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National Evaluation of the Legal Assistance for Victims Program

Executive Summary

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National Evaluation of the Legal Assistance for Victims Program

Executive Summary

In November 2000, the National Institute of Justice, with funding support from the Office on Violence Against Women, awarded a grant to the Institute for Law and Justice (ILJ), in partnership with the National Center for Victims of Crime (NCVC), to conduct a national evaluation of the Legal Assistance for Victims (LAV) grant program. The LAV program provides funding to organizations throughout the country to provide comprehensive, free or low-cost civil legal and advocacy services to victims of domestic violence, sexual assault, and stalking. The evaluation focused on the provision of civil legal and other services to victims of domestic violence and examined LAV projects that were funded in 1998 through 2000.

Overall, the LAV program has been a success. LAV has made it possible to provide desperately needed civil legal services to more victims of domestic violence who cannot afford a private attorney. It has also promoted the delivery of high quality, comprehensive services by encouraging collaboration and cross-training among legal services organizations and domestic violence victim services programs. Yet even with LAV funding, there is still a chronic unmet need for attorneys and other personnel to assist and represent domestic violence victims who cannot pay legal fees, either because of their poverty or because their access to financial resources is controlled by the batterer.

Overview of the LAV Program

The LAV grant program is authorized under the Violence Against Women Act of 1994, as amended, and is administered by the Office on Violence Against Women (OVW), which awarded the first LAV grants in 1998. The purpose of the LAV program is to increase the capacity of local organizations—primarily legal services agencies, domestic violence victim services programs, bar associations, and law schools—to provide free or low cost, comprehensive civil legal and advocacy services to victims of domestic violence. The LAV

program was expanded in 2000 to include civil legal and advocacy services to victims of sexual assault and stalking.¹

The LAV program advocates a holistic approach to delivering high quality services. It is concerned with the whole system of service providers and with all of a victim's needs, both legal and non-legal. Local organizations receiving LAV funding provide (1) legal assistance and representation with protection orders and other family law matters; (2) advocacy services that address victims' safety, health, and other needs; and (3) legal services to resolve housing, employment, public benefits, and other issues. Because very few organizations are able by themselves to fully address all three of these program elements, OVW requires that LAV projects represent collaborations among organizations, and that the projects conduct cross-training of attorneys and victim advocates.

Individual LAV projects are given the flexibility to employ various approaches to meet the specific needs identified in their jurisdictions. In addition to hiring staff attorneys to provide legal assistance and representation, many LAV projects develop *pro bono* programs (in which private attorneys provide services free of charge); hold legal clinics and develop materials for victims who proceed with their cases *pro se* (on their own); and conduct outreach to traditionally underserved populations, including members of racial, ethnic, and cultural minority groups and victims living in rural areas.

Evaluation Objectives and Methodology

The national evaluation of the LAV program had three main objectives:

- To document the range of local activities and programs supported by the FY 1998-FY 2000 LAV grants
- To conduct a process evaluation by examining and documenting LAV grantee planning and implementation efforts
- To evaluate the effectiveness of LAV programs in meeting the needs of the victims they serve.

¹ The evaluation focused on domestic violence because projects awarded LAV grants in 2000 had just begun to add special program components directed at sexual assault and stalking. However, the domestic violence experienced by LAV project clients often included sexual assault or stalking. In fact, 40 percent of clients interviewed for the evaluation said the domestic violence they suffered included forced sexual activity.

Evaluation Methods

A mixed method approach was developed to conduct the evaluation. The researchers used a classic triangulation framework of quantitative agency data, telephone survey interviews, mail surveys, interviews and focus groups with service providers, and case studies.

The range of local activities and programs was documented primarily through two mail surveys of grantees. The first survey (n=159), conducted in 2001, asked detailed questions about project staffing, partnerships, legal and advocacy services provided, and implementation challenges. The follow-up survey (n=79), conducted in 2003, was administered to the 2001 survey respondents who had also received continuation grants in 2001 or 2002. This survey sought information on successful practices for achieving key project objectives. It also attempted to quantify the number and types of legal services provided and gain more quantitative information on unmet needs.

