially responsible for the perpetrator's violence at the victim's workplace, which results in the victim's death or the deaths of bystanders. Failure to handle domestic violence cases properly can also endanger those in the legal system, such as judges, lawyers, court personnel, and others, if perpetrators become violent in the courthouse.

Lawyers who lack knowledge about domestic violence law contribute to incorrect legal outcomes. Most states, for example, view domestic violence as a factor in custody determinations or create a presumption that perpetrators of domestic violence should not be awarded custody of children.<sup>17</sup> A family law attorney who fails to identify a client as a victim of domestic violence or to review domestic violence laws may not comply with statutory provisions protecting victims. This may result in the perpetrator receiving custody, contrary to the intent of the state legislature.

In addition, if lawyers do not identify domestic violence in their cases, they may utilize practice strategies that are inappropriate in domestic violence cases. For

instance, some divorce lawyers may believe that proceeding slowly is in their client's best interest. While this technique may be useful in some divorce cases, it can lead to dangerous outcomes in domestic violence cases, by allowing perpetrators to continue to harass victims throughout extensive legal proceedings.

Understanding domestic violence legal issues is a matter of professional competency. Rule 1.1 of the Model Rules of Professional Conduct states the following:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

Historically, domestic violence was perceived as a private family matter. Stereotypes about victims and perpetrators may have prevented lawyers from understanding the complexity of domestic violence legal issues. At present, however, professional competency demands that lawyers comprehend the dynamics of domestic violence, the legal implications (including criminal penalties), and the appropriate responses.

Law schools which fail to teach students about domestic violence legal issues may be exposing future lawyers to malpractice suits, disciplinary complaints, or sanctions for ethical violations. Nearly every law student is educated about tort law, despite the fact that many lawyers never practice tort law or have personal contact with a tort case after their first year of law school. Teaching about domestic violence legal issues, however, can prepare students to handle a legal and sociological problem which will continue to affect them for the rest of their lives, as professionals and as human beings.

*Since its inception, the Family Advocacy Clinic at Stanford Law School has been a popular and oversubscribed clinic. The one-semester clinic is open to 6 second or third-year students who are concurrently taking a domestic violence law seminar. Law students represent low income clients who are experiencing family violence or who are at risk for family violence. The clinic handles protection orders, elder abuse, and guardianship cases. Students also conduct outreach presentations in the community.*

## ***Law Schools Can Benefit from Offering Training on Domestic Violence Legal Issues Across the Curriculum***

As more law schools around the country incorporate domestic violence legal issues into law school curricula, individual law schools will benefit from offering domestic violence seminars and clinical programs. Law schools with appropriate training will produce future lawyers who are more qualified, thereby enhancing their own reputations. Schools that fail to incorporate domestic violence legal issues into the curricula may lose some of their competitive advantage.

### ***Incorporating Domestic Violence Legal Issues May Attract Law School Applicants and Create a More Diverse Student Body***

A growing number of law students are choosing to attend law schools that offer clinical programs in order to represent clients, develop lawyering skills, and enhance employment opportunities.<sup>18</sup> Law schools which offer clinical programs frequently find that these programs are oversubscribed by students. While law students generally favor clinical programs, domestic violence programs may be particularly popular with students.<sup>19</sup> This may in part be due to the fact that family violence clinics provide students with the opportunity to improve their substantive and trial practice skills in one semester. This popularity suggests that law schools which offer domestic violence clinics are likely to attract students.

Every law school can benefit from an increased applicant pool, which is likely to result if a domestic violence clinical program is offered. As law school applications decrease,<sup>20</sup> schools are increasingly forced to compete for students. A domestic violence clinical program, with the advocacy experience it offers, can be a real selling point. Providing comprehensive and practical domestic violence programs is likely to increase the diversity of the student body, as well as the number of

applicants. Such changes could improve a law school's long-term financial and educational status.

*Addressing Domestic Violence Issues May Enhance the Law School's Reputation and Increase the Employment Opportunities for Graduates*

A law school's reputation is often enhanced by offering programs that address contemporary substantive issues. Currently, domestic violence issues are in the national spotlight, in part because the Violence Against Women Act has vastly increased the relief available to victims. The prestige of domestic violence practice has been greatly enhanced by the federal focus on domestic violence issues, evidenced by the Department of Justice's high profile programs and Congress' continuing legislative initiatives. As a result, public awareness about the extent of domestic violence and the role of the legal profession in reducing domestic violence is growing. Law schools which address domestic violence law are likely to enhance their reputations, while law schools which fail to provide adequate education may fall behind national standards. Many of the most highly regarded law schools have begun to incorporate domestic violence legal issues into their curricula.<sup>21</sup>

Domestic violence law raises a range of issues suitable for serious legal scholarship. Both professors and students may draft law review articles or amicus briefs on emerging legal issues, helping to shape evolving law in the field.

Law school reputations may improve not only because of the increased quality of education and scholarship, but also because well-trained students are likely to obtain wider employment opportunities upon graduation. Law students who participate in clinical programs representing domestic violence victims can gain valuable experience in family law, criminal law, immigration law, or poverty law. These substantive skills may assist students to obtain employment opportunities in firms practicing family law or criminal defense law, in

public defender or prosecutor offices, and in legal services organizations, among others.

Additionally, the transferable lawyering skills that students develop may make graduates more attractive to employers. Reports suggest that law students with clinical experience have greater success in the job market.<sup>22</sup> Since employers recognize the value of clinical training programs, law schools which incorporate domestic violence clinical programs enhance their own reputations while expanding employment opportunities for students.

*Teaching Domestic Violence Legal Issues in Law Schools Can Begin to Reduce Domestic Violence in the Law School and Local Community*

Law schools which incorporate domestic violence legal issues into their curricula may be contributing to the eradication of domestic violence within the law school community. Law students and law professors are just as likely to be victims or perpetrators of domestic violence as other members of society, so information about the dynamics of domestic violence and the legal remedies available can have an immediate and long-lasting effect on students. Creating an environment that condemns violence against intimate partners or spouses may be particularly important in law schools because victims or perpetrators within the law school may initially hesitate to seek help. For example, a victim may refrain from reporting the violence if the abuser is a fellow law student, for fear of ruining the abuser's career or being judged by an insular law school community.<sup>23</sup> If domestic violence legal issues are part of the curricula, however, the law school will be sending a strong message that domestic violence is a criminal matter which will not be tolerated by the legal profession.

Incorporating domestic violence legal issues into law school curricula can also help respond to the unmet legal needs of the local community. In the District of Columbia, for example, law school clinical programs at four area law schools provide the bulk of representation for

*Law students at the University of Georgia Law School assist indigent victims of domestic violence in rural counties to file pro se petitions, obtain protective orders, and find appropriate referral services. The Protective Order Project also acts as a resource center for victims and service providers in the community.*

victims of domestic violence. Without such programs, many low-income victims in the District of Columbia would have no access to legal representation.<sup>24</sup>

While domestic violence programs provide desperately needed services to the community, they also accrue benefits to law schools. Maintaining links to the community may have practical or financial consequences for a law school. For example, law schools may need community approval to expand their programs or facilities. Domestic violence programs can also generate well-respected legal scholarship. With federal funding increasing year by year for domestic violence programs, law schools may find that offering domestic violence courses increases their chances of obtaining outside funding.

By including domestic violence issues in their curricula, law schools will be joining a national effort to reduce the prevalence of domestic violence. Law schools can respond to the critical needs of victims, while increasing the public's respect for the legal profession. Moreover, by providing services to crime victims and producing more qualified lawyers, law schools can utilize their prestigious position to contribute to a more just society.

### ***Incorporating Domestic Violence Issues into Law School Curricula May Create Resources to Assist Victims***

Victims of domestic violence desperately need legal representation, yet few lawyers have been trained on domestic violence law.<sup>25</sup> Abusers frequently attempt to regain control over victims who have separated from them by filing numerous court motions, violating existing court orders, or harassing victims during lengthy court proceedings. This struggle to maintain control can result in protracted custody battles, or false allegations of criminal conduct or child abuse against victims.<sup>26</sup> Even when abusers do not use the court system as a new battleground,

*Students at the University of Baltimore Law School assist unrepresented individuals to navigate the court process through the Pro Se Project. Students rotate through the court clerk's office to provide information to pro se litigants. When domestic violence issues are identified, students refer individuals to attorneys for representation.*



victims may face complex legal problems resulting from the violence. Victims may require legal representation, for example, in financial matters such as bankruptcy or landlord-tenant cases, as well as in related family, criminal, or civil matters.

Representation by counsel can assist victims to obtain the legal relief to which they are entitled. Victims of domestic violence who proceed *pro se* may be unaware of their legal rights or the rules of litigation, including evidentiary or statutory standards. Legal counsel can improve the outcomes that victims obtain in court,<sup>27</sup> in particular, increasing victim safety. Studies show that victims who are represented by counsel obtain civil protection orders that are more effective in curtailing further violence.<sup>28</sup> Yet victims are often forced to represent themselves in protection order or custody trials -- against batterers who are determined to punish them for leaving and who have the financial ability to hire well-trained lawyers. In contrast, when perpetrators violate protection orders, they are entitled to representation if they face misdemeanor or criminal contempt charges. The legal profession has a responsibility to address this injustice.

Lawyers should be aware that financial control plays a key role in domestic violence relationships. Perpetrators often use economic coercion as a way to exert power and control over their victims, in conjunction with threats or physical violence. Batterers may forbid victims from working, or force victims to turn over paychecks if they are employed. Often perpetrators keep a tight rein on family finances, providing a meager allowance to victims which barely permits them to buy food for themselves or children. A lack of savings traps many victims in abusive relationships.

Because of this financial deprivation, victims of domestic violence frequently lack the ability to afford legal counsel upon separation from their abusers. Perpetrators may continue to maintain a financial stranglehold over victims by refusing to pay child support or by providing subsistence level support in exchange for the victim's

*The Battered Women's Advocacy Project at Harvard Law School assists victims in obtaining protection orders. Student advocates help individuals file petitions, advocate for relief in court, and obtain comprehensive orders. Students also staff a hotline providing referral services.*

promises not to press criminal charges or seek a divorce. Victims often use all of their financial resources to support themselves and children. As a result, if a local legal services agency has a lengthy waiting list and *pro bono* services are unavailable, victims may be forced to represent themselves in court.<sup>29</sup>

Law school clinical programs can provide resources to help level the playing field. Additionally, training students in core curricula courses about domestic violence legal issues will create a cadre of lawyers comfortable with these issues. Ultimately, a larger pool of lawyers available and willing to assist victims will be established.

#### *Law School Programs Can Help Fill the Need for Direct Legal Representation of Victims of Domestic Violence*

Law school programs which provide direct representation to victims can help satisfy battered women's desperate need for legal services, since clinical programs generally accept clients free of charge or on a sliding scale basis. In addition, law students in clinical programs may provide particularly effective representation in domestic violence cases. Student attorneys in clinical programs are generally very well supervised, and spend a substantial amount of time on each case.

Representation by well-trained student attorneys can be extremely useful for victims who may have a range of legal needs or require support and understanding simply to pursue legal action. In other fields of law, more experienced attorneys may be able to provide greater assistance to clients; however, few practicing lawyers have received appropriate training on domestic violence issues. Therefore, student attorneys who are supervised by domestic violence law attorneys may be able to provide some of the most effective representation available to victims. Additionally, clinical programs can set the practice standard in the community for these cases, and provide a resource for the bar.

*Students at Northeastern University School of Law participate in the Boston Medical Center Research and Advocacy Project. They interview women seeking emergency medical treatment, providing immediate legal assistance to patients who need help with domestic violence issues. Law students act as advocates with the local police and assist patients to obtain emergency restraining orders. This interdisciplinary project has familiarized medical staff with domestic violence issues, and provided law students with an opportunity to learn about the medical and legal resources available to victims.*

*Law School Programs Can Provide Non-Legal Assistance or Refer Victims to Community Organizations*

Law school clinical programs may be able to provide effective services to victims of domestic violence for additional reasons. Because law schools are often located in universities which offer other graduate or professional programs, domestic violence clinical programs can be linked easily to other professional services which victims may need, such as social work, medical or mental health services. These services may even be incorporated into the clinical program itself. At the Domestic Violence Advocacy Project at the George Washington University Law School, for instance, Dr. Mary Ann Dutton, a clinical psychologist, co-teaches the domestic violence clinical program with Professor Joan Meier, assisting students with the psychological aspects of domestic violence and representation of abuse victims. Students have also volunteered at the George Washington University Hospital's emergency room, and compiled referral directories of local domestic violence services. Law school programs can use this model to create links with programs at their universities, such as social work, psychology or medical school programs.

*Law School Programs Can Fill Other Gaps in Community Services for Victims and Perpetrators*

Law school programs may also have the resources to address domestic violence issues which other organizations cannot address. For instance, restrictive regulations or heavy caseloads may prevent legal services organizations from advocating for legal reforms affecting victims in the community or from providing holistic legal services to victims. In contrast, law school programs may have the resources to provide representation to clients in a range of legal cases, and students may be able to participate vigorously in advocacy groups within the community. Such participation can expose students to the workings of multidisciplinary task forces and train them to draft legislation.<sup>30</sup>

*Students in the Families and the Law Clinic at Catholic University, Columbus School of Law develop and run community education projects on dating violence prevention in local high schools. Law students address the dynamics of domestic violence, the civil and criminal remedies available, and dating violence myths. High school students respond to the substance and format of these workshops, viewing law students as peer role models, as well as a source of accurate legal information.*

Law school programs can assist victims by conducting workshops in community organizations, such as domestic violence shelters or local high schools, directed at clients, shelter workers, adolescents, or school counselors. Student attorneys can teach classes on the dynamics of domestic violence and the legal remedies available for adult and teen victims. Students can also refer victims to other victim assistance programs, such as state victim compensation programs. By establishing links to community organizations, law schools can provide essential information to victims while seeking eligible clients for clinical programs.

#### *Law School Programs Train Better Lawyers for the Future*

Incorporating domestic violence legal issues into law school curricula may help produce future lawyers who have a better understanding of domestic violence and its legal implications. Such training will serve victims well, even if student attorneys ultimately practice law in areas other than domestic violence, since all lawyers will be sensitized to domestic violence issues and prepared to assist victims.

Lawyers who comprehend domestic violence issues will be better able to understand their clients' motivations and goals. For instance, a tax lawyer who has identified a client's history of domestic violence with an ex-spouse may understand why the client chooses to forgo certain financial benefits in the hopes of maintaining her physical safety. The tax lawyer can then discuss safety planning options and financial entitlements with the client. Since trained lawyers are likely to understand their clients' goals more easily than untrained lawyers, they can provide more effective representation.

Additionally, law school programs that train lawyers to provide ethical representation to perpetrators of domestic violence may ultimately reduce recidivism and improve victim safety. Lawyers can inform perpetrators of the legal consequences of their behavior and encourage them to seek help to end the violence. Without appropriate

training, however, defense attorneys or family law attorneys who represent batterers may inadvertently encourage batterers to continue to use force and coercion, by enabling them to exert control through the courts.<sup>31</sup> Colluding with an abuser's tactics is not in an abuser's long-term best interest. Student attorneys who represent batterers in criminal defense clinics should therefore be thoroughly trained on domestic violence legal issues.

### ***Teaching Domestic Violence Issues in Law Schools Benefits the Community***

Incorporating domestic violence legal issues into law school curricula provides significant short-term and long-term advantages to the community in which the law school is located. Most immediately, community members, whether they are victims, perpetrators, or related family members, will benefit from representation by lawyers who understand domestic violence issues. Well-trained lawyers can ensure that safety precautions are included in civil or criminal orders. For instance, a criminal stay-away order that forbids a batterer from coming to the victim's workplace, or a custody order that requires the children to be dropped off and picked up at a supervised visitation center, can help prevent future violence -- against the victim, the children, and bystanders.

Communities incur tremendous costs as a result of domestic violence. Domestic violence has been recognized as a criminal justice issue, a public health epidemic, and a drain on workplace productivity. Since its opening in February, 1996, the National Domestic Violence Hotline has provided services to 87,847 callers.<sup>32</sup> Law enforcement and courts report that an increasing number of victims are seeking assistance to end the violence.<sup>33</sup> Recent studies have found that domestic violence costs at least \$67 billion dollars a year in medical and mental health care costs, property damage and loss, law enforcement and fire services, victim services, and lost worker productivity.<sup>34</sup>

Domestic violence not only incurs economic costs on a societal level, but also destroys American families.

Children who witness domestic violence often endure physical abuse, or suffer developmental, cognitive, or behavioral impairments as a result of living in violent homes.<sup>35</sup> Victims of domestic violence may suffer a wide range of psychological effects, including post-traumatic stress syndrome, or they may continue to live in terror as a result of being stalked or assaulted by their abusers after separation. Domestic violence also has lethal results -- nearly thirty percent of all female homicide victims were known to have been killed by their current or former husband or boyfriends.<sup>36</sup> Effective responses by the legal profession, in coordination with responses from other service providers, can help reduce the pervasiveness and lethality of domestic violence.

*Legal Training May Increase Public Safety and Reduce Judicial, Health Care and Law Enforcement Costs*

Domestic violence takes an enormous toll on public safety. First and foremost, the victim's safety may be endangered by the perpetrator's stalking or increased lethality. Domestic violence also endangers children and extended family members when perpetrators threaten, harass, or attack them to locate victims or to punish victims for leaving. The safety of bystanders is threatened if a perpetrator's actions are not curtailed by the criminal justice system. When perpetrators harass or stalk victims at the workplace, for instance, other employees may be caught in the crossfire. Violence in the courts can erupt if appropriate safety precautions are not taken. Domestic violence not only endangers third parties, such as children, or law enforcement officers responding to a crime scene, but also unrelated bystanders. For example, in 1990, 87 people were killed when an employee's ex-boyfriend set fire to the Happy Land Social Club in New York.

Training law students on domestic violence issues can increase public safety, and help remove the burden that recurring domestic violence cases impose on the legal system. The legal profession will be better equipped to handle domestic violence cases if lawyers are educated about domestic violence issues prior to becoming

prosecutors, defense attorneys, and members of the private bar and judiciary. For instance, prosecutors may be more likely to pursue criminal cases against batterers without victim testimony if they comprehend that a victim's safety could be endangered by testifying against a perpetrator. Judges may be more likely to issue tightly crafted custody and visitation orders if they understand the perpetrator's obsession with exercising control over the victim. Incorporating domestic violence issues into legal education will teach lawyers these skills at an early stage, resulting in a justice system that is safer and more effective for victims.

In addition, other systems which are flooded with domestic violence cases, such as the law enforcement, corrections, and health care professions, might experience a decreased caseload if lawyers were well-trained on domestic violence issues. For example, many batterers use visitation to further harass and assault their victims, unless visitation orders preclude direct contact.<sup>37</sup> Victims are then forced to return repeatedly to court to modify visitation orders or file criminal charges. Skilled lawyers, however, could ensure that visitation orders prohibit direct contact between perpetrators and victims, reducing the need for victims to return repeatedly to court.

The legal system's failure to respond effectively to domestic violence has a corresponding effect on the health care and law enforcement systems, when victims are forced to call the police or seek medical treatment repeatedly for ongoing violence. If attorneys were taught to advocate on behalf of victims, and judges were trained to adjudicate domestic violence cases in ways that reduced the violence, related systems should experience a decreased caseload and lower costs. For instance, if the police no longer had to return repeatedly to the same homes because of family violence, they could save funds. An investment in domestic violence legal education should increase victim safety and reduce the community costs of recurring cases in the health care, legal and corrections systems.

The following hypothetical may best illustrate the drain on resources caused by unchecked domestic violence:

*Jane Doe calls the police because her husband beat her with an iron poker. The police are unsympathetic, having come to the house for the fifth time, and tell her to go to court. She is afraid to go to court because of her husband's threats to kill her if she does. The next time her husband beats her, she calls a domestic violence hotline, but they tell her there is an eight-month waiting list to get a pro bono lawyer. The next time her husband assaults her, she has to go to the emergency room at the local hospital because her arm is broken. The medical costs are passed on to the community because her husband takes her paycheck and won't pay for health insurance. Her doctor does not ask how her arm was broken. The next time her husband threatens to kill her, she goes to court alone and gets a protection order. The order contains no safety precautions and fails to address custody or visitation. Her husband, enraged by her attempts to seek legal help, assaults her again when he ostensibly comes to see the children.*

This typical scenario raises many points of intervention (police, crisis hotline, emergency room, court) in which a law student or lawyer could have broken the pattern, protected the victim and children, and saved the community time and money.