The process evaluation studied and compared the implementation of LAV grant-funded projects by 20 grantees. Site visits of three to five days were conducted at each of the 20 projects. On-site interviews were conducted with grantee and partner agency staff working on LAV cases and others involved in providing legal and advocacy services (e.g., judges, law enforcement personnel, prosecutors, members of domestic violence coalitions). In addition to interviews and document reviews, LAV and non-LAV protection order and family law caseload statistics were collected.

The evaluation of effectiveness included (1) before-after analysis of caseload data and (2) interviews with 124 LAV clients. Of the nine sites providing data, three had maintained their data for a long enough period, and in sufficient detail, to permit a limited cross-site analysis of before and after data and some comparison data (e.g., other portions of the state that were handling low-income individuals' domestic abuse cases without LAV funding). The client interviews included questions about experiences with domestic violence, satisfaction with LAV attorneys, satisfaction with case outcomes, and changes resulting from LAV project interventions. Twelve process evaluation sites assisted the evaluators in identifying clients for interviews, most of which were conducted by telephone approximately one year after the clients' cases had been closed.

An obstacle to any assessment of LAV program impact is the lack of planned control groups. The LAV program obviously was not established as a national experiment with random assignment of victims to receive or not receive program services. The evaluators considered the possibility of establishing a comparison group at selected sites but determined, in conjunction with NIJ and the evaluation project advisory board, that this would not be feasible. However, the evaluators were able to enhance the before/after design using particularly extensive case data provided by three of the process evaluation sites.

Highlights of Findings

Background on Grantee and Partner Organizations

Listed below is some background information on the 159 LAV grant projects that responded to the first grantee survey:

- The majority of LAV grantees (63 percent) were legal services agencies covering either county or multi-county areas. About 20 percent were other types of agencies (e.g., victim services organizations, volunteer lawyer programs) that had a staff attorney, while 10 percent were other agencies without a staff attorney (e.g., coalitions) and 7 percent were law school clinics.
- Almost 98 percent of grantees hired attorneys using LAV funds. LAV grant attorney hires ranged from 25 percent of one attorney's time to a project with six full-time equivalent attorneys.
- Nearly 90 percent of LAV projects provided some type of non-legal assistance to their clients. Most grantees offered court accompaniment, information or referral to community resources, safety planning advice and assistance, and support and options counseling.
- The majority of respondents (88 percent) provided training under their LAV grants. Most often, training recipients were victim services partners (79 percent), legal services partners (69 percent), *pro bono* attorneys (56 percent), and community groups (54 percent).

The follow-up grantee survey in 2003 provided information on the following changes in grantee organizations and partner agencies:

- Over 83 percent of grantees maintained their LAV project partners or added new partners (38 percent) over the years of the project.
- Nearly 61 percent of respondents reported experiencing a reduction in funding from one or more (non-LAV) sources during 2002. The most frequently

mentioned decreases were in Legal Services Corporation (LSC), IOLTA (Interest on Lawyers' Trust Accounts), and United Way funding.

Legal Services Provided Under LAV

- The first grantee survey found that, based on 2000 data, an average of 120 domestic violence victims per grantee per year were provided with legal representation in court, while a much larger number were provided with legal advice and counseling.
- Overall, we found that LAV funding permitted grantees to take on an increasing number of domestic violence-related cases as the grantees added legal staff and solidified their working relationships with their partners.

The follow-up grantee survey asked respondents to indicate the number cases handled by type of case in their first full year of LAV funding, and in their most recent full year of LAV funding. Exhibit 1 below shows a comparison of these data.

Exhibit 1: Changes in Numbers of Cases Handled by LAV Grantees by Types of Cases

Types of Cases	First year of LAV funding	Most recent year of LAV funding	Percent of Increase
	Mean # of cases	Mean # of cases	
Temporary/ <i>ex parte</i> protection orders	92.1	118.3	28.4
Permanent protection orders	100.5	131.0	30.3
Child custody	67.0	65.1	(-2.9)
Child support	22.3	37.0	65.9
Spousal support	15.3	22.2	45.1
Divorce	122.4	177.1	44.7
Other (housing, employment, immigration, et al.)	68.6	68.6	0

Based on caseload analysis at 9 of the 20 sites that provided detailed case tracking data, we found that in the peak year of the LAV grant for that grantee, they averaged approximately 425-500 cases. About 40 percent of these cases involved representation. In terms of individual attorney workload, they averaged about 35-40 open cases per full-time attorney during the observation site visits.

In addition, the cross-site analysis conducted for this evaluation indicated that the quality of the representation improved. Pre-LAV, spouse abuse cases were as likely as any other cases

to receive simple legal advice and limited counseling in busy offices. Post-LAV, more spouse abuse cases were provided with court representation and brief services. In the majority of our site interviews, attorneys noted that this resulted in better case outcomes, although this was difficult to document. Some case study sites also improved case efficiency by reducing the length of case time in delivering legal services to domestic violence victims.

Protection Order Enforcement

A question on the follow-up grantee survey asked about the involvement of LAV attorneys in protection order enforcement.

- Nearly 90 percent of LAV attorneys report advising their clients always (70.7 percent) or often (18.7 percent) to contact them if the batterer violates a protection order. 62.7 percent report that victims often make that contact, and 14.7 percent indicate that clients always do so.
- The most frequently mentioned techniques for ensuring that protection orders were enforced were
 - Participating in multi-agency task forces and partnerships where protection order enforcement issues are addressed and protocols are jointly developed
 - Providing training for police, prosecutors, and judges and other court personnel
 - Educating clients about their rights, safety planning, and what to do if the batterer violates a court order
 - Intervening with batterers or their attorneys, and filing charges against batterers.

However, the extent of attorney follow-up with clients after a court order had been granted was difficult to determine. In general, the evaluation did not develop enough data and information to study the issue of protection order enforcement in the LAV programs. This is an area that needs more work in the future. As noted later, a number of clients who were interviewed expressed lack of satisfaction with follow through on court orders, particularly orders that required the abuser to pay child support.

Service Delivery Models

Several types of grantee organizations were identified and included in the process evaluation: legal services organizations, most of which also received grants from the Legal

Services Corporation; organizations whose primary mission was to provide advocacy services to victims of domestic violence; law school clinics; and legal services programs sponsored by bar associations. The case studies provided an opportunity to examine service delivery approaches at a total of 20 projects. We found that

- Most of the 20 grantees had multiple formal partners with which they collaborated under their LAV grant projects.
- All 20 LAV projects placed great importance on the cross-training of attorneys (staff and *pro bono*) and victim advocacy personnel. They accomplished this through structured training sessions; distribution of related training curricula and materials; and case consultations, task force meetings, and informal contacts and discussions.

All of the projects had objectives to (1) provide direct legal assistance and representation and (2) ensure that victims receive assistance with shelter, safety planning, counseling, accompaniment to court, health care, and other services. Attention to these advocacy services represents a critical component of the LAV grant program. A key reason for Congress selecting OVW to administer the LAV program was its ability to encourage and support attorney-advocate collaboration and cross-training toward this end.

Key questions for the cross-site analysis of the 20 projects were

- How did the grantee organizations collaborate to capitalize on their individual organizational strengths going in and compensate for their lack of capacity in other areas?
- Did the grantees increase their ability to provide more comprehensive services (safety/advocacy, family law, non-family law) to more victims of domestic violence?
- What was it like for victims to receive services through these collaborative projects? Were they likely to find the service delivery system well coordinated, so that referrals from place to place were kept to a minimum?

The LAV programs administered by legal services organizations and bar associations increased attorney staff, and in some cases *pro bono* attorney resources, thereby increasing their capacity to represent domestic violence victims in protection order and other family law cases. They also took advantage of their ability to link clients to in-house attorney specialists in other areas of the law that were essential for self-sufficiency and safety over the long term. And they ensured that attorneys received training in the dynamics of domestic violence and sensitivity to victims' non-legal needs. They reviewed safety planning concerns and other non-legal needs

with victims during initial client interviews, especially when victims had not yet been assisted by a shelter or other domestic violence victim services program.