#### *Communities Would Also Benefit From Increased Access to Legal Assistance*

Significant societal advantages could accrue if law schools included domestic violence issues in their curricula, particularly because these issues arise in so many areas of the law -- from health law to personal injury law. While some individuals might claim that American society is too litigious, few would claim that there is a surplus of lawyers trained to effectively represent victims of domestic violence.



*Students in the Family Violence Clinic at the University of Missouri Law School represent indigent battered women in rural counties, with funding from the Violence Against Women Act. The Clinic receives referrals from courts, shelters, and police departments in 14 rural counties, often providing the only legal assistance available to victims. Law students travel up to 100 miles to represent clients in protection order hearings.*

Low-income clients face increased difficulties in obtaining counsel because of reductions in funding for the Legal Services Corporation. Since perpetrators often deprive victims of financial resources, victims desperately need free or low-cost legal assistance. Law school clinical programs can help fill the gaps created by reduced funding for legal services organizations. Clinical programs can provide vital representation to victims in criminal defense, prosecution, protection order, or family law cases.

Law schools can also provide legal services to communities that would otherwise be deprived of access to legal assistance.<sup>38</sup> For example, domestic violence shelters or victims in rural areas may be cut off from services available in more populated areas. Law school programs may have the resources to supply rural shelters or clients with representation or, at the minimum, to draft legal research memoranda on issues of critical importance to victims in rural communities.

#### *Systemic Reforms May Result From Incorporating Domestic Violence Issues into Legal Education*

The current legal system fails to effectively protect victims of domestic violence or to hold perpetrators accountable for criminal acts. Recent reports confirm that perpetrators commit further acts of violence even after they are arrested or have protection orders entered against them.<sup>39</sup> Experts in domestic violence law concur that coordinated community responses, including prevention efforts with children and intervention efforts with adults trapped in violent homes, are needed to eliminate domestic violence.

Well-trained legal professionals are critical to the development and implementation of systemic reforms. Law school programs can train future leaders to revamp the legal system so that it prioritizes victim safety and offender accountability. While in law school, students can participate in efforts to reform the system. For instance, students can contribute to coordinated community task

*Students in the Public Interest Clinic at Widener University Law School have conducted legal research for grassroots public interest agencies and assisted in drafting legislation. Students have worked closely with the Pennsylvania Coalition Against Domestic Violence on legislation related to confidentiality, caller ID, and public assistance. Several students also testified as expert witnesses during the legislative hearings.*

forces or draft legislation in conjunction with community groups to improve local or state-wide services.

### ***Domestic Violence Legal Issues Should be Incorporated Throughout Law School Curricula***

Domestic violence legal issues should be incorporated into law school curricula as a core component of legal education. It may be easy to understand the benefits of raising these issues in clinical programs, which train students to represent or assist victims in the community. A more subtle need, however, is to alert lawyers to the ways in which domestic violence issues crop up in seemingly unrelated fields of law. Lawyers who practice any kind of family, criminal, tort, financial (including wills, trusts and estates, and tax law) or poverty law are likely to have cases complicated by domestic violence. Understanding how to spot domestic violence issues will assist lawyers to represent clients properly. Therefore, these issues must be raised not only in specialized clinics, but also throughout the curricula.

### ***Domestic Violence Legal Issues Should Be Raised in Core Curriculum Courses***

Historically, domestic violence issues have not been raised in law school courses or addressed in mainstream legal journals. Traditional law school textbooks do not include domestic violence issues, and many law school professors do not incorporate domestic violence issues into their courses. Failure to address these issues penalizes all students. Regardless of the professional track a student chooses, it is likely that he or she will be faced with legal problems related to domestic violence as a practicing attorney. Since all students will benefit from an understanding of domestic violence issues, it is necessary to incorporate these issues into core curriculum courses.

For example, the following issues could be raised (see *infra*, p. 36, for details):

*Civil Procedure* - serving ex parte protection orders  
*Contracts* - signing a contract under duress due to abuse  
*Property* - dissolution of marital property  
*Torts* - filing a civil suit based on domestic violence  
*Constitutional Law* - due process in domestic abuse cases  
*Criminal Law* - misdemeanor violations of protection orders

The following sections identify issues that should be raised in core curriculum courses in order to provide all lawyers with the basic knowledge they need to respond effectively when domestic violence issues surface in their practice of law. Core courses may begin by defining domestic violence generally. Professors should discuss the legal implications in their area of law after students have learned about the underlying dynamics of domestic violence.

#### *What Is Domestic Violence?*

Domestic violence is a pattern of behavior that one intimate partner or spouse exerts over another as a means of control. Domestic violence may include physical violence, coercion, threats, intimidation, isolation, and emotional, sexual or economic abuse.<sup>40</sup> Frequently, perpetrators use the children to manipulate victims: by harming or abducting the children; by threatening to harm or abduct the children; by forcing the children to participate in abuse of the victim; by using visitation as an occasion to harass or monitor victims; or by fighting protracted custody battles<sup>41</sup> to punish victims. Perpetrators often invent complex rules about what victims or the children can or cannot do, and force victims to abide by these frequently changing rules.

Domestic violence is not defined solely by specific physical acts, but by a combination of psychological, social and familial factors.<sup>42</sup> In some families, perpetrators of domestic violence may routinely beat their spouses until they require medical attention. In other families, the physical violence may have occurred in the past; perpetrators may currently exert power and control over

*The Domestic Violence and the Law Seminar at Boston College School of Law addresses substantive domestic violence law. The course also discusses the dynamics of domestic violence, and civil and criminal litigation on behalf of battered women.*

their partners simply by looking at them a certain way or reminding them of prior episodes. In still other families, the violence may be sporadic, but may have the effect of controlling the abused partner. Dr. Mary Ann Dutton, a leading clinical psychologist, defines domestic violence as a pattern of interaction in which one intimate partner is forced to change his or her behavior in response to the threats or abuse of the other partner.<sup>43</sup>

To practice law effectively, students must be educated about the sociological and psychological aspects of domestic violence, as well as its legal ramifications. Without an understanding of the power and control dynamic exercised by perpetrators,<sup>44</sup> lawyers will not be able to comprehend legal developments. For instance, lawyers may not understand why they are unable to settle a case involving a relatively minor property issue; identifying a history of domestic violence between the parties, however, may clarify that the perpetrator's desire to dominate the victim is the real issue. Family and criminal lawyers must understand that power and control issues are central in domestic violence cases. Only then will they be prepared to advocate for safe legal solutions aimed at ending the violence.

#### *Who are the Victims and Perpetrators of Domestic Violence?*

Maintaining stereotypes about victims and batterers can affect a lawyer's legal strategies, a judge's court rulings, or a jury's verdict. Therefore, law students should be informed that domestic violence crosses ethnic, racial, age, national origin, religious and socioeconomic lines, and that same-sex battering occurs at approximately the same rate as opposite sex battering.<sup>45</sup> Studies have also shown that the only common traits between victims are that they are being abused by their intimate partners or spouses and that the majority of heterosexual victims are female.<sup>46</sup> Victims may be doctors, business professionals, scientists, or judges, among others. Perpetrators may be police officers, sports heroes, CEOs, or college professors. They may also be lawyers. Unlike victims, perpetrators do have

at least one common trait -- the majority of perpetrators witnessed domestic violence in their families of origin and are male.<sup>47</sup>

Law students should also be aware that they cannot identify victims or perpetrators by looking for a certain profile. Abusers may appear charming and articulate in court or they may be seething with rage; similarly, victims are just as likely to seem angry or aggressive as frightened or passive.<sup>48</sup> Lawyers must screen for patterns of behavior, rather than assuming that a client is the type of person that is a victim or a batterer. When lawyers identify domestic violence issues in their cases, they must then respond appropriately.

#### *Common Facts About Domestic Violence*

Lawyers have a duty to confront and challenge misperceptions about domestic violence because such stereotypes may affect the relief that they can obtain on behalf of clients. At a minimum, law students should be educated about the following myths and realities:

##### *Myth:*

Victims of domestic violence like to be beaten.

##### *Fact:*

Victims of domestic violence have historically been characterized as masochistic women who enjoy being beaten. Evidence does not support this anachronistic psychological theory. Rather, victims of domestic violence desperately want the abuse to end, and engage in various survival strategies, including calling the police or seeking help from family members, to protect themselves and their children.<sup>49</sup> Silence may also be a survival strategy in some cases. Moreover, enduring a beating to keep the batterer from attacking the children may be a coping strategy used by a victim, but does not mean that the victim enjoys it.

*Myth:*

Victims of domestic violence have psychological disorders.

*Fact:*

This characterization of battered women as mentally ill stems from the assumption that victims of domestic violence must be sick or they would not “take” the abuse. More recent theories demonstrate that battered women resist abuse in a variety of ways.<sup>50</sup> In addition, most victims of domestic violence are not mentally ill, although individuals with mental disabilities are certainly not immune from being abused by their spouses or intimate partners. Some victims of domestic violence suffer psychological effects, such as post-traumatic stress disorder or depression, as a result of being abused.<sup>51</sup>

*Myth:*

Low self-esteem causes victims to get involved in abusive relationships.

*Fact:*

Traditional theories presumed that individuals with adequate self-esteem would not “allow” themselves to be abused by intimate partners or spouses. In fact, studies have demonstrated that victims of domestic violence fail to share common characteristics other than being female.<sup>52</sup> There is little support for the theory that low self-esteem causes victims to become involved in abusive relationships, however, some victims may experience a decrease in self-esteem as a result of being abused, since perpetrators frequently degrade, humiliate, and criticize victims.

*Myth:*

Victims of domestic violence never leave their abusers, or if they do, they just get involved in other abusive relationships.

*Fact:*

Most victims of domestic violence leave their abusers, often several times. It may take a number of attempts to permanently separate because abusers use violence, financial control, or threats about the children, to compel victims to return. Additionally, a lack of support from friends, family members, or professionals, such as court personnel, law enforcement officers, counselors, or clergy members, may cause victims to return. Since the risk of further violence often increases after victims separate from their abusers, it can be even harder for victims to leave if they cannot obtain effective legal relief. Victims who receive appropriate legal assistance at an early stage increase their chances of obtaining the protection and financial security they need to leave their abusers permanently. While some victims may become involved with other partners who later begin to abuse them, there is no evidence that the majority of victims have this experience.

*Myth:*

Batterers abuse their partners or spouses because of alcohol or drug abuse.

*Fact:*

Alcohol or substance abuse does not cause perpetrators of domestic violence to abuse their partners, though it is frequently used as an excuse. Substance abuse may increase the frequency or severity of violent episodes in some cases.<sup>53</sup> Because substance abuse does not cause domestic violence, requiring batterers to attend only substance abuse treatment programs will not effectively end the violence. Such programs may be useful in

conjunction with other programs, such as batterer intervention programs.

*Myth:*

Perpetrators of domestic violence abuse their partners or spouses because they are under a lot of stress or unemployed.

*Fact:*

Stress or unemployment does not cause batterers to abuse their partners. Since domestic violence cuts across socioeconomic lines, domestic abuse cannot be attributed to unemployment or poverty. Similarly, advocates note that if stress caused domestic violence, batterers would assault their bosses or co-workers rather than their intimate partners. Domestic violence flourishes because society condones spouse or partner abuse, and because perpetrators learn that they can achieve what they want through the use of force, without facing serious consequences.

*Myth:*

Law enforcement and judicial responses, such as arresting batterers or issuing civil protection orders, are useless.

*Fact:*

There is a great deal of debate about the efficacy of particular actions by law enforcement or the judiciary. Research on the usefulness of mandatory arrest or civil protection orders has yielded conflicting results.<sup>54</sup> Most experts agree, however, that actions by one piece of the system are only effective when the rest of the criminal justice and civil systems are functioning,<sup>55</sup> and that improved protocols can decrease domestic violence related homicides.<sup>56</sup> Thus, law enforcement officers must make arrests, prosecutors must prosecute domestic violence cases, and courts must enforce orders and impose sanctions for criminal convictions. It is important for batterers to receive the message from the community that domestic



violence will not be tolerated, and that the criminal justice and law enforcement systems will be involved until the violence ceases.

*Myth:*

Children are not affected when one parent abuses the other.

*Fact:*

Studies show that in 50-70% of cases in which a parent abuses another parent, the children are also physically abused.<sup>57</sup> Children also suffer emotional, cognitive, behavioral, and developmental impairments as a result of witnessing domestic violence in the home.<sup>58</sup> In addition, some children (especially boys) who experience domestic violence in their homes grow up to repeat the same behavioral patterns.<sup>59</sup>

For example, an advocate at a shelter in North Florida reported that one abuser threatened to come to the shelter and kill the victim and anyone who stood in his way. The abuser revealed that he knew where the shelter was because he stayed there as a child when his mother ran away from his father.<sup>60</sup>

*Myth:*

Domestic violence is irrelevant to parental fitness.

*Fact:*

Because children often suffer physical and emotional harm from living in violent homes, domestic violence is extremely relevant to parental fitness.<sup>61</sup> A history of domestic violence can indicate that the perpetrating parent physically or emotionally abuses the child as well as the other parent. In addition, abusers frequently use the children as pawns to continue to control the other parent. Further, an abuser's focus on controlling the victim undermines the abuser's ability to parent because the

primary concern is not the child. Courts should consider the effects of the abuser's behavior on the children when determining custody and visitation arrangements.

Some courts mistakenly penalize the victim in custody cases by assuming that the victim is emotionally unstable because of the violence or because the victim "let the violence happen." In most states, however, custody statutes now recognize that domestic violence is relevant to the abuser's parental fitness. Courts in most states are required to consider domestic violence as a factor in custody determinations or employ a presumption that perpetrators should not receive custody of the children.<sup>62</sup>

*All Law Students Should Be Taught to Screen for Domestic Violence*

Since domestic violence arises in so many areas of practice, as a matter of professional competency, lawyers must screen for domestic violence. Screening skills are critical for students in family or criminal law clinics. Teaching students to screen for abuse can make a great difference to the future professionalism of all students, however. Presenting information about screening for domestic violence does more than introduce students to this specialized subject. It also provides a good example of interviewing techniques necessary for issue-spotting, a professional skill which few law students practice in a concrete way during the educational process. To identify victims or perpetrators, law students should be trained to ask the following types of questions:<sup>63</sup>

Everyone argues or fights with their partner or spouse now and then. When you argue or fight at home, what happens? Do you ever change your behavior because you are afraid of the consequences of a fight?

Do you feel that your partner or spouse treats you well? Is there anything that goes on at home that makes you feel afraid?

Has your partner or spouse ever hurt or threatened you or your children? Has your partner or spouse ever put his or her hands on you against your will? Has your partner or spouse ever forced you to do something you did not want to do? Does your partner or spouse criticize you or your children often?

Has your partner or spouse ever tried to keep you from taking medication you needed or from seeking medical help? Does your partner refuse to let you sleep at night?

Has your partner or spouse ever hurt your pets or destroyed your possessions? Does your partner or spouse throw or break objects in the home or damage the home itself during arguments?

Does your partner or spouse act jealously, for example, always calling you at work or home to check up on you? Is it hard for you to maintain relationships with your friends, relatives, neighbors, or co-workers because your partner or spouse disapproves of them? Does your partner or spouse accuse you unjustly of flirting with others or having affairs? Has your partner or spouse ever tried to keep you from leaving the house?

Does your spouse or partner make it hard for you to find or keep a job or go to school?

Does your partner or spouse withhold money from you when you need it? Do you know what your family's assets are? Do you know where important documents like bank books, check books, financial statements, birth certificates, and passports for you and members of your family are kept? If you wanted to see or use any of them, would your partner or spouse make it difficult for you to do so?

Has your spouse or partner ever forced you to have sex or made you do things during sex that made you feel uncomfortable? Does your partner demand sex when you are sick, tired, or sleeping?

Has your spouse or partner ever used or threatened to use a weapon against you?

In addition to asking screening questions of all clients, lawyers should be aware of common warning signs that may indicate that a client is a victim of domestic abuse. Law students should be trained to look for the following signals:

Does the client show evidence of severe, recurring or life-threatening abuse, for example, repeated bruises or broken bones?

Does the client have to ask permission of her spouse to make decisions? Does the client's spouse or partner constantly make the client follow rules about what she and the children can or cannot do?

Does the client's partner or spouse continuously degrade or belittle the client, or accuse the client of being stupid, unattractive, a bad parent, unfaithful, or any other similar fault?

Is the case being litigated in an unusually aggressive manner by the client's partner or spouse?

Does the client have difficulty making or keeping appointments because of his or her partner or spouse?

Does the client's partner or spouse insist on accompanying your client to every appointment? Does the client's partner or spouse try to speak for the client, in order to control the information the client shares?

Does the client's partner or spouse harass the client constantly, through phone calls or stalking?

Has the client's partner or spouse prevented the client from keeping a job or completing a job training program?

*All Law Students Should Be Taught to Conduct Safety Planning With Victims of Domestic Violence*

Safety planning is critical when representing a client who has been battered or threatened by an intimate partner. Evidence has shown that the danger of violence, including the risk of death, escalates when a domestic violence survivor attempts to leave a batterer.<sup>64</sup> Seeking legal assistance is a step towards independence which threatens a batterer's sense of control and may further endanger a survivor. For this reason, lawyers who represent clients who are planning to separate from their batterers must alert their clients to the increased likelihood of violence and help them develop safety plans.

Effective lawyering requires practitioners to serve a broad range of client needs. For example, an estate planning attorney might be required to explain certain tax ramifications to a client, or to refer a client to a tax specialist. Similarly, lawyers engaged in general practice should be prepared to offer their clients the information necessary to assure their safety, should domestic violence issues emerge. Teaching law students how to conduct basic safety planning, as well as how and when to make referrals to safety services such as hotlines or shelters, will help students develop the most comprehensive skills, tools, and resources, to fully address client needs.

It is also crucial for students with direct client contact to conduct ongoing safety planning with clients who continue to live with their batterers. Law students may need to modify their practices so that they do not inadvertently endanger clients who are victims of domestic violence. In addition, they must assist clients to develop comprehensive safety plans which include survival

*Law students in the Battered Women's Advocacy Project at Fordham University School of Law accompany battered women to court, assisting them with legal proceedings and helping to ensure their safety. Students may also participate in the Battered Women's Rights Clinic in which they represent clients in civil proceedings related to the abuse.*

strategies at home, in the workplace, and in court.<sup>65</sup> The Appendix contains a comprehensive safety plan for use by attorneys and law students working with victims of intimate violence.

### *Criminal Law*

Domestic violence issues arise frequently in the criminal law context, allowing for fascinating debates or analytical discussions. Domestic violence examples can illustrate criminal law defenses, ranging from duress and self defense (by victims) to cultural defenses asserted by perpetrators. Using the example of a battered woman who commits crimes because her abuser has threatened to kill her can serve a dual purpose, teaching students about the potential lethality of domestic violence while illustrating the concept of duress.

*Criminal lawyers must be familiar with domestic violence legal issues to practice law competently. Contact with actual cases in law school may be an instructive learning tool. For instance, Professor Ira Robbins at the American University Washington College of Law uses the video Defending Our Lives to teach students in a criminal law course about the experiences of victims of domestic violence. Students learn about the reality of domestic violence by listening to stories of former victims who fought back and killed their abusers.*

Domestic violence examples can also be used to discuss prosecutorial discretion or the distinction between state and federal criminal law. For example, a leading Supreme Court case on double jeopardy focuses on domestic violence. *United States v. Dixon* provides an excellent illustration of the constitutionality of enforcing civil protection orders through criminal contempt even if the state pursues criminal prosecution of crimes committed when the protection order was violated, as long as the contempt proceeding and the criminal prosecution require proof of additional elements.<sup>66</sup>

When students in criminal law courses discuss crimes such as assault, rape, kidnapping, stalking, and murder, they should be informed that the majority of violent crimes against women are committed by persons whom they know.<sup>67</sup> Many criminal law textbooks contain examples of domestic violence cases, yet fail to address the dynamics of domestic violence or the practice implications for prosecutors, defense attorneys, or judges. Failure to discuss examples of criminal behavior between family members or intimate partners reinforces the myth that only strangers commit violent crimes, and that what happens

inside the home is a family matter which should not be handled by the criminal justice system.