Legal programs administered by victim services providers also increased their capacity to provide direct legal assistance and representation with protection orders and family law cases. Several developed partnerships under the LAV grant with other legal programs to which they could confidently refer victims for assistance with additional legal needs related to the domestic violence, such as employment and immigration matters.

Programs administered by law school clinics, although limited in the number of clients they could accept, typically assisted each client with multiple legal issues and were able to draw upon the resources of the law school and the broader educational community (e.g., the university's school of social work).

Several projects, administered by various types of grantee organizations, succeeded in greatly improving the referral systems in their jurisdictions for legal and advocacy services and in increasing law school involvement in providing direct legal and advocacy services in their communities. Several focused on early intervention, for example by linking an attorney with hospital-based victim advocacy programs; stationing an attorney at a one-stop service center; locating attorneys, at least part time, at shelters, courthouses, and rural outposts; and enlisting law student advocates, supervised by attorneys, to assist victims at courthouses with filing for protection orders. In short, all of the sites that we visited were concerned about providing holistic services to domestic violence victims, although they had different capacities at start up, operated in different environments, and had different ways of trying to achieve this goal. From the victim's point of view, the ideal model may be one where many legal and non-legal needs can be met by the same agency, or at least largely under one roof. Various projects came close to accomplishing this, but at some point and in varying degrees, they simply had to refer clients to others.

This is why the attorney-advocate collaboration and multiple partnerships fostered under LAV were so important. The underlying theme at all projects was that it should make no difference whether the victim seeks legal or non-legal services first; both service components should be available, so that referrals are straightforward and the needed services are provided. However, one key factor seems to weigh in favor of the law firm approach to providing efficient

and effective free legal services to domestic violence victims—the immediate presence of other experienced attorneys to counsel the client. If a key goal is to help free the victim from dependence on a batterer, the presence of other attorneys—those experienced in housing, public benefits, employment, credit repair, education, and other legal areas tangential but critical to family law matters such as custody, support, divorce, protection orders, etc.—is critical to efficiently providing holistic legal services.

Use of *Pro Bono* Attorneys

An objective for some of the LAV grantees was to make legal services available to more victims by creating or enhancing *pro bono* attorney programs.

- Results of the follow-up grantee survey suggest that LAV projects' use of *pro bono* attorneys increased. Sixty-two (62) percent of grantees responding to the second survey reported using *pro bono* attorneys under their LAV grants, compared to about 50 percent on the first survey.
- Based on the follow-up grantee survey and case studies, the main reasons cited for not using *pro bono* attorneys were that private attorneys were perceived as reluctant to accept domestic violence cases (e.g., the cases are too complex, services must be provided on short notice); and that few attorneys were available in rural service areas.
- Overall, the respondents on the follow-up survey were very satisfied with the *quality* of the *pro bono* work provided; 32.8 percent considered the quality of work excellent; 53.8 percent said it was good; and only 3.8 percent (2 respondents) characterized it as fair.
- Grantees emphasized that *pro bono* programs are not free; staff resources must be devoted to recruitment and support, and recruiters must have assertive, persuasive personalities. Successful strategies included providing training for which attorneys receive CLE credit, providing quality resource materials (e.g., trial notebooks), mentoring, and recognition and awards.

The case studies provided examples of projects that benefited greatly from the capacity of existing *pro bono* programs to serve LAV clients. At several sites, the local bar association's volunteer lawyer program greatly boosted the LAV project's ability to serve nearly all domestic violence victims seeking legal services.