A criminal law course is also an excellent forum in which to discuss recent federal and state legislative initiatives designed to criminalize and combat domestic violence. For instance, a professor might discuss how the Interstate Stalking Act and the Violence Against Women Act filled the gaps left unaddressed in state criminal codes, allowing victims to seek federal relief for stalking or interstate domestic violence.

It is also important for students to learn about the impact of law enforcement and prosecutorial discretion on victims of domestic violence. Traditionally, law enforcement officers were reluctant to arrest perpetrators, and prosecutors hesitated to prosecute domestic violence cases. Students should be aware of this history, as well as recent responses of the law enforcement and criminal justice systems, such as specialized domestic violence units within police departments and prosecution offices.

When presenting information on mitigating circumstances or criminal defenses, instructors can raise domestic violence issues as examples. For instance, an expert witness who testifies about the effects of battering on a defendant who killed her abuser illustrates the usefulness of expert testimony. Similarly, the concept of self defense can be readily discussed in the context of domestic violence cases.

In addition, a significant number of criminal law professors examine whether battered women who kill their abusers should be permitted to introduce evidence of battered woman syndrome<sup>68</sup> in their cases. Any discussion of battered woman syndrome should include contrasting opinions. Some experts have suggested, for example, that the term “battered woman syndrome” pathologizes victims of domestic violence and inaccurately describes the evidence introduced.<sup>69</sup> Law review articles about the advantages or drawbacks of utilizing expert testimony on “battered woman syndrome” have substantially affected

practice in the field, and demonstrate the impact of social change on the law and vice versa.

### *Civil Procedure*

Civil procedure courses should address jurisdictional issues in family law cases, as well as in large civil cases. Domestic violence hypotheticals can illustrate a variety of civil procedure issues, since flight from domestic violence often requires tribunals in various states to exercise jurisdiction over related court proceedings. Such cases can bring to life for students the topics of notice, service, personal and subject matter jurisdiction, and full faith and credit for out of state court orders.

For instance, the following hypothetical might assist students to understand the difficult civil procedure and safety issues confronted by victims who cross state lines:

*A victim of domestic violence obtains a protection order in Maryland, and then flees to California with the children when her husband continues to batter her and threaten the children. If the husband stalks the family to California, and violates the Maryland protection order by beating his wife and children, how can the Maryland protection order be enforced by California courts and law enforcement?<sup>70</sup>*

Through this example, students can discuss whether the husband was served properly in Maryland with the protection order, or whether his due process rights would be violated by enforcement. Additionally, students can discuss the conflicts of law matters that are raised if the victim files for custody in California while the husband remains in Maryland. This raises complex issues, such as the following:

Does the California court have appropriate subject matter and personal jurisdiction over the custody matter and the husband?



Have interstate custody jurisdictional statutes been satisfied?

What happens if the husband files for custody in Maryland?

Discussing this hypothetical could thereby familiarize students with a range of civil procedure and domestic violence issues.

### *Torts*

Tort courses may prove to be an interesting and useful non-traditional forum in which to teach domestic violence law. This class can bring home to students the fact that knowledge of domestic violence cases can be integral to the general practice of law.

A list of the most common injuries and problems resulting from a perpetrator's actions is comparable to a table of contents in a tort law textbook: assault, battery, intentional or negligent infliction of emotional distress, marital torts, various property torts, trespass, false imprisonment, wrongful death, and economic torts, such as tortious interference with contractual relations, fraud, fraudulent transfer or concealment, and breach of fiduciary duty. Domestic violence cases have even given rise to some new torts: tortious conduct causing "battered women's syndrome"<sup>71</sup>; and the eponymous tort of domestic violence.<sup>72</sup>

A particularly interesting trend in tort litigation involving domestic violence is the portrayal of domestic violence as a continuous tort, rather than a series of isolated actions. Using these cases as examples, instructors can introduce students to concepts such as the tolling of the statute of limitations. Additionally, discussing domestic violence as a continuous tort can illustrate for students the strategic significance of offering the court evidence of a continuous history of harmful actions -- rather than a series of isolated incidents -- in order to create a clearer picture of the egregious nature of such conduct. Torts classes may

also raise the issue of how spousal immunity laws affect domestic abuse cases.

Teaching domestic violence as a tort law issue will ultimately help victims. Many victims of domestic violence end up financially devastated. This may result from the abuser's control of the family's finances or exhaustion of the family resources through continuous or protracted litigation. Many victims are unable to obtain compensation for their financial losses through protection order, divorce or criminal proceedings. For some victims, the only legal avenue available to obtain compensation or reach assets unjustly held by the abuser is a tort action.

Civil suits may provide victims with financial remedies for the wrongful acts of their abusers, potentially covering lost wages, pain and suffering, medical and psychological treatment costs, and expenses for relocation and protection. An added benefit of teaching domestic violence as a part of tort law is changing lawyers' perceptions that domestic violence cases are financial drains on the regular practice of law. Instead, law students may learn that domestic violence cases can be as realistic a part of practice as any other type of tort case.

### *Property*

Even traditional property law issues apply to domestic violence cases. Abusers quite commonly take or destroy victims' property as a further means of controlling and manipulating their intimate partners. For example, an abuser may take and sell the victim's jewelry or break windows or doors in the victim's home to threaten her or control her life. The abuser may destroy a cherished object or family heirloom to punish the victim or trespass on her property in order to stalk or harass her. The abuser may even smash the victim's car or slash the victim's tires to prevent the victim from going to work or seeking help. A victim may find the best legal recourse by undertaking court action to obtain compensation or injunctive relief for interference with property interests, conversion, trespass to chattels, replevin, or destruction of property.

Knowledge of other kinds of property law can ultimately serve victims of domestic violence well. For example, a real property lawyer can offer *pro bono* assistance to domestic violence shelters by providing legal representation in real estate transactions. A lawyer can also help shelter programs seeking changes in land use or zoning laws in order to create a domestic violence program. Shelters may also require assistance with financing, property taxes, property insurance, and maintenance and upkeep matters. Real property lawyers also have a role to play in helping shelter programs prepare and submit applications for short and long term financing, housing subsidies, or grants to private sector, public sector and quasi-public sector lenders, including charitable foundations.<sup>73</sup>

Property also becomes a critical issue in domestic relations cases. Historically, property laws have put women at a disadvantage in dissolution proceedings. Property courses should examine this historical bias, as well as the current impact of domestic violence on the use, disposition, and division of marital property. An inclusive course will review statutory provisions, such as protection order statutes, which cover the use and possession of property. In addition, professors should discuss how the dynamics of domestic violence affect property distribution. For example, a victims' fear of physical retribution may affect her negotiating stance<sup>74</sup> with regard to property.

### *Contracts*

A creative contracts instructor can introduce the issue of domestic violence in hypotheticals. For instance, an abusive spouse may use threats or violence to force the victim to sign contracts unwillingly. This scenario raises the issue of whether contracts signed under duress are enforceable.

An example of a pre-nuptial agreement signed by a victim and an abuser might illustrate to students both the concepts of signing contracts under duress and the use of financial coercion by perpetrators of domestic violence.

To be valid, the prenuptial agreement must have been entered into knowingly and voluntarily. If the abuser, however, coerced the victim into signing the prenuptial agreement by threats of violence or actual battering, a court may invalidate the agreement.<sup>75</sup> Evidence of premarital domestic violence might also show a lack of substantive fairness in provisions made for the prospective spouse.<sup>76</sup>

### *Constitutional Law*

As domestic violence crimes and remedies increasingly become federalized, constitutional law courses can address domestic violence legal issues. The VAWA provides an interesting example of federal versus state powers, including the role of the Commerce Clause and the Equal Protection Clause in enacting federal statutes. For instance, the civil rights remedy for gender-motivated violence, enacted recently under the VAWA, has been declared constitutional by several district court judges and unconstitutional by another.<sup>77</sup> The Connecticut District Court upheld the civil rights remedy, finding that violence against women substantially affected interstate commerce; the Virginia District Court, in contrast, found that the link between gender-based violence and interstate commerce was too tenuous to satisfy the Supreme Court's standard in *U.S. v. Lopez*.<sup>78</sup>

Legal and religious responses to domestic violence can also reach constitutional proportions. Advocates have begun to report cases in which perpetrators, required by court order to stay away from victims, have been counseled by their pastors to come to services as a sign of repentance or rehabilitation even though the victims regularly attend services. Advocates report that perpetrators have sought to vacate the court orders or avoid sanctions for violating the orders by claiming that their First Amendment religious rights have been unconstitutionally abridged.

### *Professional Responsibility and Ethics*

Domestic violence examples are ripe for discussion in a Professional Responsibility or Ethics course. For

instance, representing an alleged batterer illustrates the difficulties in providing zealous representation, raising the following questions: What obligation does counsel have when the client wants to vacate a civil protection order? What obligation does the attorney have to independently authenticate the facts that the client suggests? What should an attorney do when he or she believes that an abusive client wants to seek custody of children? How should counsel respond if the client threatens to harm the opposing party or children? Examining these questions can provide a rich and valuable inquiry by students and faculty.

Representing victims of domestic violence also raises professional responsibility questions, particularly relating to the safety of the victim and the children. For instance, an attorney may believe that the children are in danger if the victim returns to an abusive relationship, yet attorney-client privilege precludes the attorney from disclosing this information. A lawyer may also have to weigh safety concerns when giving legal advice; for instance, a lawyer may advise a client to file charges or testify in criminal court, yet the client may fear that she will be killed by her abuser if she goes forward with the case. An attorney can best serve a client by providing the client with the range of legal options, outlining the potential outcomes, and pursuing the client's choice of action.

Domestic violence also raises competency and malpractice issues. Lawyers who commit domestic violence against their partners are increasingly facing disciplinary sanctions from the bar.<sup>79</sup> In addition, lawyers who become aware of underlying domestic violence issues in their cases have an ethical, moral, and fiduciary duty to address their clients' safety concerns. Attorneys must assess perpetrator lethality and help clients develop comprehensive safety plans. Failure to do so could not only constitute malpractice, but could also endanger a client's life.

Attorneys who represent victims and fail to address the violence have not represented their clients competently.

In addition to jeopardizing their clients' physical well-being, attorneys may be liable if they failed to raise relevant statutory exemptions. For example, family lawyers who do not raise domestic violence issues in custody proceedings may be neglecting statutory provisions requiring courts to consider domestic violence as a factor in custody determinations. If this omission results in a custody decision in favor of an abuser, the victim's lawyer has failed to represent the victim competently. Examining these types of issues can help law students understand the real life consequences of ethical or professional violations by lawyers.

### *Legal Research and Writing*

Legal Research and Writing courses can educate students about domestic violence and provide them with the opportunity to assist victims. Instructors may utilize domestic violence fact patterns to familiarize students with the dynamics of domestic violence and the legal remedies available. In addition, students can research legal issues and prepare memoranda, motions, and briefs that can be used by attorneys who are working on actual cases. A legal research and writing seminar could develop a relationship with a local domestic violence shelter or program; students could then conduct legal research and draft memoranda on topics requested by the programs. Many students will learn more about legal research methods and produce better products when they are working on issues that affect real people.

Domestic violence issues are ripe for legal research and writing not only in first-year courses, but also in more advanced courses on legislative process. Across the country, states are developing domestic violence legislation at a rapid rate on topics including custody, insurance discrimination, mandatory reporting, and criminal law standards, among others. Students in legislative process courses could conduct legal research and help draft cutting edge legislation with local advocacy groups.

### *Trial Advocacy and Moot Court*

Law students look forward eagerly to participating in trial advocacy courses and moot court competitions. Because many law students do not have the opportunity to enroll in clinical programs, trial advocacy courses or moot court gives students a chance to gain “courtroom experience” prior to graduation. Instructors can utilize domestic violence hypotheticals in both of these types of programs.

Trial advocacy classes teach courtroom skills such as examining witnesses, introducing evidence, and developing case theories and strategies. A domestic violence scenario can offer many creative opportunities for practice and discussion. For example, an instructor may wish to examine the relative merits of different kinds of testimony and corroborative evidence, and teach students to balance these to achieve a successful presentation of a case. In domestic violence cases, complex issues often arise regarding the credibility of witnesses (e.g., the victim testifies that the abuser has committed acts of domestic violence and the abuser then testifies that all of the acts alleged are actually the victim’s fault). Students can use this kind of scenario to experiment with examination styles that enhance, destroy, or rehabilitate the testimony of the witnesses. A domestic violence hypothetical can also address the issue of what to do if a primary witness, such as the victim, recants her testimony out of fear that the abuser might harm her if she testifies. Students can learn to protect the victim’s safety first, and then use corroborative evidence to present the case in such situations.

In moot court competitions, instructors often look for legal issues which are complex enough to engage law students’ interest and creativity, but are also relevant to contemporary issues. Domestic violence fact patterns, which are generally both compelling and complicated, can be useful in this regard. For example, a common reason for appeal in domestic violence custody cases is whether the court complied with statutory requirements regarding the weighing of evidence of domestic violence. Another topic which might yield interesting results would be the constitutionality of a federal law creating a lifetime

*In 1988, Professor Nancy Lemon taught the first documented seminar on domestic violence law at Boalt Hall School of Law at the University of California at Berkeley. Professor Lemon recently published one of the first legal textbooks available for teaching domestic violence seminars, entitled *Domestic Violence Law: A Comprehensive Overview of Cases and Sources* (1996). The text covers a range of psychological, legal, and political aspects of domestic violence, including cross-cultural issues, gay and lesbian battering, torts, family law, criminal law, immigration law, and welfare issues.*

prohibition for domestic violence misdemeanants against possessing or purchasing a firearm. By utilizing these kinds of hypotheticals when teaching students about the realities of litigation experience, instructors can offer training on domestic violence issues, and can illustrate general principles of trial practice.

### ***Teaching Domestic Violence Legal Issues in Law School Upper-Level Courses***

Teaching domestic violence legal issues in upper-level courses provides students with an opportunity to learn about the complexity of domestic violence issues and how they relate to other legal issues, in intellectually challenging and participatory forums. A growing number of law schools offer seminar courses which focus specifically on domestic violence law.<sup>80</sup> In addition, domestic violence issues are being incorporated into upper-level seminars addressing family law, criminal law, evidence, and professional responsibility, to prepare students to practice competently in these areas of law.

#### *Domestic Violence Upper-Level Courses*

Domestic violence seminar courses<sup>81</sup> familiarize students with a range of legal issues because domestic violence has an impact on such varied fields of law. Law school professors teaching upper level seminars may emphasize certain facets of domestic violence law, such as sanctions in the criminal justice system, or the effect of family violence on custody law, depending on their academic interests or areas of individual expertise. The majority of these courses, however, address a range of legal topics, and integrate sociological theories about battering into the course materials.

A typical domestic violence seminar might begin with an overview of domestic abuse and the response of the legal system. Starting with a discussion of the historical underpinnings of recently enacted domestic violence laws, instructors may discuss the dearth of legal remedies available to victims prior to the latter half of this century.



*At Brooklyn Law School, students may enroll in the Battered Women and the Law seminar. In the course, students examine legal advocacy efforts on behalf of battered women, including legislative reforms, litigation, and public policy proposals. The seminar discusses how to use the law as a vehicle for social change. Students may also work on domestic violence issues in the Violence Against Women Act Project of the Federal Litigation Clinic, which provides community education on the civil rights remedy of the Act and acts as a resource for the litigation of VAWA claims. In the Prosecutor's Clinic, students regularly work on criminal cases in the Domestic Violence Unit of the Office of the Brooklyn District Attorney. In the new Safe Harbor Clinic, students will assist clients with immigration claims to file petitions under the VAWA provisions.*

A review of legal history, including the dependent legal status of women, the traditional prohibition against women owning property, and cultural beliefs that women should submit to men, provides an excellent illustration of how social change can lead to major legal evolutions. The seminar might then examine recent remedies in the civil legal system, such as civil protection orders or long-term domestic relations orders. Conflicts of law and jurisdictional issues may be raised by considering interstate child custody cases in which victims have fled from domestic violence.

Again, in discussing the historical evolution of the law, instructors may show students how criminal responses to domestic violence were unavailable to women in part because of cultural attitudes about the insignificance of violence against women. Law students can study new interdisciplinary trends in legal responses, including criminal law issues, such as the prosecution of domestic violence crimes in state and federal courts. Upper level courses may address recent enactments in federal law, such as the VAWA or firearms legislation prohibiting perpetrators from possessing weapons. This material can provide an excellent opportunity for discussing how legislative responsibilities shift between state and federal levels. A number of upper level courses discuss cases in which battered women kill their abusers, including the application of criminal defenses, differing state responses, a trend toward convictions or acquittals, and the use of gubernatorial pardons.

Domestic violence seminars may also address the economic consequences of domestic violence. For instance, law students may learn of the potential for recovery under tort law for acts of domestic violence. Students may also discuss the effects of recent changes in welfare law on victims of abuse. A growing understanding of the impact of domestic violence on the workplace may lead law school professors to incorporate aspects of employment law into domestic violence seminars.

Most courses also include cross-cultural or multidisciplinary information about domestic violence, such as psychological theories about battering, the effects of family violence on victims from various communities,<sup>82</sup> or the need for differing responses based on the cultural or linguistic issues in particular cases. Law students may be exposed to immigration law by considering the provisions for battered immigrant spouses enacted under the VAWA. Other seminars might focus on the impact of family violence on children, or the response of Child Protective Services to battered women.

Students exposed to these issues can learn that lawyering may require creative approaches to legal and social issues that go beyond application of “black-letter law.” A growing number of upper level courses use domestic violence issues to teach students about lawyering for social change. Such courses often emphasize the need for multidisciplinary responses to family violence by the health, law enforcement, prosecution, and judicial professions, among others. Professors may choose to invite guest speakers to the seminar, enriching the students’ exposure to community leaders. For example, a prosecutor from a domestic violence unit may be able to communicate to students the unusual challenges that arise in prosecuting domestic violence cases. The prosecutor might discuss methods of introducing evidence in domestic violence cases, such as the requirements for an excited utterance hearsay exception. Students are likely to comprehend the tensions in domestic violence cases and the practical implications of the hearsay rule when taught by practitioners from the field.

Law school professors teaching domestic violence courses often attempt to integrate theory with practice by linking students to local community organizations or the national battered women’s movement. Some professors survey practitioners in the field to collect research topics for their students, providing students with the opportunity to work with national experts and draft research papers with practical implications. Students in upper-level courses have the opportunity to improve their legal

*At the University of Miami Law School, students can enroll in an upper-level seminar entitled Domestic Violence: Social and Legal Analysis of Woman Battering. This interdisciplinary course addresses the theoretical aspects of battering, striving to place domestic violence within a historical, political and cultural context. Students integrate theory with practice when guest speakers, including formerly battered women, batterers who have completed intervention programs, and victim services attorneys, address the class.*

scholarship and develop seminal academic papers on domestic violence legal issues. In other seminars, students and professors may view the course as a potential “think tank” for the future.<sup>83</sup>

While domestic violence courses can provide law students with a grounding in domestic violence law and related legal topics, such courses can also be used to explore broader theoretical frameworks. A leading domestic violence expert summarizes the possibilities as follows:

“Battering raises fundamental intellectual and political issues about feminist theory and practice, about law as an instrument of social change, and about the development and role of legal remedies. Battering also presents important jurisprudential issues, such as the interrelationship between law and social science. It is not only an important subject in and of itself because of the impact it has on society in general, but also because it is a lens for looking at central issues concerning the transformative possibilities and limits of the law.”<sup>84</sup>

#### *Upper Level Courses in Which Domestic Violence Issues are a Central Component*

Since a goal of legal education is to prepare students to practice law competently upon passing the bar, domestic violence issues should be integrated into upper-level courses. While domestic violence issues could be raised in virtually every course, it is vital to incorporate domestic violence issues into family law, criminal law, and evidence courses. Without the inclusion of domestic violence issues in such courses, students will be ill equipped to practice in these fields upon graduation.