***Pro Se* Clinics and Materials**

Several of the process evaluation sites found it valuable to conduct *pro se* clinics to reach a larger number of victims with some degree of legal service. *Pro se* clinics were used mostly in

two ways: (1) to screen new potential clients in large groups, and (2) to offer limited legal service. For example, Saturday sessions in a gymnasium in one small city often attracted more than 50 domestic violence victims. The attorneys would spend about 15-20 minutes interviewing each woman about her individual case. We are aware of some other *pro se* programs throughout the country that have key characteristics similar to those of the clinics we observed—joint sponsorship by legal and advocacy organizations, initial screening or “triaging” of individual cases, and a follow-up component—rather than simply providing forms or a web site reference. These programs hold potential for increasing the amount and quality of legal services available to victims who may be proceeding *pro se*.

In addition to cross-training attorneys and victim advocates, many projects conducted training and developed products (brochures, manuals, web pages, etc.) aimed at broader audiences. ILJ/NCVC attorney staff reviewed many of these law-related publications and found them to be useful tools for attorneys, judges, victim advocates, and victims.

Other Approaches for Providing Legal Assistance

As noted above, the LAV grantees supplemented the work of LAV attorneys by using *pro bono* attorneys, developing *pro se* resources, enlisting law students supervised by attorneys, and working with victim advocates who had training in legal matters. In addition, more than two-thirds of the programs surveyed in 2001 (68 percent) used LAV funding to hire paralegals. The paralegals typically worked closely with victims on safety planning; and at some sites, they were skilled in languages other than English and were also able to assist as interpreters.

In addition, at several of the jurisdictions visited, court-based efforts were being made to assist victims of domestic violence, especially in *pro se* proceedings involving petitions for orders of protection. In two jurisdictions, court professional staff interviewed the petitioners before the court hearing and actually drafted the petition to be heard by the court. At both sites, court staff closely interacted with the LAV grantee to refer those cases needing representation either for the protection order hearing or for other matters.

At two other sites, state law required the local prosecutor to represent victims at the protection order hearing, although the victim could retain counsel or proceed *pro se* if desired. Again, coordination between the LAV grantee, other legal service providers, advocacy organizations, and the prosecutor was well organized.

Client Satisfaction with Legal Services

Some of the key characteristics of the client sample include the following:

- Many clients had suffered severe abuse by their partners. About 58 percent said they had been beaten up, choked or smothered, or hit with a fist. At least 40 percent reported forced sexual activity or having been threatened with a knife or gun.
- 70 percent were married. 30 percent were living with their abusive partners when they sought legal assistance. Three clients were involved in a same sex relationship.
- 90 percent had children, and over half (60 percent) had at least two children. 80 percent reported that their children lived with them.
- 40 percent of clients reported that their partners violated court orders while they were receiving legal services.

Satisfaction with Case Outcomes

- Over 90 percent of clients were very satisfied with the outcome of their protection order, custody, or divorce case. Outcomes for visitation cases also received a high satisfaction rating (88 percent).
- Satisfaction with child support cases was somewhat lower (41 percent). Fifty percent of those receiving help with child support cases were neither satisfied nor dissatisfied with the case outcome. Their mixed feelings were generally due to lack of effective enforcement with financial support payments despite having been awarded child support by the court.

Satisfaction with LAV Attorneys

- Almost all clients (94 percent) were extremely satisfied with their attorneys. Typical comments were that the attorney kept her informed, was sensitive to her needs, was a good listener, “went above and beyond the call of duty,” and was “very confident, knowledgeable, and accessible.”

Client Well-Being

- 88 percent of clients said they took additional steps to improve their safety as a result of talking with someone about safety planning.
- A large majority of clients reported positive changes in their lives as a result of receiving legal services. 83 percent reported that their living situation was better, 77 percent said they felt safer, and 66 percent said their self-esteem had improved.

Unmet Needs for Legal Services

Many grantees had to turn away eligible victims because they lacked the attorney staff needed to represent or otherwise assist them, even with the increased capacity made possible through LAV.

- About half of the projects responding to the first grantee survey implemented some type of income eligibility guidelines to limit the potential caseload or make sure resources were reserved for the most needy cases.
- The case studies showed that many grantees had to “triage” the cases they accepted (e.g., physical abuse only, contested protection orders only).
- On the follow-up survey, only 36.5 percent of grantees reported that they could provide legal services to most victims (between 80 and 100 percent) who requested those services. Another one-third (35.2 percent) indicated they could handle from 50 to 80 percent of requests. The remaining grantees (28.4 percent) reported handling fewer than half of the requests received from eligible domestic violence victims.
- A shortage of staff was reported on the follow-up survey as a significant problem for 58.7 percent of LAV grantees, and lack of *pro bono* attorneys was a significant problem for 51.3 percent.
- On the follow-up survey, about one-fourth of grantees (25.7 percent) reported needing 1 or fewer additional FTE attorneys to meet current demands for legal services; 36.6 percent saw a need for from 1.5 to 4.0 additional FTE attorneys; and 21 percent indicate they needed an additional 5 to 8. In addition, 14.4 percent of respondents report needing 9 or more additional FTE attorneys.

Implementation Challenges

Recruiting and Retaining Attorneys

- About 40 percent of respondents to the first grantee survey stated that they had difficulties recruiting or retaining attorneys. The most significant related problems reported were low salaries and the lack of job stability resulting from the grant-funded nature of the position.
- Similarly, 35 percent of the case study sites experienced significant difficulties in recruiting or retaining one or more attorneys.
- On the follow-up grantee survey, the most frequently mentioned solutions to attorney recruitment and retention problems were mentoring and training; generous benefits, which some grantees characterized as “family friendly;” and assistance with paying back law school loans.

Reaching Traditionally Underserved Populations

- The first grantee survey found that three-quarters of the projects attempted outreach to domestic violence victims who were living in rural areas (61 percent), victims who were Hispanic (56 percent), and those who were immigrants/refugees (42 percent).
- Successful outreach strategies observed at various process evaluation sites included
 - Establishing formal partnerships under LAV with community based organizations serving the targeted populations
 - Assigning an LAV attorney to work with hospital based victim advocates
- A number of programs were less successful in meeting their outreach objectives. They experienced difficulties or delays in hiring personnel with the needed language skills, or they were still searching for ways to overcome the reluctance of various populations to seek out services from legal, advocacy, or criminal justice agencies.

Summary and Recommendations

The LAV funding allowed many legal services and victim services agencies to provide more and better legal services to low-income domestic violence victims. The program helped to strengthen existing partnerships among legal services firms and victim advocacy services and also fostered the development of new relationships. The LAV program succeeded in creating a paradigm in legal services of providing holistic approaches to serving domestic violence clients and being more concerned with the victim's safety and well-being. Recommendations based on the findings of this evaluation include the following:

- Congress should continue to authorize the LAV program and increase funding to support more legal representation for domestic violence victims who cannot afford private attorneys. Another justification for increasing the LAV funding is to pay the public interest attorneys higher salaries
- Development of loan, scholarship, and loan repayment assistance programs should be encouraged to enable more attorneys to serve victims of domestic violence who cannot afford legal fees.
- OVW should sponsor training for all LAV grantees on reaching and serving domestic violence victims who are members of diverse ethnic/cultural groups.
- The LAV program's funding criteria should encourage applications from partner organizations that have a track record of successful collaboration and should provide technical assistance on collaboration to organizations that wish to form new formal partnerships under LAV.

- OVW should evaluate its technical assistance services to ensure that these services are addressing the priority needs of the LAV grantees.
- OVW should support the development of more resources to help low-income domestic violence victims who must represent themselves in obtaining protection orders.
- State and local bar associations need to work together more effectively with OVW and LAV programs to develop more *pro bono* attorney resources for low-income domestic violence victims.
- Recommendations for research include examining the extent to which LAV projects effectively track and monitor clients to determine if their court orders are being followed; and determining the cost-benefits of spending LAV attorney resources on training, educating, and advising *pro se* low-income domestic violence litigants.



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Prepared by
Institute for Law and Justice
National Center for Victims of Crime

This report is dedicated to all the women who had the courage and opportunity to leave an abusive relationship and seek legal help and support; and to all the women who are still thinking about it.