#### *Family Law Courses*

Family law attorneys recognize that domestic violence issues permeate the practice of family law.<sup>85</sup>

*Students may participate in the Defending Battered Women seminar at Thomas Cooley Law School. The course examines treatment and representation of battered women within the criminal justice system. Students learn about battered women's syndrome, self defense claims, evidentiary rules, and the appellate process.*

Family law statutes may carve out domestic violence exceptions in custody, visitation, or mediation statutes, for example. Domestic violence also affects the clients' needs for spousal support or for use and possession of property. Family law practitioners must be trained to screen for domestic violence and to conduct safety planning with clients, since family law cases can be volatile and dangerous when one party has abused the other party.

#### *Criminal Law Seminars*

Similarly, criminal law seminars should address criminal issues involving domestic violence. To emphasize the pervasiveness of domestic violence issues in criminal cases, law students should be informed that, according to the U.S. Department of Justice, in 29% of cases in which a lone offender committed violence against a woman, the perpetrator was the victim's husband, ex-husband, boyfriend, or ex-boyfriend.<sup>86</sup> Criminal law seminars may examine how domestic violence affects criminal law defenses, such as duress or self defense. Criminal law professors might also discuss the impact of domestic violence on prosecution or defense strategies. Students should be introduced to concepts such as vertical prosecution, no-drop prosecution, and the use of expert testimony on the common effects of battering.<sup>87</sup>

#### *Evidence Seminars*

Evidence courses draw a large number of law students who intend to practice criminal law and who will therefore handle domestic violence cases as practitioners. As a result, evidence courses should address domestic violence issues, which can provide particularly apt examples for seminar discussions. For instance, a number of hearsay exceptions, such as the excited utterance or the present sense impression exceptions, could arise in domestic violence cases. Domestic violence cases can teach law students to introduce police reports or medical records, to qualify domestic violence experts, or to impeach witnesses. Raising these examples in evidence seminars serves the dual purpose of teaching students the

*Clinical students at American University's Domestic Violence Clinic handle civil litigation matters during their first clinical semester, and assist in prosecuting domestic violence crimes during the following semester, through an externship placement with the U.S. Attorney's Office. The classroom component of the clinic teaches students the necessary lawyering skills. In addition, students discuss the issues raised by cases litigated in their externship placement.*

rules of evidence and preparing students to handle domestic violence cases.

*All Upper Level Courses Can Maintain Links to the Community*

Professors offering established domestic violence courses suggest that law students and victims benefit from courses that encourage students to develop and maintain links to victim services organizations. Not only do law students learn firsthand how the law affects individual cases, but they can also create connections with practitioners in the field. This may serve students well upon graduation, in the form of job leads, references, or mentoring relationships. Victims may receive better services if law students contribute their research efforts to issues identified by domestic violence coalitions or shelters. Victims also reap the future benefits of a generation of lawyers well-trained on domestic violence matters.

Upper-level seminar courses establish links to the community in a variety of ways. Under instructor supervision, law students may conduct research or draft legislation for use by community task forces developing new ways to address domestic violence locally. Guest speakers may be invited to speak at the seminars, or students may perform legislative or legal research for local or regional advocacy groups. Some of the most active seminar courses provide an in-class component on domestic violence or public interest law, and permit students to receive credit for externships in the community. Law students may participate in domestic violence prosecution units, legal aid organizations, or victim advocacy programs, among others.

*Upper-Level Courses May Serve As A Prerequisite to Clinical Programs*

In some law schools, students may be required to participate in domestic violence law seminars as a prerequisite to participating in domestic violence clinical

programs. This requirement may allow students to absorb information about domestic violence legal issues more fully, without the additional pressure of representing clients in court, often for the first time. Students would have the opportunity to fully assimilate legal and psychological information about domestic violence before being required to implement it. In the clinical program, students can then focus on improving their lawyering and procedural skills, and using domestic violence law to obtain legal relief for clients.

*All Courses Should Address the Impact of Domestic Violence on Diverse Communities*

Most legal responses to domestic violence are designed to help a particular “type” of victim: a woman who has passively endured the abuse; who is willing and grateful for any assistance offered; and who shares the beliefs, values, and background of the lawyer or judge handling her case. Legal professionals may fail to offer appropriate assistance to victims who do not fit this profile, particularly if they have difficulty overcoming linguistic or cultural barriers. Victims from diverse communities, who may already be reluctant seek help from courts or law enforcement, may be even more discouraged if culturally appropriate services are unavailable. The most recent changes in law, while effective in improving many aspects of legal remedies offered to victims, sometimes fail to consider the ways in which cultural or linguistic issues complicate domestic violence cases.

At the most basic level, law students should learn about the impact of domestic violence on diverse communities because misunderstandings can endanger the victim or result in discriminatory treatment of victims or abusers. The most important message to convey to students is that domestic violence affects individuals from all races, religions, ethnicities, age groups, sexual orientations, and socioeconomic levels.<sup>88</sup> Law students who understand cultural and linguistic differences in domestic violence cases can enhance their own professionalism. Providing education about the cross-

cultural effects of domestic violence will help create more qualified lawyers, and may make the system more accessible to victims from diverse backgrounds.

### *Battered Immigrant Spouses*

*The Immigration and Human Rights Clinic at St. Mary's Law School provides representation for battered immigrants. Up to eight 2L and 3L students may participate in the one-year clinic after taking Evidence and Professional Responsibility courses. Students assist low-income clients in obtaining relief under the Violence Against Women Act, by representing clients in self-petitioning or cancellation of removal proceedings. The clinic receives referrals from local shelters, programs, and police departments, and is currently one of the only agencies offering these desperately needed legal services.*

Cultural factors may inhibit victims from accessing local legal services or domestic violence programs. Battered immigrant women confront barriers in seeking legal assistance that non-immigrant victims do not face, including language or cultural barriers, or fears of the legal system or deportation.<sup>89</sup> Law students should be aware that perpetrators often threaten to deport their immigrant spouses or partners. While the VAWA provides protection to battered immigrant spouses by reducing the ability of perpetrators to control their spouses' immigration status, some victims may not be aware of their legal rights, and other victims may be unable to utilize the VAWA provisions.<sup>90</sup>

Battered immigrants may also be afraid that the legal system will not help them, based on experiences with repressive or non-responsive legal systems in their countries of origin. Lawyers for battered immigrants may need to discuss the American legal system with their clients,<sup>91</sup> and explain what relief is available for victims of domestic violence. To effectively use these legal remedies, lawyers must ensure that interpreters are available for their clients during interviews and court appearances.

### *Serving Victims From Racial or Ethnic Minority Groups*

Law students should be aware that victims from some racial or ethnic minority groups may have additional barriers in obtaining legal relief to end family violence. For example, victims may experience racism when they seek services from providers who characterize Latino men<sup>92</sup> or African-American men as violent, or women of color as more prone to victimization or immune from it. The history of institutional and individual racism against members of the African-American community may lead many victims to avoid the police and the courts because

*Second and third-year students enrolled in the one-semester Domestic Violence Law Clinic at the University of Arizona Law School represent members of the Pascua Yaqui tribe in obtaining and enforcing orders of protection. Students also serve the needs of the community by conducting educational workshops at local domestic violence shelters and high schools. Clients are referred by local homeless or battered women's shelters, rape crisis centers, and legal aid offices. The clinic represents battered women in criminal defense cases as well as civil cases.*

they are part of a system that has historically discriminated against African-Americans.<sup>93</sup> Women of color who are victims of domestic violence may also suffer from the intersection of the effects of racism and sex discrimination.<sup>94</sup>

Latina or Asian victims, or victims from other minority groups, may hesitate to seek help if domestic violence programs do not provide culturally or linguistically appropriate services.<sup>95</sup> Even if victims do not confront overt stereotypes from service providers, it may be difficult for them to obtain useful services. For example, victims from particular communities may have dietary needs that are unmet by most domestic violence shelters<sup>96</sup> or may speak languages other than English. In some communities, domestic violence programs have proved to be more effective when culturally tailored to the population they serve. For example, some batterer intervention programs teach batterers that spouse abuse is not inherent in Native American culture, but rather developed from outside influences.<sup>97</sup> Law students serving Native American clients need to understand not only the cultural values which shape concepts of justice for various tribes, but also how tribal laws and courts intersect with state responses to domestic violence.<sup>98</sup>

Even when appropriate services are available, victims may face pressure from within their own communities to endure the violence or deal with it privately because of allegiance to the community. Women of color may hesitate to contact law enforcement to arrest their batterers because of a pattern of police brutality against members of the community.<sup>99</sup> Similarly, victims may be reluctant to involve the criminal justice system, which has historically perpetuated discrimination. To effectively advocate on behalf of victims, lawyers must understand the role of these cultural and historical factors, and work with victims to develop safe and acceptable solutions to end the violence.



### *Victims of Same-Sex Battering*

Victims of same-sex battering confront a range of challenges when seeking legal relief in domestic violence cases. Perpetrators of same-sex violence may threaten to reveal the victim's sexual orientation to the victim's family members or employer to prevent the victim from seeking help. Such threats may be effective in keeping victims silent for fear of losing their jobs, facing discrimination, or altering their family or personal relationships.

Victims who seek outside assistance may confront anti-gay or lesbian discrimination by a range of service providers. Law enforcement officers may fail to arrest perpetrators of domestic violence, claiming that they could not determine who was the perpetrator and who was the victim, or they may arrest both parties. Statutory protections may be limited to opposite-sex couples, or courts may be unwilling to intervene in cases involving same-sex violence. Supportive services, such as counseling or shelter for victims or perpetrators of intimate violence, may not be tailored to lesbian or gay individuals.

In addition to facing difficulties in obtaining services, same-sex victims may face pressures from within the gay or lesbian community to keep the violence a secret.<sup>100</sup> Well-meaning friends or acquaintances may be afraid that disclosing same-sex intimate violence will fuel homophobia or stereotypes about gay or lesbian relationships. Without legal assistance, however, victims of same-sex violence may be unable to escape from the violence. It is therefore critical for lawyers to be aware of the obstacles that gay or lesbian victims confront when seeking assistance from law enforcement, the judiciary, or service providers.

### *Victims From Religious Communities*

Victims who are closely involved with religious communities may believe that their religious tenets conflict with legal principles or rights. For example, victims or their family members may have religious beliefs that

emphasize the sanctity of the family and prohibit or discourage divorce. In some cases, religious tenets may require wives to obtain their husbands' permission for divorce, giving perpetrators an additional means of control.<sup>101</sup> The moral or emotional turmoil this creates for victims means that lawyers may have to resort to creative responses to avoid forcing victims to choose between deeply held spiritual beliefs and traditional legal remedies.

Victims who disclose the violence to community leaders may not receive support from their religious communities. They often report that when they sought help from religious leaders to end the family violence, they were told it was their duty to make the marriage work. When the religious community offers a solution completely at odds with that offered by the legal system, lawyers and judges should be prepared to consider solutions which provide victims with the greatest safety and support.

Some victims who live in insular religious communities may be afraid to reveal the family violence to service providers outside of their community. They may fear that if they seek outside assistance, members of their community will ostracize them or support the perpetrator, particularly if the religion emphasizes the rights of men to rule their families. Lawyers should be aware of the barriers and complications that victims from religious communities face when they seek legal relief.

#### *Serving Victims with Disabilities and Victims of Elder Abuse*

Law students should also recognize the obstacles that victims of elder abuse or victims with disabilities confront when seeking legal assistance. Individuals from these populations can be particularly vulnerable to abuse by intimate partners or spouses if they are physically unable to seek help. Victims of elder abuse may also be abused by persons who are not their intimate partners or spouses, such as their adult children or care-givers. Battered older persons or victims with disabilities may find

*The University of Wisconsin Law School offers a Law and Contemporary Problems: Domestic Violence seminar which addresses elder abuse. Specifically, the seminar examines the interplay between Wisconsin's mandatory arrest law and an elderly person's right to self determination. The course also discusses civil and criminal remedies for victims of elder abuse.*

it extremely difficult to separate from their abusers if their abusers are their sole caretakers.

Perpetrators of abuse exercise additional forms of control over victims from these populations. For instance, abusers may over-medicate or under-medicate disabled victims<sup>102</sup> or refuse to buy food for elderly spouses. Lawyers should be aware that these factors may complicate domestic violence cases.

In addition, when disabled victims seek assistance, they may find that appropriate services are unavailable. Shelters may not be equipped to physically accommodate victims with disabilities. Domestic violence programs or legal services organizations may not have access to interpreters for deaf victims. Courts may not understand that a disabled or elderly victim's survival requires strict enforcement of financial support orders. Lawyers who are trained to recognize these issues will be better able to serve clients who are victims of domestic violence.

### ***Clinical Programs Can Provide Direct Services to Victims of Domestic Violence***

Clinical programs across the country have begun to address domestic violence legal issues in innovative and comprehensive ways. Several domestic violence clinical programs have been created as a result of student interest or advocacy.<sup>103</sup> Some law schools have established domestic violence clinics in which students represent battered clients in civil or criminal cases. Other law schools have general clinics which simply address domestic violence issues when they arise. Regardless of their structure, clinical programs which train students to represent victims provide needed services to community members while enhancing student skills.

#### ***Clinical Programs Assist Victims to Obtain Protection Orders***

The majority of domestic violence clinical programs train students to represent clients in protection

*Students in the Legal Clinic at Washburn University Law School have the option of representing clients in domestic violence cases. They assist battered clients in family law cases, and in obtaining civil protection orders, including provisions for child support and custody.*

order hearings. Protection order statutes in every state, tribe, and territory permit victims of domestic violence to seek immediate relief from the courts. Depending on the state or tribal law, courts may be authorized to order perpetrators to refrain from abusing or contacting victims, as well as ordering other relief. For example, most courts may include short-term orders pertaining to custody, visitation, use and possession of property, and financial relief. Protection order cases thus provide students with the opportunity to litigate cases from beginning to end, while enriching their understanding of domestic relations, evidence, criminal, and property law.

Protection order clinics teach students a range of substantive and procedural legal skills. Students generally attend classes taught by supervising attorneys for several hours a week; classes may focus on substantive legal issues, trial practice skills, or specific challenges arising in individual cases. Students also spend an average of 15-20 hours a week preparing their cases, meeting with clients, witnesses, and supervising attorneys, and representing clients in court. Protection order clinics generally train students to develop lawyering skills in the following areas: interviewing clients, investigating cases, writing motions, preparing witnesses (including expert witnesses) for trial, advising clients, negotiating with opposing parties or counsel, and conducting trials in court.

#### *Clinical Programs May Represent Clients in Family Law Cases*

Victims of domestic violence often require legal representation in custody or divorce cases to resolve custody, visitation, paternity and support, or property issues. If victims are unrepresented in domestic relations cases, they may not obtain the tightly crafted court orders they need to reduce the likelihood of further violence. In addition, since perpetrators often shift their control tactics to custody litigation, victims may desperately need to be represented in these litigious cases.

Any family law clinic should screen for domestic violence cases. Students representing victims should develop safety plans with clients, and provide referrals for other services related to the abuse. Ideally, students can assist clients in obtaining protection orders if such relief is necessary, prior to representing them in domestic relations hearings.

*Clinical Programs May Represent Victims of Domestic Violence or Perpetrators in Criminal Cases*

Law school criminal practice clinics are likely to represent victims or perpetrators of domestic violence simply because domestic violence crimes constitute a large proportion of misdemeanors in almost every jurisdiction. A growing number of criminal law clinics, however, focus deliberately on domestic violence issues. Some jurisdictions permit students to interview victims and try cases under the supervision of licensed attorneys. Students may prosecute domestic violence cases by working in local State's Attorney's offices.

Law students in criminal defense clinics may also represent victims or perpetrators of domestic violence. Often perpetrators retaliate against victims who file criminal charges by filing false criminal charges against the victims. Students in criminal defense or domestic violence clinics may defend victims who face such charges.<sup>104</sup> Students in the Domestic Violence Advocacy Project at the George Washington University Law School, for example, have worked with the Public Defender Service in the District of Columbia and in Alexandria, Virginia. In criminal defense clinics, law students may also represent victims charged with killing their abusers. These cases may require students to research advanced criminal law theories on self defense, or to prepare expert witnesses to testify about the effects of battering. Other clinical programs undertake clemency projects in which students advocate for reduced sentences for victims imprisoned for killing their abusers.

*Students in the Domestic Assault Prosecution Clinic at the University of Minnesota Law School prosecute misdemeanor and gross misdemeanor cases. Students are directly supervised by prosecutors, and serve both inner city Minneapolis and suburban areas.*

Criminal law clinics which provide representation to perpetrators have a responsibility to educate law students about the dynamics of domestic violence. Without this knowledge, students may inadvertently collude with batterers, assisting them to deny responsibility for their violence and to continue to perpetrate it. Lawyers should instead advise perpetrators about the long-term consequences of their criminal acts. Students who are trained on the psychological and legal issues surrounding family violence can assist perpetrators to take steps to end the violence, promoting their long-term interests.<sup>105</sup>

*Clinical Programs May Represent Victims in Other Civil Cases Related to the Abuse*

Victims of domestic violence frequently face a range of legal problems arising from the abuse. In addition to criminal and family law matters, victims may be on the verge of eviction as a result of landlord-tenant or housing problems arising from the violence.<sup>106</sup> Victims may also be on the brink of destitution because their batterers have deprived them of financial resources by controlling their income or terminating their public assistance.<sup>107</sup> As a result, victims may need representation in bankruptcy, tax, child support, or public benefits cases. A victim's legal needs may be as extensive as the perpetrator's abusive tactics; for instance, battered immigrants may need representation in immigration law matters if their abusers have interfered with their immigration status or threatened to deport them.

*Students in the Lewis & Clark Legal Clinic at Northwestern School of Law of Lewis & Clark College sign up for a general clinic and rotate through seven types of cases, including domestic violence cases. Since the clinic prioritizes current client needs, and handles unemployment, child support, landlord-tenant, and bankruptcy cases, victims of domestic violence can receive holistic legal services where needed.*

Clinical programs provide an ideal means to represent victims in a range of legal cases while exposing law students to varied areas of substantive law. Students in domestic violence clinical programs can consult supervising attorneys in other law school clinics, such as poverty law, landlord-tenant, or bankruptcy clinics, to assist with interwoven legal issues. Law school clinical programs with general practice clinics, rather than specific domestic violence clinics, may be able to represent victims in a range of legal cases.<sup>108</sup>

*Clinical Programs Should Be Tailored to Serve the Needs of the Community*

Law school clinical programs should be tailored to serve the needs of the community. In particular, domestic violence clinics should address the special needs of victims from underserved populations, including victims from rural, migrant, immigrant, or urban populations. For example, victims in rural areas may be completely cut off from legal services or domestic violence shelters if such services do not exist in their communities. Yet domestic violence may be exacerbated in small communities if perpetrators are familiar with or related to members of law enforcement or the judiciary. Law school clinical programs may be able to employ innovative strategies to serve the needs of victims in the community.

Similarly, law schools located in inner cities should address the needs of urban populations. Clinical professors can incorporate issues of race, ethnicity, or the culture of the community into their programs. Law students may need to seek clients or to conduct legal workshops in non-legal settings, such as community-based organizations, health clinics, social services agencies, or religious institutions, to truly provide community members with access to legal services.

*Clinical Programs Should Be Linked to Existing Community Services*

Law school clinical programs will better serve clients if they are linked to existing community services. Victims of domestic violence will be able to obtain the non-legal services they need, such as health care, counseling, financial assistance, or social services, if these agencies have close ties with law school clinical programs. Law students will also gain a more comprehensive perspective on client representation by maintaining connections with service providers. In addition, students in some clinical programs are placed in community agencies with an on-site supervising attorney, giving students a realistic picture of actual practice.

*Students in the Domestic Violence Clinic at the University of Texas Law School represent battered women in custody, child support, visitation and divorce cases, or other related legal cases. The clinic is linked to local shelters, and students work in the Legal Aid Services Office, fulfilling a high demand for legal services in the local community.*

Clinical programs frequently obtain client referrals from community based agencies, such as domestic violence shelters, overburdened legal services organizations, or health care providers. A growing number of law school clinics have begun to offer legal advocacy to victims identified through community organizations, such as hospitals. Such coordination permits victims to obtain quality legal services without tremendous expenditures of time and money. Clinical programs can also obtain appropriate client referrals in this manner.