“Your Cadillac has got a wheel in the ditch and a wheel on the track”
— Neil Young

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Dr. Richard Titus, project monitor for the National Institute of Justice (NIJ), maintained regular contact with us throughout the evaluation; provided valuable assistance in facilitating communication with the Office on Violence Against Women; and provided excellent substantive comments on all products, including survey instruments and reports, modifications to the evaluation design, and a detailed outline of the final report. We wish Dr. Titus all the best as he begins his retirement after many years of service to NIJ, and we appreciate the assistance of Dr. Leora Rosen during the final months of the project. We also appreciate the cooperation and feedback provided by Corrin Ferber, LAV program director at OVW and the OVW liaison for this evaluation. Ms. Ferber ensured that ILJ staff had access to grant applications, progress reports, and other needed documentation on the LAV program and LAV grantees; reviewed draft surveys and other interim products; and (under a separate project) planned and co-facilitated a workshop on innovative practices under LAV that was very helpful to this evaluation.

This evaluation would not have been possible without the excellent cooperation of the LAV grantees. We sincerely appreciate the willingness of 189 grantees to complete surveys for the evaluation. And we gratefully acknowledge the additional time and effort contributed by the 20 LAV grantees who agreed to participate in the evaluation as case study sites. Directors and staff of these agencies and their LAV partner organizations spoke freely with us, made arrangements for us to meet with other key service providers and criminal justice representatives in their service areas; provided extensive documentation on their programs and related laws and issues; and reviewed the draft site reports prepared by evaluation project staff.

In addition, nine grantees provided case management databases that were extremely valuable for the evaluation’s assessment of LAV program effectiveness; and 12 grantees worked with us to identify past clients and determine their willingness to participate in interviews for the evaluation. This was often a time consuming effort to which grantees donated staff time and expertise. Dr. Eleanor Lyon, the local evaluator for the Connecticut Domestic Violence

Partnership Initiative project administered by Greater Hartford Legal Aid, oversaw the client interview process at that site.

Project staff felt it was absolutely essential to hear from victims of domestic violence who had been clients of LAV-supported legal services. We were privileged to conduct in-depth interviews with 124 clients. Their time, thoughtfulness, candor, and willingness to assist in this evaluation are deeply appreciated. We are also grateful for the assistance provided by the victim advocates and researchers who participated on the project's expert advisory board. The board provided valuable guidance in refining the evaluation methodology and approach, and in clarifying key issues to address through the various methods adopted.

Finally, ILJ staff who had key responsibilities for completing various components of the evaluation and the final report were Edward Connors (project director), Neal Miller, Cheron DuPree, Dr. Tom McEwen, and Barbara Webster. Former ILJ research associates Stacy Osnick and Jacqueline Ahn worked diligently on the LAV evaluation for two years before moving on to new job opportunities. Their contributions included reviews of the literature and of 200 grant projects, which greatly aided the case study site selection processes; development, administration, and analysis of the first grantee survey; and completion of many of the case studies and related reports. Marty Kovener worked in a consultant capacity to help develop protocols and conduct interviews with victims of domestic violence who were LAV project clients; and consultants Tom Quinn and Dr. Jennifer Mastrofski each conducted a site visit to a case study project. As always, all project staff benefited greatly from the administrative and editorial assistance provided by Joan Peterschmidt.

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Chapter 1

Overview of the Legal Assistance for Victims Program and National Evaluation

KAREN S. "I'd heard about Pisgah Legal Services before. But never in my dreams did I think I would be using them." Karen's husband was controlling. He wouldn't put her name on the checking account, he told her how to arrange the furniture and clean the house. He refused to give her cash and she depended on money she saved from gifts. One night she needed to go grocery shopping and asked him for a check for a specific store. He finally agreed to let her go and gave her some money. Upon returning to the house, she told him she went to a different store to get some baby supplies. Her husband became enraged, throwing household furniture and small appliances at her. Frightened and scared for the baby, Karen went upstairs while he screamed at her. She thought about leaving that night, but was afraid that he would follow her. A few days later, she left taking only some things for the baby.