### ***Co-Curricular Programs***

Co-curricular programs can provide direct services to victims of domestic violence on campus and in the community. Such programs promote awareness and understanding of domestic violence issues within the law school community. Both the law school administration and students should be involved in developing these programs.

Law schools must be equipped to address domestic violence within their own communities. Law students, faculty, and staff are just as likely as other members of society to be victims or perpetrators of domestic violence. Law schools should therefore institute employment and student life policies that are responsive to the needs of victims. For instance, students who experience violence in their relationships should be able to obtain legal advice and counseling services without affecting their ability to participate in the law school's academic program. Law schools may also need to implement policies to avoid liability for workplace violence that erupts as a result of domestic violence.<sup>109</sup>

Student or school sponsored programs can educate the law school community -- and perhaps the entire university -- about domestic violence. A lecture series might include guest speakers who are domestic violence survivors or attorneys. Such programs may help students gain a genuine understanding of victim experiences and legal remedies.



The following steps can also integrate domestic violence legal issues into co-curricular activities:

- Focus an issue of the law review on domestic violence
- Discuss the law school intervention efforts in school publications
- Use a domestic violence case in the moot court competition argument
- Offer self-defense classes
- Provide training on safety planning
- Offer programs specifically geared toward steps men can take to end domestic violence

Student groups, such as student bar associations, law fraternities, criminal law, women's law, juvenile justice, and public interest law associations, equal justice foundations, and National Lawyer's Guild sections, can work collaboratively to sponsor programs on domestic violence that address overlapping areas of concern. This may broaden support for the activities. Programs should also be developed with diverse student groups so that they provide inclusive information about domestic violence and the relief available.

Student advocacy groups in a number of law schools provide direct services and information to victims of domestic violence. For instance, students have created hotlines and court accompaniment programs to provide information and support to pro se clients. Students have also drafted domestic violence legislation, initiated clemency programs for victims imprisoned for killing their abusers, and participated in fundraising or volunteer efforts for local shelters.

### ***All Law School Domestic Violence Programs Should Connect Students to the Community***

All law school courses addressing domestic violence can link students to community organizations.

*Students in the Temporary Restraining Order Project at Yale Law School assist battered women seeking restraining orders at the local county courthouse. Students also help victims obtain safe housing and waivers of court fees. New Haven Legal Assistance, a legal services organization, provides training for students, who may receive credit for their participation.*

Students can learn about the impact of the law on real cases whether they represent clients, participate in multidisciplinary task forces, draft legislation, or conduct research on critical issues. These connections enhance the legal education of students while providing concrete assistance to victims and the community.

#### *Interdisciplinary Programs Enrich Legal Education and Improve the Provision of Services to Clients*

Incorporating interdisciplinary perspectives into law school courses may be beneficial throughout the curricula, but it is invaluable in domestic violence courses. Students can understand the dynamics of family violence and systemic responses to victims if they comprehend the psychosocial aspects of domestic violence. Equally important, students can improve their lawyering skills and their ability to practice law if their legal education integrates multidisciplinary components.

A growing number of law school programs have begun to incorporate interdisciplinary perspectives into domestic violence courses, beginning in the classroom. For instance, the Domestic Violence Advocacy Project offered by the George Washington University Law School is an interdisciplinary clinical program co-taught by a clinical law professor and a clinical psychologist specializing in domestic violence issues.<sup>110</sup> As a result of the clinic's integrated approach, which educates students on both the legal and psychosocial aspects of domestic violence, students are better able to represent victims in civil or criminal cases.

Integrating psychosocial issues into the course expands the educational opportunities of a traditional legal clinic in a number of ways. Dr. Mary Ann Dutton, the DVAP's clinical psychologist, teaches several substantive classes about the psychosocial aspects of domestic violence. Dr. Dutton also assists law students to develop their interviewing and counseling skills, and to understand the role that expert witnesses can play in domestic violence cases. The active participation of a clinical psychologist

*The Domestic Violence Advocacy Project offered by the George Washington University Law School is an interdisciplinary clinical program co-taught by a domestic violence attorney and a clinical psychologist specializing in domestic violence issues. Along with law professor Joan Meier, Dr. Mary Ann Dutton teaches students about the psychosocial aspects of domestic violence, trains students to work with expert witnesses, and assists students to process their emotional reactions to their clients.*

assists students to better understand and communicate with clients, and to process their own reactions to the challenging issues that arise in domestic violence cases.

Law school programs which connect students to interdisciplinary programs in the community enhance student education as well. Whether structured as externship programs, or as seminars or clinics, courses which link students to community programs improve their understanding of the resources available to victims. In addition to demonstrating to law students that legal services may be more effective when offered to clients in non-traditional settings, interdisciplinary law school programs can fill gaps in services needed by the community.

Interdisciplinary programs in pre-existing community organizations teach law students to interact with service providers from other professions, including health care professionals, social workers, psychologists, and police officers, among others. These experiences train lawyers to provide holistic services to clients. This may mean integrating other disciplines into the legal case, such as calling a psychologist as an expert witness, or making appropriate cross-disciplinary referrals to serve a client's non-legal needs. Community members also benefit; they increase their knowledge of domestic violence issues by working with law students in interdisciplinary programs.

#### *Law School Programs May Also Be Linked to Local Programs Providing Direct Services to Victims*

Victims of domestic violence may seek emergency services from local domestic violence hotlines, shelters, or programs. While some programs employ advocates who are tremendously knowledgeable about legal remedies for domestic violence, other organizations do not have the resources to provide legal assistance. Law students can fill this gap by working with local programs to provide direct legal services to victims. For example, students may present legal workshops at shelters to provide victims with basic information about their legal rights, or they may

conduct individual interviews to screen potential clients for legal representation. Students often gain a better understanding of domestic violence by working directly with victims, and they may also improve their interviewing and counseling skills.

Law school programs may place students in domestic violence prevention or intervention programs other than direct services programs. For instance, students may enrich their community education skills by developing and presenting dating violence prevention programs for teenagers. Teaching this type of program can enhance the public speaking skills of students, as well as their substantive knowledge. Innovative programs have begun to integrate law students into domestic violence prosecution units, law enforcement units, or batterers intervention programs as well.

*Students at the Battered Women's Advocacy Program at Suffolk University Law School represent battered women in restraining order, child custody and child support cases. Students are assigned to district and probate courts, and also staff a crisis line at the law school to provide legal information to victims of domestic violence.*

#### *Law School Programs May Be Connected to the Judicial System*

Law school courses which allow students to work in the courts can provide students with a valuable learning experience. For many students, court-based programs are their first opportunity to observe how the pieces of the legal system fit together. Students learn the effects of civil procedure, evidence, and criminal law on individual cases. Observing attorneys and judges can provide a model for improving student lawyering skills. While clinical programs may provide students with rigorous litigation experience, students also gain a great deal from participating in programs in which they assist pro se clients in court.<sup>111</sup>

#### *Law School Programs Can Introduce Students to Non-Litigation Alternatives to Lawyering*

Courses which focus on lawyering skills other than trial practice skills enhance legal education by exposing students to a different type of lawyering. Law students who intend to pursue public interest careers may benefit from courses which teach community outreach or legislative

*Students in the Domestic Violence Clinic at the University of Buffalo at SUNY receive a wide range of practical experience through placements in legal services, public defender, and district attorney offices. Students work closely with the courts, providing training for advocates, court personnel, and judges, and observing domestic violence cases through a court-watch program. They also provide emergency advocacy for victims through a Tuesday night clinic and a crisis hotline.*

drafting skills. Domestic violence issues provide an ideal model for developing these policy skills, since domestic violence legislation is being drafted at a rapid pace across the country. Law students may participate in local or state-wide efforts to combat domestic violence by developing legislative agendas and drafting new legislation. Students can also conduct legal research for grassroots domestic violence programs or state coalitions. Such programs enable students to improve their legal research and writing skills while contributing to legal reforms that benefit victims. In addition, the programs allow students to observe the legislative process firsthand and become acquainted with leaders in the criminal justice or family law fields.

### ***Challenges in Incorporating Domestic Violence Legal Issues Throughout Law School Curricula***

Law school professors confront various challenges when they incorporate domestic violence legal issues into law school curricula. Some of the challenges arise from the sensitivity of the subject matter, while other challenges simply stem from attempting to integrate non-traditional material into traditional legal education. Professors and law school administrators may choose to adopt different approaches depending on the institution and the types of courses in which domestic violence legal issues are being raised.

#### *Integrating Domestic Violence Legal Issues into Core Curriculum Courses*

To prepare students to competently practice law, domestic violence legal issues must be incorporated into core curriculum courses. Law school professors who are unfamiliar with these issues may be reluctant to raise them in the classroom, or they may mischaracterize domestic violence. Domestic violence law professors report that they are frequently called upon to teach the portions of core curriculum courses addressing domestic violence. While

guest speakers provide a temporary solution, all law school professors should participate in continuing legal education programs about domestic violence law or study the emerging field on their own. Then they will be able to teach comprehensive core curriculum courses without relying on a few individuals.

The pervasiveness of family violence in the United States suggests that some law school professors or students may have difficulty with the subject matter because of the history of violence within their own families. In addition, because some law students may be abused by their current partners or spouses, it is critical for professors to address domestic violence issues in a sensitive manner. Updated and comprehensive referral lists for services should be provided to students whenever domestic violence legal issues are raised.

Some students may react in a hostile way or express stereotypes about victims or perpetrators when domestic violence legal issues are raised. This stems from the fact that law students may have preconceived notions about domestic violence law which have been shaped by their own family experiences or relationships with intimate partners and by cultural images of men and women. Some law students may also be hostile to domestic violence issues because they perceive these issues as feminist issues that should not be included in a law school curriculum. The impact of domestic violence on legal practice, however, ensures that it is not only suitable -- but critical -- to integrate the issue into legal education.

Despite these challenges, law school professors have a responsibility to integrate domestic violence legal issues into core curriculum courses in a professional manner. Professors may need to begin teaching domestic violence legal issues by helping students to overcome their stereotypes of victims or perpetrators. Local experts, including domestic violence survivors, advocates, counselors, or members of the criminal justice system, can assist professors in presenting the dynamics of domestic violence. Students should be taught that domestic violence

is a criminal matter, rather than a private family concern, and that it is relevant to the area of law covered by the particular course. Expanding legal education to include domestic violence issues will assist victims to obtain qualified representation in a range of legal fields.

### *Seminar Courses May Raise Additional Issues*

Law school professors teaching upper-level seminars on domestic violence law confront additional issues. Professors report that students with extensive domestic violence legal backgrounds tend to attend the seminars, and it is often a challenge to attract a broader range of students.<sup>112</sup> Professors can overcome this “preaching to the choir” problem in a variety of ways, including collaboration with community organizations or student groups. If professors help raise awareness of domestic violence issues within specific law school communities, these events may increase the diversity of students applying for domestic violence seminars, while expanding the breadth of issues covered by the seminars. Domestic violence law courses may be more likely to appeal to students from various cultural, ethnic, religious, or racial communities, for example, if the seminars examine the impact of domestic violence on victims from varied communities.

Professors may also encounter resistance from their colleagues, who belittle the importance of domestic violence law or object when resources are allocated to domestic violence programs. Students and professors should recognize that members of their own institution may need to be educated on domestic violence issues. Experts across the country conduct educational programs with professionals working with victims in the health, law enforcement, judicial and legal professions, among others. These workshops may need to be conducted with law school faculty members, to update them on current perspectives on domestic violence and its effects on their legal practice. Additionally, domestic violence professors may choose to assist other professors in integrating domestic violence issues into upper-level seminars.

*The Domestic Violence course at the University of Tulsa Law School surveys domestic violence law and related issues. Professor Kathleen Waits employs an interdisciplinary approach and utilizes guest speakers, including formerly battered women, judges, domestic violence law attorneys, battered women's advocates, and batterers' counselors.*

### *Challenges Raised By Teaching Domestic Violence Clinical Programs*

Clinical programs assist law students to integrate theory with the reality of legal practice, raising some unique issues. Clinical professors report that representing victims or perpetrators may take an emotional toll on students, as well as on faculty members and supervisors.<sup>113</sup> Initially, students may have difficulty asking clients questions about their intimate relationships, or listening to the graphic details of physical or sexual violence endured by clients. Professors may need to build time into the class for students to process their emotional reactions to the abuse, and allow students to provide each other with support. Clinical programs integrating an interdisciplinary approach, such as the George Washington University Law School's clinic which includes a clinical psychologist as a co-teacher, may be better equipped to handle these issues as they arise.

Clinical professors report that it is critical to reshape law student misconceptions about victims or perpetrators of domestic violence. Students who view battered women as passive or helpless may be unwilling to believe that clients who are angry with their batterers are victims of abuse. Students in criminal defense clinics may believe that defendants who are very polite could not possibly have abused their partners or children. Clinical professors can remind students that victims and perpetrators have a variety of different personalities and backgrounds, and that the determinative legal issue is whether an act or pattern of abuse occurred.

Clinical professors may also struggle to teach law students not to impose their own values on clients. Law students, and lawyers in general, may tell clients what to do, rather than adopting a client-centered approach to lawyering. In domestic violence cases in particular, because of the perpetrator's potential lethality and the emotional volatility of family violence issues, students may want to tell clients how to "fix" the situation. Clinical professors must train law students to present clients with



*Students in the Women and the Law Clinic at Cornell University Law School represent clients in divorce, custody, support and domestic violence cases. The clinic combines theory with practice, teaching students litigation strategies from a feminist perspective. Students learn to analyze the underpinnings of family law while representing clients, thereby observing first-hand the impact of the law and court procedures on women.*

their full array of legal and non-legal options, and allow victims to make their own choices. Law students may fail to understand their clients' economic, religious, or safety concerns, which may force some clients to return to abusers. When clients decide to return to their abusers or forgo legal relief, students must explore these decisions with clients, without judging clients or assuming that they are making the wrong decisions. Students may need to address their own disappointment or fear when this occurs, in the classroom or in meetings with supervisors, but outside of the attorney-client relationship.

Clinical professors also face conflicts when some students fail to provide adequate representation to clients. Supervising attorneys may feel that students have not investigated cases thoroughly or prepared adequately for court hearings. Alternately, professors may believe that students have fulfilled the technical requirements of representing clients, but have not met their clients' needs for emotional support during legal proceedings -- or have persuaded clients to pursue potentially dangerous choices. Clinical professors can address these shortcomings in class discussions or individual meetings. In the unusual event that a student fails to improve his or her performance even after such discussions, a professor may need to become more directly involved in a case if a victim's safety or legal rights are at stake.

#### *Law School Professors or Administrators Face Additional Institutional Challenges*

Professors or administrators intending to establish domestic violence seminars or clinical programs may encounter some institutional resistance initially. Colleagues or administrators may marginalize clinical programs, alternative teaching methods, or "family law" issues, and may be reluctant to accept domestic violence law as crucial to legal education. As individuals in varied professions across the country begin to respond effectively to domestic violence, however, law schools will be obliged to train future lawyers on this issue or fail to meet national standards. Domestic violence professors can play a critical

role in educating their own institutions of the need to address these issues.

Incorporating domestic violence issues into the law school curriculum should not require professors to seek external funding for these courses. Such courses benefit law students and law schools because students with better lawyering and substantive skills become more competent attorneys. In addition, domestic violence law courses have become a critical part of legal education because of the impact of domestic violence issues on most legal fields. Law schools committed to preparing students to practice law have a responsibility to integrate domestic violence law into the general curriculum. This process includes incorporating domestic violence legal issues into pre-existing core courses, as well as establishing upper-level domestic violence seminars and clinical programs.

Professors report that a number of domestic violence clinics were established initially with external funding, and were funded subsequently by the institution. While law schools should support the integration of domestic violence legal issues into the law school curriculum, interested professors may be able to create domestic violence programs by seeking outside sources to partially fund clinics during their first year of existence. Fundraising for clinics should be conducted in conjunction with local domestic violence programs to avoid competition over limited resources.

Clinical professors have been successful in obtaining funding for domestic violence clinics from a variety of sources. Some programs providing direct services to victims were established in part with funding from the federal sources. Clinics have successfully obtained funding under the Violence Against Women Act [VAWA]. The Victims of Crime Act [VOCA] may also support clinical programs providing emergency legal assistance to victims. Other clinics have been created with grants from the United States Department of Education. Interdisciplinary programs may be able to request resources from alternative federal agencies; at least one clinic

*The Florida Bar Foundation funded a two-day symposium for law school professors, students, administrators, and domestic violence experts in Florida and around the country to develop models for law school domestic violence curricula. The symposium took place following a survey of all of the state's law schools, and will produce a law school manual. The manual will describe community resources for the law schools, recent statistics, legal research and teaching hypotheticals, and how to have a "zero tolerance for violence" campus. It will also offer tips on successful clinical and internship programs. For more information, contact Robin Hassler, at the Governor's Task Force on Domestic and Sexual Violence, (850) 921-2168, robin.hassler@dca.state.fl.us.*

received partial funding from the federal Center for Disease Control and Prevention. Prospective applicants should be aware that federal funds may have particular conditions for disbursement which are outlined in the respective federal regulations.

Domestic violence clinics have also attained funding from parallel state agencies, including state Departments of Health, Public Safety, or Education. Some programs have been created with resources from state legislatures, specifically allocated to fund crime prevention or domestic violence intervention programs. Clinical professors should be certain to coordinate fundraising efforts with local domestic violence shelters and programs.

Traditionally, several domestic violence clinical programs received funding from the Legal Services Corporation. With the massive cuts in funding for the Legal Services Corporation, such programs have been forced to terminate their services or find other means of support.<sup>114</sup> Clinical programs may choose to seek support from private foundations. Generally, clinical programs with diverse funding are most likely to survive.

Law school programs have sought innovative ways to fund legal services for victims of domestic violence. Programs have been established with assistance from law school alumni or regional branches of the National Lawyer's Guild. Private donors may be interested in supporting a domestic violence clinic, sometimes for personal reasons. Moreover, at least one clinical program is considering the possibility of litigating income-generating domestic violence tort cases in order to secure funding for its clinical program.<sup>115</sup> Professors or administrators may also seek funds from local law firms, or organize community fundraising events, to obtain the necessary resources.

Ultimately, however, it is the responsibility of law schools to incorporate domestic violence legal issues into the curricula, including funding these programs. The substantive and lawyering skills taught in domestic

violence programs enhance legal education by preparing students to practice law competently. In addition, funding from within law schools ensures that domestic violence clinical programs will not have to compete for resources with local emergency services for victims, such as domestic violence shelters.

Institutional support for law school programs addressing domestic violence does more than give continued life to particular courses and clinics; it also sends a message to the community that law schools have a commitment to creating, through their educational programs, resources which can help eradicate the suffering created by abuse in the home. By incorporating much needed information about domestic violence law and practice into their curricula, law schools can truly be said to be educating to end domestic violence.

## ENDNOTES:

1. Roberta Valente, *Domestic Violence and the Law*, in *THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK*, 1-3 (ABA, Goelman et. al., eds., 1996).
2. Mary Ann Dutton, *The Dynamics of Domestic Violence: Understanding the Response from Battered Women*, 68(9) FLA. B.J. 24 (1994).
3. LAWYERS AND PSYCHOLOGISTS QUESTION ABUSERS' ABILITY TO PARENT, ABA NEWS RELEASE, April 23, 1997 (survey of nearly 900 leading divorce attorneys and psychologists at the ABA Section of Family Law/APA educational conference).
4. DAVID FINKELHOR ET AL., U.S. DEP'T OF JUSTICE, *MISSING, ABDUCTED, RUNAWAY, AND THROWN AWAY CHILDREN IN AMERICA* 6 (1990).
5. In the District of Columbia, one quarter of all misdemeanors are related to domestic violence, and at the end of June 1997, there were 1113 such cases pending. Telephone conversation with Robert Spagnoletti, Assistant United States Attorney, Director, Domestic Violence Unit, Washington, D.C. (July 22, 1997). *See also* Linda Dakis & Lauren Lazarus, *Attacking the Crime of Domestic Violence*, 19(4) FAM. ADVOC. 46 (1997) (reporting that in Dade County there were approximately 7000 misdemeanors involving domestic violence in 1996).
6. *See, e.g.*, Sarah M. Buel, *Prosecution*, in *THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK* 7-1 (ABA, Goelman et al. eds., 1996).
7. Leslye E. Orloff et al., *With No Place to Turn: Improving Legal Advocacy for Battered Immigrant Women*, 29(2) FAM. L. Q. 313, 325 (1995). For information on how recent changes in immigration and welfare law affect battered immigrants, contact Ayuda, Inc. at 202/387-0434.
8. *See generally*, *THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK* (ABA, Goelman et al. eds., 1996).
9. MODEL RULES OF PROFESSIONAL CONDUCT, Rule 6.1 (1995).
10. *Id.*
11. Telephone conversation with Christopher L. Griffin, Co-Chair of the ABA Commission on Domestic Violence (July 25, 1997).
12. *See, e.g.*, Kathleen Waits, *Battered Women and Family Lawyers: The Need for An Identification Protocol*, 58 ALB. L. R. 1027, 1036 n. 39 (1995).

13. American Bar Association, Recommendation 120 (enacted by the ABA House of Delegates in August, 1996) (recommending affirmative steps be taken to educate judges and lawyers about the effects of domestic violence).

14. Nearly thirty percent of all female homicide victims were known to have been killed by their current or former husbands or boyfriends, and the rate of intimate partner violence against women separated from their husbands was twenty-five times higher than that against married women. RONET BACHMAN & LINDA E. SALTZMAN, U.S. DEP'T OF JUSTICE, NAT'L CRIME VICTIMIZATION SURVEY, VIOLENCE AGAINST WOMEN: ESTIMATES FROM THE REDESIGNED SURVEY 1, 4 (1995).

15. *See infra* Safety Plan at A-2.

16. PETER G. JAFFE ET AL., CHILDREN OF BATTERED WOMEN 26 (1990).

17. The Family Violence Project of the National Council of Juvenile and Family Court Judges, *Family Violence in Child Custody Statutes: An Analysis of State Codes and Legal Practice*, 29(2) FAM. L. Q. 197, 199 (1995).

18. Employers often prefer to hire law school graduates who have had clinical experience in law school because they have learned how to act in court. Statement of Marna S. Tucker, Co-Chair of ABA Commission on Domestic Violence, July 13, 1995.

19. The Domestic Violence Clinic at the University of Texas was oversubscribed during its first year, receiving applications from more than 40 students, including 16 students from other Texas law schools who were willing to transfer schools for a semester to participate in the program. The clinic accepts only 8 students each semester. Telephone conversation with Sarah Buel, Director, Domestic Violence Clinic (July 23, 1997). Similarly, the Domestic Violence Advocacy Project at the George Washington University Law School received 42 applicants for 10 slots. Correspondence with Professor Joan Meier (August 22, 1997).

20. *Counting Down for the Sixth Year in a Row*, ABA SEC. LEGAL EDUC. & ADMISSIONS TO THE BAR SYLLABUS 11 (Spring 1997) (observing that there has been an 8.4% decline in the number of applicants to law schools nationwide).

21. *E.g.*, Boalt Hall School of Law (Domestic Violence Clinic, seminar); Columbia University (Prisoners and Families Clinic); Duke University Law School (Legal Interventions in Domestic Violence seminar); Harvard University (student-run Battered Women's Advocacy Program); New York University School of Law (Criminal Defense Clinic, student-run Battered Women's Project); Stanford University (Family Advocacy Clinic); University of Michigan (Poverty Law Clinic, Family Law Project, domestic violence seminar); University of Virginia (Family Law Clinic); Yale University School of Law (Temporary Restraining Order Project).

22. Telephone conversation with Laura Lane, Associate Director, Career Development, George Washington University Law School (July 21, 1997) (stating that employers highly recommend clinical experience, especially for small and medium-size firms); Telephone conversation with Richild Stewart, Assistant Director, Career Services, Georgetown University Law Center (July 21, 1997) (stating that employers who specialize in litigation practice or advocacy work are highly interested in students with clinical experience; private firms, public defenders, legal aid, and public sector agencies are also more likely to hire students with clinical skills).
23. Waits, *supra* note 12, at 1055, n. 142 (describing dynamics of silence when female law students are battered by male law students).
24. The Legal Aid Society, Zacchaeus Clinic, and Ayuda, Inc., a non-profit legal services organization serving battered immigrant clients, also provide representation but cannot meet the overwhelming need for services.
25. Catherine F. Klein & Leslye E. Orloff, *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*, 21(4) *HOFSTRA L. REV.* 801, 812 (1993).
26. V. Pualani Enos, *Prosecuting Battered Mothers: State Laws' Failure to Protect Battered Women and Abused Children*, 19 *HARV. WOMEN'S L. J.* 229, 233, 245 n. 104 (1996). *See, e.g., Kim v. Kim*, 208 Cal. App.3d 364 (1989).
27. SARAH COLSON & PETER FINN, *NAT'L INST. OF JUSTICE, CIVIL PROTECTION ORDERS: LEGISLATION, CURRENT COURT PRACTICE AND ENFORCEMENT* 19 (1990).
28. *Id.*
29. The Family Violence Project of the National Council of Juvenile and Family Court Judges, *supra* note 17, at 223.
30. For example, students in Professor Nancy Lemon's clinic at Boalt Hall School of Law and Professor John Capowski's clinic at Widener University Law School have assisted in developing and drafting domestic violence legislation.
31. *See, e.g., Lee S. Rosen, Zealous and Ethical Representation of Batterers, in THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK 2-25* (ABA, Goelman et al. eds., 1996).
32. *Providing Hope and Help*, *NAT'L DOMESTIC VIOLENCE HOTLINE'S NEWSLETTER*, Spring 1997, at 1.
33. The San Diego Police Department, for example, has reported that the rate of domestic violence reports doubled between 1990 and 1996. Telephone Interview with Anne O'Dell, Retired Detective Sergeant, San Diego Police Department (June 14, 1996).

34. TED R. MILLER ET AL., NAT'L INST. OF JUSTICE, U.S. DEPT. OF JUSTICE, VICTIM COSTS AND CONSEQUENCES: A NEW LOOK 18-19 (1996).

35. *See, e.g.*, U.S. DEPT. OF HEALTH & HUMAN SERVICES, A NATION'S SHAME: FATAL CHILD ABUSE AND NEGLECT IN THE UNITED STATES (1995); HOWARD DAVIDSON, THE IMPACT OF DOMESTIC VIOLENCE ON CHILDREN (ABA, 1994); ENDING THE CYCLE OF VIOLENCE: COMMUNITY RESPONSES TO CHILDREN OF BATTERED WOMEN (Einat Peled et al. eds., 1995).

36. BACHMAN & SALTZMAN, *supra* note 14.

37. Julie Kuncze Field, *Visiting Danger: Keeping Battered Women and Their Children Safe*, 30(3) CLEARINGHOUSE REV. 295, 296 (1996). *See also*, Bonnie E. Rabin, *Violence Against Mothers Equals Violence Against Children: Understanding the Connections*, 58 ALB. L. REV. 1109, 1117 (1995).

38. Lawyers should be aware that some victims of domestic violence may have the resources to pay for legal services. Additionally, many domestic violence cases raise excellent tort issues.

39. BACHMAN & SALTZMAN, *supra* note 14; SUSAN L. KEILITZ, PAULA L. HANNAFORD & HILLERY S. EFKEMAN, NAT'L CENTER FOR STATE COURTS RESEARCH REPORT, CIVIL PROTECTION ORDERS: THE BENEFITS AND LIMITATIONS FOR VICTIMS OF DOMESTIC VIOLENCE (1997).

40. *See* Power and Control Wheel produced by the Domestic Abuse Intervention Project, Duluth, MN.

41. *See, e.g.*, *Kim v. Kim*, 208 Cal. App.3d 364 (1989).

42. Note that within protection order statutes or criminal codes, domestic violence may be defined as the commission of specific physical acts or threats against intimate partners or spouses.

43. Mary Ann Dutton, *The Dynamics of Domestic Violence: Understanding the Response from Battered Women*, 68(9) FLA. BAR J. 24 (1994).

44. The Duluth Domestic Violence Intervention Project developed a "Power and Control Wheel" to explain the variety of techniques that perpetrators use to control victims, including threats, physical violence, intimidation, use of children and financial abuse, among others.

45. David M. Zlotnik, *Empowering the Battered Woman: The Use of Criminal Contempt Sanctions to Enforce Civil Protection Orders*, 56 OHIO ST. L. J. 1153, 1162-63, 1215 (1995); Kathleen Finley Duthu, *Why Doesn't Anyone Talk About Gay and Lesbian Domestic Violence?* 18 THOMAS JEFFERSON L. REV. 23, 24 (1996).



46. BACHMAN & SALTZMAN, *supra* note 14, at 4 (finding that women were about 6 times more likely than men to experience violence committed by an intimate).

47. Gerald T. Hotaling & David B. Sugarman, *An Analysis of Risk Markers in Husband to Wife Violence: The Current State of Knowledge*, 1(2) VIOLENCE AND VICTIMS 101, 106 (1986); MURRAY A. STRAUS, *BEHIND CLOSED DOORS: VIOLENCE IN THE AMERICAN FAMILY* (1980).

48. *See, e.g.*, David Adams, *Identifying the Assaultive Husband in Court: You Be the Judge*, BOSTON BAR J. 23 (Jul.-Aug. 1989).

49. Dutton, *supra* note 43, at 26.

50. *Id.*

51. Mary Ann Dutton, *Post-Traumatic Stress Disorder Among Battered Women: Analysis of Legal Implications*, 12 BEHAV. SCI. & THE LAW 215, 219 (1994).

52. Naomi Cahn & Joan S. Meier, *Domestic Violence and Feminist Jurisprudence: Towards a New Agenda*, 4 B.U. PUB. INT. L. J. 339 (1995) (discussing stereotypes of battered women).

53. Irene Anne Jillson & Bettina Scott, *Violence, Women and Alcohol: Reducing the Risks, Redressing the Consequences*, Dep't of Health & Human Services, Draft Report, Jan. 1996.

54. DO ARREST AND RESTRAINING ORDERS WORK? (Eve S. Buzawa & Carl G. Buzawa, eds., 1996); Lawrence W. Sherman & Richard A. Berk, *The Minneapolis Domestic Violence Experiment*, POLICE FOUNDATION REPORTS 1 (Apr. 1984); Joan Zorza, *Must We Stop Arresting Batterers? Analysis and Policy Implications of New Police Domestic Violence Studies*, 28 NEW ENG. L. REV. 929 (1994).

55. Zorza, *supra* note 54, at 964. *See also*, Marion Wanless, *Mandatory Arrest: A Step Toward Eradicating Domestic Violence, But Is It Enough?*, 1996 U. ILL. L. REV. 533, 569.

56. After domestic violence training was implemented in 1991 by the San Diego Police Department, the rate of domestic violence arrests increased, and the rate of domestic violence related homicides was drastically reduced by 59%. Telephone Interview with Anne O'Dell, Retired Detective Sergeant, San Diego Police Department (June 14, 1996).

57. Lee H. Bowker et al., *On the Relationship Between Wife Beating and Child Abuse*, in FEMINIST PERSPECTIVES ON WIFE ABUSE 158, 159, 162 (Kerstii Yllo & Michelle Bograd eds., 1988).

58. JAFFE, *supra* note 16 at 28-29.

59. Hotaling & Sugarman, *supra* note 47.

60. THE THIRD REPORT OF THE GOVERNOR'S TASK FORCE ON DOMESTIC AND SEXUAL VIOLENCE 2 (Robin S. Hassler, ed., 1997).

61. More than 90% of lawyers and psychologists who attended a joint educational conference of the American Bar Association Section of Family Law and the American Psychological Association concurred that a person's ability to parent effectively is affected by whether or not he or she is a spousal batterer. LAWYERS AND PSYCHOLOGISTS QUESTION ABUSERS' ABILITY TO PARENT, ABA NEWS RELEASE, April 23, 1997.

62. The Family Violence Project of the National Council of Juvenile and Family Court Judges, *supra* note 17.

63. Adapted from Roberta L. Valente, *Screening Guidelines*, in THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK 2-1 (ABA, Goelman et al. eds., 1996), *citing* American Medical Association, DIAGNOSTIC AND TREATMENT GUIDELINES ON DOMESTIC VIOLENCE (1992); *See also* Waits, *supra* note 12; Carol Warshaw, *Identification, Assessment and Intervention with Victims of Domestic Violence*, in IMPROVING THE HEALTH CARE RESPONSE TO DOMESTIC VIOLENCE: A RESOURCE MANUAL FOR HEALTH CARE PROVIDERS 49 (Debbie Lee et al. eds., Family Violence Prevention Fund, 1995).

64. *See* BACHMAN & SALTZMAN, *supra* note 14, at 4.

65. Adapted from BARBARA J. HART & JANE STUEHLING, PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE, PERSONALIZED SAFETY PLAN (1992) (available from 800/537-2238); OFFICE OF THE CITY ATTORNEY, CITY OF SAN DIEGO, CALIFORNIA, PERSONALIZED SAFETY PLAN (1990); CAMBRIDGE POLICE DEPARTMENT, DOMESTIC VIOLENCE SAFETY PLAN (available from 617/349-3370); NORFOLK COUNTY DISTRICT ATTORNEY'S OFFICE, MASSACHUSETTS, PERSONAL SAFETY PLAN AND YOUTH SAFETY PLAN (1996).

66. *United States v. Dixon*, 509 U.S. 688 (1993).

67. BACHMAN & SALTZMAN, *supra* note 14 at 1.

68. Holly Maguigan, *Battered Women and Self-Defense: Myths and Misconceptions in Current Reform Proposals*, 140 U. PA. L. REV. 379 (1991).

69. *Id.*

70. 18 U.S.C. 2265-66 (1994).

71. *Giovine v. Giovine*, 663 A.2d 109 (N.J. Super. Ct. App. Div., 1995).

72. LEONARD KARP & CHERYL KARP, DOMESTIC TORTS: FAMILY VIOLENCE, CONFLICTS, AND SEXUAL ABUSE (1989 & 1996 Supp.); Fredrica Lehrman, *Torts*, in THE IMPACT OF DOMESTIC

VIOLENCE ON YOUR LEGAL PRACTICE 6-9 (ABA, Goelman et al. eds., 1996); *Washington State Recognizes Tort For Damages Incurred During Relationship Marked by Domestic Violence*, 28(5) CLEARINGHOUSE REV. 539 (1994).

73.Susan A. Lynch, *Real Property: Land Use and Zoning*, in THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK 6-7 (ABA, Goelman et al. eds., 1996).

74.*See, e.g.*, Marna S. Tucker, *Separation and Divorce: Property and Financial Settlements or Court Awards*, in THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK 4-9 (ABA, Goelman et al. eds., 1996).

75.Joni J. Berner & Margaret Klaw, *Prenuptial Agreements*, in THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK 6-1 (ABA, Goelman et al. eds., 1996).

76.*Id.*

77.Doe v. Doe, 929 F. Supp. 608 (D. Conn. 1996); Brzonkala v. Virginia Polytechnic and State Univ., 935 F. Supp. 779 (W.D. Va. 1996); Doe v. Hartz, 1997 WL 354832 (N.D. Iowa, June 23, 1997); Seaton v. Seaton, 1997 WL 391601 (E.D. Tenn., July 1, 1997); Anisimov v. Lake, 1997 WL 538718 (N.D. Ill., Aug. 27, 1997).

78.514 U.S. 549 (1995).

79.In re Magid, 655 A.2d 916, 918 (N.J. 1995); In re Principato, 655 A.2d 920, 921 (N.J. 1995).

80.*See* Appendix.

81.Please note that throughout this report, the terms “seminars” and “upper-level courses” are used interchangeably to refer to non-first year, elective courses, which may vary in size or structure.

82.This brief summary has been gathered from discussions during the *Educating to End Domestic Violence* meeting of experts on December 9-10, 1996, and from course materials submitted by professors across the country.

83.Elizabeth M. Schneider, *Violence Against Women and Legal Education: An Essay for Mary Joe Frug*, 26 NEW ENG. L. REV. 843, 853 (1992).

84.*Id.* at 848.

85.ABA News Release, *supra* note 3; Waits, *supra* note 12, at 1028.

86. BACHMAN & SALTZMAN, *supra* note 14.

87. Experts suggest that “battered women’s syndrome” should be renamed as “the effects of battering on women” to avoid pathologizing survivors of domestic violence. *See, e.g.*, Malcolm Gordon & Mary Ann Dutton, *Validity of “Battered Women Syndrome” in Criminal Cases Involving Battered Women*, in NAT’L INST. OF JUSTICE, *THE VALIDITY AND USE OF EVIDENCE CONCERNING BATTERING AND ITS EFFECTS IN CRIMINAL TRIALS* 17 (May 1996).

88. Christopher L. Griffin & Marna S. Tucker, *A Cry For Help: The Need For A Judicial Response To The Threat Of Domestic Violence*, 36 *JUDGES’ JOURNAL* 22 (1997).

89. Orloff et al., *supra* note 7 at 315.

90. For further information on protection for battered immigrant victims, contact Ayuda, Inc. at 202-387-0434.

91. Orloff et al., *supra* note 7 at 316.

92. *See, e.g.*, Jenny Rivera, *Domestic Violence Against Latinas by Latino Males: An Analysis of Race, National Origin, and Gender Differentials*, 14 *B.C. THIRD WORLD L.J.* 231, 234 (1994).

93. Linda Ammons, *Mules, Madonnas, Babies, Bathwater, Racial Imagery and Stereotypes: The African-American Woman and The Battered Woman Syndrome*, 1995 *WISC. L. REV.* 1003 (1995); EVELYN C. WHITE, *CHAIN, CHAIN, CHANGE, FOR BLACK WOMEN IN ABUSIVE RELATIONSHIPS* 23-26 (1994).

94. Ammons, *supra* note 93 at 1036; Kimberle Crenshaw, *Cultural Battery*, 25 *U. Tol. L. Rev.* 891 (1995); Kimberle Williams Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 *STAN. L. REV.* 1241 (1991).

95. Orloff, *supra* note 7; Holly Maguigan, *Cultural Evidence and Male Violence: Are Feminist and Multiculturalist Reformers on a Collision Course in Criminal Courts?*, 70 *N.Y.U. L. REV.* 36 (1995); Alice J. Gallin, *The Cultural Defense: Undermining the Policies Against Domestic Violence*, 35 *B.C. L. REV.* 723 (1994); Nilda Rimonte, *A Question of Culture: Cultural Approval of Violence Against Women in the Pacific-Asian Community and the Cultural Defense*, 43 *STAN. L. REV.* 1311 (1991).

96. For example, the Asian Women’s Shelter in San Francisco provides for a range of dietary traditions to meet the needs of clients, including stocking six different types of rice (short grain, long grain, sticky rice, basmati rice, etc.).

97. *See generally*, James W. Zion & Elsie B. Zion, *Hozho’ Sokee’ - Stay Together Nicely: Domestic Violence Under Navajo Common Law*, 25 *ARIZ. ST. L. J.* 407, 413 (1993).

98. See generally, Gloria Valencia-Weber & Christine P. Zuni, *Domestic Violence and Tribal Protection of Indigenous Women in the United States*, 69 ST. JOHN'S L. REV. 69 (1995).

99. See, e.g., Ammons, *supra* note 93; Beth Richie, *Battered Black Women: A Challenge for the Black Community*, THE BLACK SCHOLAR, Mar.-Apr. 1985, at 43.

100. See, e.g., Ruthann Robson, *Lavender Bruises: Intralesbian Violence, Law and Lesbian Legal Theory*, 20 GOLDEN GATE U. L. REV. 567, 581 (1990).

101. See, e.g., Beverly Horsburgh, *Lifting the Veil of Secrecy: Domestic Violence in the Jewish Community*, 18 HARV. WOMEN'S L. J. 171, 193 (1995).

102. National Center on Women and Family Law, *Vulnerability of Disabled Women to Domestic Abuse*, 12(4) THE WOMEN'S ADVOCATE (1991).

103. Many domestic violence clinics were created as a result of student interest and initiative. The Domestic Violence Clinic at the Boalt Hall School of Law was established after students conducted their own search and interview for a professor and a program; the Battered Women's Advocacy Project at Fordham University Law School was a result of student activities; and the SUNY-Buffalo Law School Domestic Violence Task Force was an extension of student volunteer projects which developed into a comprehensive domestic violence program.

104. The Domestic Violence Clinic at the University of Arizona Law School represents battered women defendants in criminal proceedings.

105. See Rosen, *supra* note 31.

106. For example, perpetrators may violate public housing rules to cause victims to be evicted; landlords may evict victims because of the noise or property damage arising from the abuse; if perpetrators fail to pay child support as promised, victims may be unable to afford rent payments.

107. As a means of control or retaliation, perpetrators may inform caseworkers falsely that victims are violating rules for receipt of public assistance.

108. A number of law schools surveyed reported that they have not created domestic violence clinics, but that students in every clinic address some cases involving domestic violence. While these reports confirm that victims of domestic violence require legal representation on a range of cases, law students may be more qualified to represent victims if they receive specific training on domestic violence legal issues.

109. See also, THE DOLLARS AND \$ENSE OF DOMESTIC VIOLENCE PREVENTION: SAVING MONEY, SAVING LIVES, AN EMPLOYER'S GUIDE (ABA, forthcoming October 1, 1997).

110. For a full description of this innovative program, see Joan S. Meier, *Notes From the Underground: Integrating Psychological and Legal Perspectives on Domestic Violence in Theory and Practice*, 21(4) HOFSTRA L. REV. 1295 (1993).

111. Bradley A. Kukuk, *Pro Se Project: Bridging the Gap Between Courts and Commoners*, MARYLAND LAWYER: THE DAILY RECORD, Feb. 18, 1995 at 18 (describing the *pro se* project of the University of Baltimore and Maryland Law Schools).

112. As students begin to recognize the impact of domestic violence on varied fields of practice, however, upper-level domestic violence courses attract a more diverse student body -- including students interested in pursuing careers as prosecutors, defense counsel, and family lawyers. Correspondence with Professor Kathleen Waits, August 19, 1997.

113. Experts suggest that all lawyers need to recognize the risks of “vicarious traumatization” when working in the domestic violence field. See, e.g., Joan S. Meier, *Notes from the Underground: Integrating Psychological and Legal Perspectives on Domestic Violence in Theory and Practice*, 21(4) HOFSTRA L. REV. 1295, 1351 (1993) (suggesting that counter-transference plays a role in attorney-client relationships).

114. See, e.g., Valparaiso University School of Law, Program Description (reporting that their domestic violence clinic, which assisted approximately 465 individuals during its four years of existence, was closed due to the termination of Legal Services and Department of Education funding).

115. See Northeastern University School of Law, Domestic Violence Program Summary.

## **APPENDIX**

### ***Selected Resources:***

Margaret Martin Barry, *A Question of Mission: Catholic Law School's Domestic Violence Clinic*, 38 HOW. L. J. 135 (1994)

Naomi Cahn & Joan Meier, *Domestic Violence and Feminist Jurisprudence: Towards a New Agenda*, 4(2) BOSTON U. PUB. INT. L. J. 339 (1995)

Joan S. Meier, *Notes From the Underground: Integrating Psychological and Legal Perspectives on Domestic Violence in Theory and Practice*, 21(4) HOFSTRA L. REV. 1295 (1993)

Mithra Merryman, *A Survey of Domestic Violence Programs in Legal Education*, 28 NEW ENG. L. REV. 385 (1993)

Jane Murphy, *Symposium, Lawyering for Social Change: The Power of the Narrative in Domestic Violence Law Reform*, 21 HOFSTRA L. REV. 1243 (1993)

Elizabeth Schneider, *Violence Against Women and Legal Education: An Essay for Mary Joe Frug*, 26 NEW ENG. L. REV. 844 (1992)

Kathleen Waits, *Battered Women and Family Lawyers: The Need for an Identification Protocol*, 58 ALB. L. REV. 1027 (1995)

### ***Domestic Violence Textbooks:***

NANCY K.D. LEMON, *DOMESTIC VIOLENCE LAW: A COMPREHENSIVE OVERVIEW OF CASES AND SOURCES* (1996)

BEVERLY BALOS & MARY LOUISE FELLOWS, *LAW AND VIOLENCE AGAINST WOMEN: CASES AND MATERIALS ON SYSTEMS OF OPPRESSION* (1994)

CLAIRE DALTON & ELIZABETH SCHNEIDER, *BATTERED WOMEN AND THE LAW* (forthcoming, Foundation Press, 1999)

## **SAFETY PLANNING**

### **Contact with Clients:**

Ask for your client when you call and speak only to your client about the case. Do not leave messages with other family members or on an answering machine or voice-mail until your client has told you this is safe. If questioned by family members, do not indicate that you are a lawyer; rather, give an innocuous reason for the call, such as taking a survey.

Always ask your client first if it is safe to talk and whether you should call the police. The batterer may be present, even if the batterer no longer lives in the same home. Develop a system of coded messages to signal danger or the batterer's presence.

Block identification of your number when calling your client by dialing \*67 or the equivalent in your area. This prevents a batterer from using "caller ID" to discover that your client is seeking legal assistance.

Keep your client's whereabouts confidential. Do not disclose your client's addresses, telephone numbers, or information about the children without your client's permission, including during discovery. Batterers often track down their former partners through third parties, such as court personnel or social service providers.

Send mail to your client only when your client has advised you that it is safe. If a new client fails to attend appointments or return your calls, write your client a simple letter requesting a response without disclosing your identity as a lawyer (do not use letterhead).

Remind your client to have an explanation for legal appointments and to limit the children's knowledge to prevent the batterer from finding out about legal actions or an upcoming separation ahead of time.

Inform your client of legal developments in advance, particularly when a batterer is about to be served or when a hearing is approaching, so that your client may take extra safety precautions.

If your client fails to respond to your calls, make extensive (but confidential) efforts to confirm that your client is safe. If your client has decided to drop the case, try to verify that your client has not been threatened or coerced.



Develop a referral list including the National Domestic Violence Hotline [(800) 799-SAFE or (800) 787-3224 for hearing impaired service], local shelters, domestic violence programs, certified batterers' intervention programs, and children's programs. Make referrals to clients and give them copies of the referral list if they have safe places to keep the copies. Allow clients to use your phone if necessary or initiate calls at your client's request.

### **Safety at Home:**

Advise your client to take the following preventive measures:

Make the home as safe as possible by changing the locks, adding dead bolts, and obtaining an apartment that is not on the first floor. Remove sharp objects and weapons from sight. Keep a telephone in a room that locks from the inside. If possible, purchase a cellular phone (or a special 911 phone) and keep it in a pocket or in an accessible hiding place; pre-program 911 (or the local police emergency number) or the number of a safe friend or relative into the phone's directory.

Plan and practice an escape route out of the home and a safety plan for the children. Teach the children not to let the batterer in the home (unless the batterer has a legal right to be there). Prepare the children to respond to a batterer who comes to their school or day care center; if a protection order includes provisions about the children, give a copy to the children's school or childcare facility.

Keep a bag packed and hidden in a safe place at home (or locked in a car trunk with only one key), or with a safe relative or friend, in preparation for flight. It should include: money for phone calls, transportation, and one month's expenses, clothing, diapers, court documents, passports, identification (social security, driver's license, welfare identification, family photographs), birth certificates, school and medical records, necessary medicines, credit cards, checkbooks, work permits, green cards, lease/mortgage payments, insurance papers, bank books, telephone/address books, car/house keys, and ownership documents for car/house.

Make extra copies of protection orders and keep them in safe places. Attach a copy of the interstate protection order provisions of the Violence Against Women Act and proof of service to each protection order to minimize enforceability problems in other states. Show the orders to police officers to improve their response.

Show neighbors a picture of the batterer and/or the batterer's vehicle so they can screen visitors and call the police if necessary. Batterers often gain access to apartment buildings by pretending to be someone else or by following tenants indoors.

Develop signals for neighbors and friends to call the police, such as banging on the floor or wall. If possible, arrange to have a relative or friend call every day at an appointed time.

Enroll in a reliable self-defense course and regularly practice these skills.

Trade cars with a friend or relative. Batterers often locate former victims by identifying their vehicles.

Be aware that motor vehicle records, including addresses, may be available to the public. Most Departments of Motor Vehicles will permit drivers to use a number other than their social security number for identification purposes and will keep information confidential upon request.

Obtain a private or unlisted telephone number, and be selective about revealing a new address. Batterers have located victims through friends, relatives, co-workers, court or social services documents, the post office, and private investigators.

Use the block code when making telephone calls. Use an answering machine or call trace when receiving calls to collect evidence of harassment or protection order violations.

Alter routines -- change transportation routes or timing (including picking up children from school) so that the batterer cannot locate you.

Advise your client to take the following steps if the batterer becomes violent or threatening:

**Call the police at 911** (or the local police emergency number) and ask for the dispatcher's name. When the police respond, obtain the officer's name and badge number. Your lawyer can use this information to follow up, locate a police report, or subpoena a witness.

File criminal charges if the batterer commits a crime or violates a protection order. Filing criminal charges and following through is one of the most effective ways to deter future violence.

Seek medical treatment if injured by the batterer. Photograph all injuries.

Record all contact with the batterer in a diary.

## **Safety at Work:**

Advise your client to take the following preventive measures:

Give a picture of the batterer and the batterer's vehicle to security guards and colleagues at the workplace. If the batterer shows up, security or other workplace personnel can order the batterer to leave or call the police.

Keep a copy of your protection order at work. Notify a supervisor or the Human Resources Department of the existence of the order and give them a copy.

Screen calls with voice-mail or a machine if possible, or ask a colleague to screen calls or listen in on the line. Your lawyer may be able to introduce recorded threats made by the batterer as evidence in a court case.

Travel with another person. Victims frequently are harassed on the way to or from work by batterers who are jealous of co-workers, or want victims to lose their jobs and become economically dependent on them.

## **Safety in Court:**

Arrive in court before your client so that your client is not alone with the batterer. If this is impossible, advise your client to wait near a security guard or a bailiff. Be aware that batterers often physically assault, repeatedly harass, or emotionally coerce victims in court.

Sit at a physical distance from the batterer when you talk to your client or wait for the case to be called. Always position yourself between the batterer and your client. Batterers control and threaten their former victims simply by using body language.

Do not permit the batterer to speak to your client. Even if you are present, you may be unaware that the batterer is threatening your client. Discuss any settlement negotiations with the batterer (or the batterer's lawyer if represented by counsel) and then report back to your client.

Take the same precautions with the batterer's family members. In domestic violence cases, it is not uncommon for the batterer's family members to physically assault or verbally abuse the victim in court. Safeguard children if the batterer or family members insist on holding them.

Make certain that your client is safe when exiting the courthouse. Batterers often stalk

victims to discover where they live, or to punish victims for taking legal action.

**Other Safety Concerns:**

Assess the batterer's lethality. Your client has an increased risk of being severely assaulted or killed by the batterer if the batterer possesses weapons, abuses drugs or alcohol, stalks your client, or has threatened homicide or suicide.

Advise your client to stay at a shelter, or with friends or relatives, if your client fears that the batterer will assault or kill her. If your client has children, make certain that you have examined existing court orders and statutes to determine how flight may affect a custody case.

Under certain circumstances, it may be necessary for a client to disappear completely. Assist your client to change names and social security numbers if necessary.

Be aware of your safety. Most batterers seek to control their former or current partners, rather than their lawyers, and many batterers appear to be well-behaved in court. Nevertheless, some lawyers representing victims of domestic violence have been threatened by batterers or their family members. Take precautions if a problem arises.

**Adapted from Deborah Goelman, *Safety Planning, in THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK* (ABA, Goelman et al. eds., 1996)**

The following survey was developed between May and July, 1997. The survey attempted to identify law school clinical programs and seminars in which a majority of the caseload or course materials focused on domestic violence legal issues. Due to the changing nature of law school curricula, some of the courses listed here may not be offered on an ongoing basis, while other courses may be missing. We apologize for any omissions. The ABA would like to thank Sabra Owens and Sheetal Shah for assisting with this survey.

<b>EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS</b>		
<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>Albany Law School</b>	<i>domestic violence clinic domestic violence seminar</i>	Mary Lynch, Rm. 508 Domestic Violence Seminar Jaya Connors Domestic Violence Clinic Albany Law School 80 New Scotland Ave. Albany, NY 12208 (518) 445-2311 ext. 834 (518) 445-2328 ext. 538
<b>American University Washington College of Law</b>	<i>domestic violence clinic domestic violence externship seminar</i>	Ann Shalleck Suzanne Jackson Women and the Law Clinic Lauren Gilbert Women, Immigration & Gender Violence Seminar 4400 Massachusetts Ave. Washington, D.C. 20016 (202) 274-4000

**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>Boston College of Law</b>	<i>domestic violence seminar</i>	Mithra Merryman Greater Boston Legal Services 197 Friend St. Boston, MA 02114 (617) 371-1270
<b>Boston University School of Law</b>	<i>domestic violence seminar</i>	Lewis Whitman 765 Commonwealth Ave. Boston, MA 02215 (617) 353-3100
<b>Brooklyn Law School</b>	<i>domestic violence seminar</i> <i>domestic violence clinics</i>	Elizabeth Schneider Battered Women & the Law Minna Kotkin Federal Litigation Clinic Lisa Smith Prosecutors Clinic Ursula Bentele/Stacy Caplow Safe Harbor Clinic 250 Joralemon St. Brooklyn, NY 11201 (718) 780-7988
<b>California Western School of Law</b>	<i>domestic violence seminar</i>	Janet Bowermaster 225 Cedar St. San Diego, CA 92101 (619) 525-1431

**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>Catholic University of America Columbus School of Law</b>	<i>domestic violence clinic</i>	Margaret Martin Barry Catherine Klein Stacy Brustin Families and the Law Clinic 3602 John McCormick Rd., NE Washington, D.C. 20064 (202) 319-6787
<b>City University of New York School of Law at Queens College</b>	<i>domestic violence clinic</i>	Janet Calvo Maria Arias Battered Women's Rights Clinic 65-21 Main St. Flushing, NY 11367 (718) 575-4200
<b>Cleveland State University Cleveland-Marshall College of Law</b>	<i>seminar with domestic violence focus</i>	Linda Ammons Women and the Law 1801 Euclid Ave. Cleveland, OH 44115 (216) 687-2534
<b>Columbia University School of Law</b>	<i>clinic with focus on domestic violence</i>	Philip Gentry Prisoners & Families Clinic 435 W. 116th St. New York, NY 10027 (212) 854-3250
<b>Cornell University Law School</b>	<i>domestic violence clinic</i>	JoAnne Miner Women and the Law Clinic Myron Taylor Hall Ithaca, NY 14853-4901 (607) 255-3527

**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>Duke University School of Law</b>	<i>domestic violence seminar</i>	Karla Fischer Legal Intervention in Domestic Violence Box 90362 Durham, NC 27708-0362 (919) 660-5740
<b>Florida State University School of Law</b>	<i>domestic violence seminar domestic violence clinic</i>	Meg Baldwin April Cherry Women and the Law Ruth Ezell Children's Advocacy Center Clinic Florida State University School of Law Tallahassee, FL 32308 (904) 644-3449 (904) 644-9928
<b>Fordham University School of Law</b>	<i>domestic violence clinic</i>	Leah Hill Battered Women's Rights Clinic 33 W. 60th St. New York, NY 10023 (212) 636-7704 (212) 636-6037/6023 (fax)
<b>Franklin Pierce Law Center</b>	<i>domestic violence clinic and independent study</i>	Ellen Musinski 2 White St. Concord, NH 03301 (603) 225-3350



**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>Georgetown University Law Center</b>	<i>domestic violence clinic</i>	Deborah Epstein Susan Deller Ross Sex Discrimination Clinic 111 F St., NW, Room 334 Washington, D.C. 20001 (202) 662-9642
<b>George Washington University Law School</b>	<i>domestic violence clinic</i>	Joan Meier Mary Ann Dutton Domestic Violence Advocacy Project 2000 G St., NW, Suite 200 Washington, D.C. 20052 (202) 994-7463
<b>Gonzaga University School of Law</b>	<i>domestic violence clinic</i>	Janice Drye 1220 N. Dakota P.O. Box 3528 Spokane, WA 99220-3528 (509) 324-5791
<b>Hamline University School of Law</b>	<i>domestic violence clinic</i>	James Colbin Family Law Clinic 1536 Hewitt Ave. St. Paul, MN 55104-1284 (612) 641-2461
<b>Harvard University Law School</b>	<i>student run domestic violence clinic</i>	Jesse Hall Heidi Parry Battered Women's Advocacy Project 1581 Massachusetts Ave. Cambridge, MA 02139 (617) 495-3118

**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>Indiana University School of Law</b>	<i>voluntary student clinic</i>	Lauren Robel Protective Order Project 735 W. New York St. Indianapolis, IN 46202 (317) 274-2581
<b>New England School of Law</b>	<i>domestic violence seminar domestic violence clinic</i>	Judy Greenberg 46 Church St. Boston, MA 02116 (617) 451-0010
<b>New York University School of Law</b>	<i>Criminal Defense Clinic (battered women's defense)</i>	Holly Maguigan 249 Sullivan St. New York, NY 10012 (212) 998-6433
<b>Northeastern University School of Law</b>	<i>domestic violence clinic domestic violence seminar</i>	Claire Dalton Lois Kanter Domestic Violence Advocacy Project 400 Huntington Ave. Boston, MA 02115 (617) 373-8882
<b>Northwestern University School of Law</b>	<i>domestic violence clinic</i>	Zelda Harris Legal Clinic 357 E. Chicago Ave. Chicago, IL 60611 (312) 503-8576

**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>Notre Dame University Law School</b>	<i>domestic violence clinic</i>	Eileen Doren Family Law Clinic 725 Howard St. Notre Dame, IN 46556 (219) 631-4863
<b>Pace University School of Law</b>	<i>domestic violence clinic trial advocacy course</i>	Victoria Lutz Michael G. Dowd Executive Director Audrey E. Stone Associate Director Battered Women's Justice Center 78 N. Broadway White Plains, NY 10603 (914) 422-4205
<b>Rutgers School of Law</b>	<i>domestic violence program domestic violence seminar</i>	Diana Arella Pro Bono Center Ann Freedman Problems in Family Law and Practice, Issues in Sex Discrimination Law (re: incorporating domestic violence legal issues into core courses, contact Sally Goldfarb) 217 N. 5th St. Camden, NJ 08102 (609) 225-6406 (609) 225-6389 (609) 225-6375

**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>St. Mary's School of Law</b>	<i>Immigration Clinic (representing battered immigrants)</i>	Lee Teran Center for Legal & Social Justice 2507 NW 36th St. San Antonio, TX 78228 (210) 431-2596
<b>St. Thomas University School of Law</b>	<i>domestic violence seminar</i>	Beverly Horsburgh Peter Margulies Religion and Domestic Violence Immigration Clinic 16400 N.W. 32nd Ave. Miami, FL 33054 (305) 623-2320
<b>Stanford Law School</b>	<i>domestic violence clinic</i>	Martha Matthews Family Advocacy Clinic Crown Quad Stanford Law School Stanford, CA 94305-86 (415) 725-9418
<b>State University of New York School of Law</b>	<i>domestic violence seminars domestic violence externships domestic violence clinic</i>	Suzanne Tompkins Isabel Marcus Terrorism in the Home Introduction to Family Violence P.O. Box 9 Getzville, NY 14068 (716) 645 -2103

**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>Suffolk University School of Law</b>	<i>domestic violence clinic</i>	Jenny Rivera Battered Women's Advocacy Project 41 Temple St. Boston, MA 02114 (617) 573-8054
<b>Thomas M. Cooley Law School</b>	<i>domestic violence seminars</i>	Denise Dagher-Margosian Laura Cook Defending Battered Women Family Violence Practice 216 S. Capitol Ave. Lansing, MI 13038 (517) 371-5140
<b>University of Arizona College of Law</b>	<i>domestic violence clinic</i>	Sue Ryan P.O. Box 210176 Tucson, AZ 85721 (520) 626-5232
<b>University of Baltimore School of Law</b>	<i>domestic violence clinic</i>	Barbara Babb Jane Murphy Family Law Clinic 1420 N. Charles St. Baltimore, MD 21201 (410) 837-5706
<b>University of California, Boalt Hall School of Law</b>	<i>domestic violence clinic</i> <i>domestic violence seminar</i>	Nancy Lemon Boalt Hall School of Law University of California Berkeley, CA 94720 (510) 642-0921

**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>University of Georgia School of Law</b>	<i>general clinic (domestic violence option)</i>	Alex Scherr Herty Drive Athens, GA 30602 (706) 542-6510
<b>University of Iowa College of Law</b>	<i>domestic violence seminar domestic violence clinic</i>	Meryl Weiner Domestic Abuse Law 280 Boyd Law Bldg. Iowa City, IA 52242 (319) 335-9080
<b>University of Maine School of Law</b>	<i>general clinic (all students have domestic violence cases)</i>	Michael Mullane Domestic Violence Project 246 Deering Ave. Portland, ME 04102 (207) 780-4355
<b>University of Miami School of Law</b>	<i>domestic violence seminar</i>	Donna Coker P.O. Box 248087 Coral Gables, FL 33124 (305) 284-3041
<b>University of Michigan School of Law</b>	<i>Poverty Law Clinic (with a domestic violence focus) domestic violence seminar</i>	Ann Schroth Carol Hollenshead Hutchins Hall 625 S. State St. Ann Arbor, MI 48109 (313) 764-1358

**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>University of Minnesota Law School</b>	<i>Law and Violence Against Women Domestic Assault Prosecution Clinic Law and Violence Against Women Clinic</i>	Beverly Balos Mary Louise Fellows Domestic Abuse Prosecution Clinic/Law and Violence Against Women Clinic 229 19th Ave. Minneapolis, MN 55455 (612) 626-0264 (612) 625-7807
<b>University of Missouri School of Law</b>	<i>domestic violence clinic domestic violence externships</i>	Mary Beck Family Violence Program 203 Hulston Hall Columbia, MO 65211 (573) 882-7872
<b>University of Missouri School of Law - Kansas City</b>	<i>domestic violence seminar</i>	Mary Kay Kristhardt Women and the Law 5100 Rockhill Rd. Kansas City, MO 64110 (816) 235-2373
<b>University of Nebraska College of Law</b>	<i>domestic violence clinic</i>	Kevin Ruser 2500 California Plaza Omaha, NE 68178-0140 (402) 472-2161
<b>University of Oregon School of Law</b>	<i>domestic violence clinic (protection order and child support enforcement)</i>	Leslie Harris Family Law Clinic 1101 Kincaid St. Eugene, OR 97404 (541) 346-3840

**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>University of San Francisco School of Law</b>	<i>domestic violence seminar</i>	Leslie Levy Civil Litigation Responses to Violence Against Women 2130 Fulton St. San Francisco, CA 94117 (510) 654-3953
<b>University of Texas School of Law</b>	<i>domestic violence clinic</i>	Sarah Buel 727 E. 26th St. Austin, TX 78705 (512) 471-5151
<b>University of Tulsa College of Law</b>	<i>domestic violence upper-level course</i>	Kathleen Waits 3120 E. 4th Pl. Tulsa, OK 74104 (918) 631-2450
<b>University of Virginia</b>	<i>domestic violence clinic</i>	Richard Balnav Family Law Clinic 550 Massie Rd. Charlottesville, VA 22903 (804) 924-7893
<b>University of Wisconsin Law School</b>	<i>domestic violence seminar</i>	Tess Meuer Law and Contemporary Problems: Domestic Violence 975 Bascom Hall Madison, WI 53706 (608) 255-0539



**EXISTING DOMESTIC VIOLENCE LAW SCHOOL PROGRAMS**

<i>UNIVERSITY</i>	<i>PROGRAM</i>	<i>CONTACT</i>
<b>Valparaiso University School of Law</b>	<i>domestic violence clinic</i>	Barbara Schmidt Heritage Hall 656 S. Greenwich Valparaiso, IN 46383 (219) 465-7908
<b>Washburn University School of Law</b>	<i>domestic violence clinic</i>	Julie Kunce Field Family Law Clinic 1700 SW College Topeka, KS 66621 (913) 231-1191
<b>Widener University School of Law</b>	<i>Public Interest Law Clinic (1995-1997, legislative work with a domestic violence focus)</i>	John J. Capowski 3800 Vartan Way Harrisburg, PA 17110 (717) 541-1992
<b>Willamette University College of Law</b>	<i>domestic violence clinic</i>	Kathy Graham Divorce Clinic 245 Winter St., SE Salem, OR 97301 (503) 370-6380
<b>Yale University Law School</b>	<i>domestic violence clinic</i>	Mildred Doody Temporary Restraining Order Project 127 Wall St. New Haven, CT 06520 (203) 946-4811

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Diane Welsh

*Law student intern*

## National Domestic Violence Organizations

### Information Provided by the National Resource Center on Domestic Violence (6/5/97)

#### **HOTLINE:**

##### **National Domestic Violence Hotline** (800) 799-SAFE (7233)

3616 Far West Boulevard, Suite 101-297

Austin, TX 78731-3074

Contact: Ms. Ellen Rubenstein Fisher

Office: (512) 453-8117 FAX: (512) 453-8541 TTY: (800) 787-3224

#### **RESOURCE ONLY INFORMATION** (not for crisis calls):

##### **National Resource Center on Domestic Violence**

Pennsylvania Coalition Against Domestic Violence

6400 Flank Drive, Suite 1300

Harrisburg, PA 17112-2778

Contact: Ms. Anne Menard

Office: (800) 537-2238 FAX: (717) 545-9456 TTY: (800) 553-2508

##### **Battered Women's Justice Project**

c/o PCADV- Legal Office

6400 Flank Drive

Suite 1300

Harrisburg, PA 17112

Contact: Ms. Michele Olvera

Office: (800) 903-0111 FAX: (717) 671-5542

##### **Battered Women's Justice Project**

Minnesota Program Development, Inc.

4032 Chicago Avenue South

Minneapolis, MN 55407

Contact: Ms. Denise Gamache

Office: (800) 903-0111 FAX: (612) 824-8965 TTY: (612) 824-8768

##### **Battered Women's Justice Project**

c/o National Clearinghouse for the Defense of Battered Women

125 South 9th Street, Suite 302

Philadelphia, PA 19107

Contact: Ms. Sue Osthoff

Office: (215) 351-0010 FAX: (215) 351-0779

##### **Health Resource Center on Domestic Violence**

383 Rhode Island Street, Suite 304

San Francisco, CA 94103-5133

Contact: Ms. Janet Nudelman

Office: (888) 792-2873 FAX: (415) 252-8991

**Family Violence Prevention Fund**

383 Rhode Island Street, Suite 304  
San Francisco, CA 94103-5133  
Contact: Ms. Esta Soler  
Office: (415) 252-8900 FAX: (415) 252-8991

**Resource Center on Child Protection and Custody**

NCJFCJ, PO Box 8970  
Reno, NV 89507  
Contact: Ms. Merry Hofford  
Office: (800) 527-3223 FAX: (702) 784-6160

**American Bar Association Commission on Domestic Violence**

740 15th St., NW  
9th Floor  
Washington, D.C. 20005-1022  
Contact: Ms. Roberta Valente  
Office: (202) 662-1737/1682/1744 FAX: (202) 662-1594

**Center for the Prevention of Sexual and Domestic Violence**

936 North 34th Street, Suite 200  
Seattle, WA 98103  
Contact: Rev. Dr. Marie M. Fortune  
Office: (206) 634-1903 FAX: (206) 634-0115

**Mending the Sacred Hoop, National Training Project**

206 West Fourth Street  
Duluth, MN 55806  
Contact: Liz LaPrairie Columbus  
Office: (218) 722-2781 FAX: (218) 722-0779

**National Coalition Against Domestic Violence - Administrative Office**

PO Box 18749  
Denver, CO 80218  
Contact: Ms. Rita Smith  
Office: (303) 839-1852 FAX: (303) 831-9251

**National Coalition Against Domestic Violence - Public Policy Office**

119 Constitution Ave., NE  
Washington, D.C. 20002  
Contact: Ms. Pam Coukos  
Office: (202) 544-7358 FAX: (202) 544-7893

**National Network to End Domestic Violence**

701 Pennsylvania Ave., NW, Suite 900  
Washington, D.C. 20004 Contact: Ms. Donna Edwards  
Office: (202) 347-9520 FAX: (202) 434-7400

**National Network to End Domestic Violence - Administrative Office**

4612 Shoal Creek Boulevard

Austin, TX 78756

Contact: Ms. Debby Tucker

Office: (512) 794-1133 FAX: (512) 794-1199

## **State Domestic Violence Coalitions**

**Prepared by the National Resource Center on Domestic Violence (7/29/97)  
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Alabama Coalition  
Against Domestic Violence  
PO Box 4762  
Montgomery AL 36101  
Phone: (334) 832-4842  
Fax: (334) 832-4803  
Contact: Ms. Nicole Jacobs

Alaska Network on Domestic Violence  
and Sexual Assault  
130 Seward Street, Suite 501  
Juneau AK 99801  
Phone: (907) 586-3650  
Fax: (907) 463-4493  
Contact: Ms. Lauree Hugonin

Arizona Coalition  
Against Domestic Violence  
100 West Camelback Road - Suite 109  
Phoenix AZ 85013  
Phone: (602) 279-2900  
Fax: (602) 279-2980  
Contact: Ms. Michele Hallett

Arkansas Coalition  
Against Domestic Violence  
#1 Sheriffs Lane, Suite C  
North Little Rock AR 72114  
Phone: (501) 812-0571  
Fax: (501) 812-0578  
Contact: Ms. Beth George

California Alliance  
Against Domestic Violence  
c/o MAWS  
1717 5th Ave.  
San Rafael CA 94901  
Phone: (415) 457-2464  
Fax: (415) 457-6457  
Contact: Ms. Donna Garske

Colorado Domestic Violence Coalition  
PO Box 18902  
Denver CO 80218  
Phone: (303) 831-9632  
Fax: (303) 832-7067  
Contact: Ms. Elaine Gibbes

Connecticut Coalition  
Against Domestic Violence  
135 Broad Street  
Hartford CT 06105  
Phone: (860) 524-5890  
Fax: (860) 249-1408  
Contact: Ms. Linda J. Cimino

Delaware Coalition  
Against Domestic Violence  
PO Box 847  
Wilmington DE 19899  
Phone: (302) 658-2958  
Fax: (302) 658-5049  
Contact: Ms. Carol Post

District of Columbia Coalition Against Domestic  
Violence  
513 U Street, NW  
Washington D.C. 20001  
Phone: (202) 783-5332  
Fax: (202) 387-5684  
Contact: Ms. Sandra Majors

Florida Coalition Against Domestic Violence  
410 Office Plaza Dr.  
Tallahassee FL 32301  
Phone: (904) 671-3998  
Fax: (904) 671-2058  
Contact: Ms. Lynn Rosenthal

Georgia Coalition on Family Violence, Inc.  
1827 Powers Ferry Rd., Bldg., 3, Suite 325  
Atlanta GA 30339  
Phone: (770) 984-0085  
Fax: (770) 984-0068  
Contact: Ms. Ottive Breedlove



Hawaii State Coalition Against Domestic Violence  
98-939 Moanalua Road  
Aiea HI 96701-5012  
Phone: (808) 486-5072  
Fax: (808) 486-5169  
Contact: Ms. Carol C. Lee

Idaho Coalition Against Sexual and Domestic  
Violence  
815 Park Boulevard, Suite 140  
Boise ID 83712  
Phone: (208) 384-0419  
Fax: (208) 331-0687  
Contact: Ms. Sue Fellen

Illinois Coalition Against Domestic Violence  
730 East Vine Street, Suite 109  
Springfield IL 62703  
Phone: (217) 789-2830  
Fax: (217) 789-1939  
Contact: Ms. Vickie Smith

Indiana Coalition Against Domestic Violence  
2511 E. 46th Street, Suite N-3  
Indianapolis IN 46205  
Phone: (317) 543-3908  
Fax: (317) 568-4045  
Contact: Ms. Laura Berry

Iowa Coalition Against Domestic Violence  
2603 Bell Ave., Suite 100  
Des Moines IA 50321  
Phone: (515) 244-8028  
Fax: (515) 244-7417  
Contact: Ms. Laurie Schipper

Kansas Coalition  
Against Sexual and Domestic Violence  
820 S. E. Quincy, Ste. 422  
Topeka KS 66612  
Phone: (913) 232-9784  
Fax: (913) 232-9937  
Contact: Ms. Trish Bledsoe

Kentucky Domestic Violence Association  
PO Box 356  
Frankfort KY 40602  
Phone: (502) 875-4132  
Fax: (502) 875-4268  
Contact: Ms. Sherry Currens

Louisiana Coalition  
Against Domestic Violence  
PO Box 77308  
Baton Rouge LA 70879-7308  
Phone: (504) 752-1296  
Fax: (504) 751-8927  
Contact: Ms. Merni Carter

Maine Coalition For Family Crisis Services  
128 Main Street  
Bangor ME 04401  
Phone: (207) 941-1194  
Fax: (207) 941-2327  
Contact: Ms. Tracy Cooley

Maryland Network  
Against Domestic Violence  
11501 Georgia Avenue - Suite 403  
Silver Spring MD 20902  
Phone: (301) 942-0900  
Fax: (301) 929-2589  
Contact: Ms. Elaine Hughes

Massachusetts Coalition  
of Battered Women Service Groups  
14 Beacon Street, Suite 507  
Boston MA 02108  
Phone: (617) 248-0922 ext. 205  
Fax: (617) 248-0902  
Contact: Ms. Sylvia Guthrie

Michigan Coalition Against Domestic and Sexual  
Violence  
913 W. Holmes Suite 211  
Lansing MI 48910  
Phone: (517) 887-9334  
Fax: (517) 887-9348  
Contact: Ms. Mary Keefe

Minnesota Coalition for Battered Women  
450 North Sydicate Street, Suite 122  
St. Paul MN 55104  
Phone: (612) 646-6177  
Fax: (612) 646-1527  
Contact: Ms. Mavis Russell

Mississippi Coalition  
Against Domestic Violence  
PO Box 4703  
Jackson MS 39296-4703  
Phone: (601) 981-9196  
Fax: (601) 981-2501  
Contact: Ms. Michele Carroll

Missouri Coalition  
Against Domestic Violence  
415 E. McCarty  
Jefferson City MO 65101  
Phone: (573) 634-4161  
Fax: (573) 636-3728  
Contact: Ms. Colleen Coble

Montana Coalition Against Domestic and Sexual  
Violence  
PO Box 633  
Helena MT 59601  
Phone: (406) 443-7794  
Fax: (406) 443-7818  
Contact: Ms. Kathy Sewell

New Mexico State Coalition  
Against Domestic Violence  
PO Box 25363  
Albuquerque NM 87125  
Phone: (505) 246-9240  
Fax: (505) 246-9434  
Contact: Ms. Mary Ann Copas

Nebraska Domestic Violence  
and Sexual Assault Coalition  
315 South 9th - #18  
Lincoln NE 68508-2253  
Phone: (402) 476-6256  
Fax: (402) 476-6806  
Contact: Ms. Sarah O'Shea

New York State Coalition  
Against Domestic Violence  
Women's Building, 79 Central Avenue  
Albany NY 12206  
Phone: (518) 432-4864  
Fax: (518) 463-3155  
Contact: Ms. Sherry Frohman

Nevada Network  
Against Domestic Violence  
2100 Capurro Way, Suite E  
Sparks NV 89431  
Phone: (702) 358-1171  
Fax: (702) 358-0546  
Contact: Ms. Susan Meuschke

North Carolina Coalition  
Against Domestic Violence  
PO Box 25189  
Durham NC 27702  
Phone: (919) 956-9124  
Fax: (919) 682-1449  
Contact: Ms. Mary Kate Flynn

New Hampshire Coalition  
Against Domestic and Sexual Violence  
PO Box 353  
Concord NH 03302-0353  
Phone: (603) 224-8893  
Fax: (603) 228-6096  
Contact: Ms. Grace Mattern

North Dakota Council  
on Abused Women's Services  
418 East Rosser Avenue - Suite 320  
Bismarck ND 58501  
Phone: (701) 255-6240  
Fax: (701) 255-1904  
Contact: Ms. Bonnie Palecek

New Jersey Coalition for Battered Women  
2620 Whitehorse/Hamilton Square Road  
Trenton NJ 08690-2718  
Phone: (609) 584-8107  
Fax: (609) 584-9750  
Contact: Ms. Barbara Price

Ohio Domestic Violence Network  
4041 North High Street, Suite 101  
Columbus OH 43214  
Phone: (614) 784-0023  
Fax: (614) 784-0033  
Contact: Ms. Nancy Neylon

Oklahoma Coalition on  
Domestic Violence and Sexual Assault  
2200 N. Classen Blvd. - Suite 610

Oklahoma City OK 73106  
Phone: (405) 557-1210  
Fax: (405) 557-1296  
Contact: Ms. Marie Golloway

Oregon Coalition  
Against Domestic and Sexual Violence  
520 N.W. Davis, Suite 310  
Portland OR 97209  
Phone: (503) 223-7411  
Fax: (503) 223-7490  
Contact: Ms. Clarice Bailey

Pennsylvania Coalition  
Against Domestic Violence  
6400 Flank Drive - Suite 1300  
Harrisburg PA 17112  
Phone: (717) 545-6400  
Fax: (717) 545-9456  
Contact: Ms. Susan Kelly-Dreiss

Rhode Island Coalition  
Against Domestic Violence  
422 Post Road, Suite 104  
Warwick RI 02888  
Phone: (401) 467-9940  
Fax: (401) 467-9943  
Contact: Ms. Deborah DeBare

South Carolina Coalition  
Against Domestic Violence and  
Sexual Assault  
PO Box 7776  
Columbia SC 29202-7776  
Phone: (803) 750-1222  
Fax: (803) 750-1246  
Contact: Ms. Susan L. Higginbotham

South Dakota Coalition  
Against Domestic Violence  
and Sexual Assault  
PO Box 141  
Pierre SD 57501  
Phone: (605) 945-0869  
Fax: (610) 945-0870  
Contact: Ms. Karen Artichoker

Tennessee Task Force  
Against Domestic Violence  
PO Box 120972  
Nashville TN 37212  
Phone: (615) 386-9406  
Fax: (615) 383-2967  
Contact: Ms. Kathy England

Texas Council on Family Violence  
8701 North Mopac Expressway  
Suite 450  
Austin TX 78759  
Phone: (800) 525-1978  
Fax: (512) 794-1199  
Contact: Ms. Donna Medley

Utah Domestic Violence Advisory Council  
120 North 200 West, Room 319  
Salt Lake City UT 84103  
Phone: (801) 538-9886  
Fax: (801) 538-4016  
Contact: Ms. Diane Stuart

Vermont Network  
Against Domestic Violence  
and Sexual Assault  
PO Box 405  
Montpelier VT 05601  
Phone: (802) 223-1302  
Fax: (802) 223-6943

Virginians Against Domestic Violence  
2850 Sandy Bay Road - Suite 101  
Williamsburg VA 23185  
Phone: (757) 221-0990  
Fax: (757) 229-1553  
Contact: Ms. Kristi Van Audenhove

Washington State Coalition  
Against Domestic Violence  
2101 4th Avenue, East  
Suite 103  
Olympia WA 98503  
Phone: (360) 352-4029  
Fax: (360) 352-4078  
Contact: Ms. Mary Pontarolo

West Virginia Coalition  
Against Domestic Violence  
Elk Office Center  
4710 Chimney Dr.  
Charleston, WV 25302

Phone: (304) 965-3552  
Fax: (304) 965-3572  
Contact: Ms. Sue Julian

Wisconsin Coalition  
Against Domestic Violence  
1400 East Washington Avenue, Suite 103  
Madison WI 53703  
Phone: (608) 255-0539  
Fax: (608) 255-3560  
Contact: Ms. Mary Lauby

Wyoming Coalition  
Against Domestic Violence  
and Sexual Assault  
PO Box 236  
Laramie WY 82070  
Phone: (307) 755-5481  
Fax: (307) 755-5482  
Contact: Ms. Rosemary Bratton