Catholic Social Services told Karen about Helpmate. While getting assistance from Helpmate, Karen met a Pisgah Legal Services (PLS) attorney. "I felt really comfortable and at ease because I knew she was doing the best she could do and she really cared." When Karen entered the courthouse, her husband handed her divorce and custody papers. PLS explained that was a common scare tactic and helped Karen stay focused on the court hearing to get a restraining order. The court ordered Karen's abuser to stay away from her, her place of work and college, as well as her mother's house. He was also prohibited from possessing or purchasing a gun. Karen was allowed to keep temporary custody of the baby and maintain use of the car. A temporary visitation schedule granted Karen's husband just six hours of visitation a week. "Pisgah Legal Services made me feel like it was safe to leave my home. I am proud to sing their praises." PLS recruited the help of a private attorney to handle Karen's custody case and property settlement free of charge. Karen is back in school and will soon be completing her studies.

The Legal Assistance for Victims (LAV) grant program is administered by the Office on Violence Against Women (OVW), U.S. Department of Justice. The first LAV grants were awarded in 1998 to increase the capacity of local organizations—primarily legal services agencies, domestic violence victim services programs, bar associations, and law schools—to provide free or low cost, comprehensive civil legal and advocacy services to victims of domestic

violence. The LAV grant program was expanded in 2000 to include civil legal and advocacy services to victims of sexual assault and stalking. In November 2000, the National Institute of Justice (NIJ),¹ with funding support from OVW, awarded a grant to the Institute for Law and Justice, in partnership with the National Center for Victims of Crime, to conduct a national evaluation of the LAV program.

This is the final report on the national evaluation, which examined LAV program implementation and outcomes for the years 1998 through 2000.² This chapter explains the history and background of the LAV program, its purpose and goals, the mandate of NIJ to evaluate the LAV program, and the evaluation objectives and approach.

The report focuses on domestic violence because the 2000 grantees had just begun to add special program components directed at sexual assault and stalking. However, the domestic violence experienced by LAV clients often includes sexual assault or stalking. In fact, 40 percent of clients interviewed for the evaluation said the domestic violence they suffered included forced sexual activity. In addition, nearly half of the clients who were interviewed (47 percent) had been threatened with a gun or knife, and 57 percent had been beaten up, choked or smothered, or hit with a fist. Nearly all (92 percent) had suffered some form of physical violence. They sought civil legal remedies primarily out of fear for their personal safety, the safety of their children, or both. Had it not been for the free or low cost legal services available to them because of the LAV program, most would have had nowhere to turn for competent legal help.³ The LAV program literally has saved lives.

Unfortunately, there was—and still is—a chronic unmet need for attorneys to provide civil assistance and representation to domestic violence victims who cannot afford to pay legal fees, either because of their poverty or because their access to financial resources is controlled by the batterer. The bulk of the grant funds awarded through LAV were used to pay for more attorneys. The specific staffing needs of grantee organizations are explained in later chapters, but some examples include:

¹ The National Institute of Justice is the criminal justice research bureau of the Office of Justice Programs, U. S. Department of Justice.

² While the numbers varied from year to year, there were approximately 179 grantees nationwide.

³ See discussion later in the chapter that presents the picture of limited resources available for free or low cost civil legal assistance from the private bar, Legal Services Corporation, law schools clinics, and others.

- A legal services agency serving a 12-county area in Appalachia. Because of program consolidations mandated by the Legal Services Corporation (a primary source of organizational support), this agency went through restructuring twice in three years.
- A big city domestic violence services program that had several attorneys (funded by other grants) who assisted victims with protection orders, but which lacked the staff to provide representation in custody, visitation, separation, divorce, and other matters.
- The only shelter program serving a relatively small but rapidly growing county, which could afford only a part-time staff attorney without assistance from LAV.
- A legal services program in a large city where judges reported that 90 percent of domestic violence victims, including 80 percent of those seeking divorces from their batterers, were proceeding without an attorney.
- An advocacy program in a metropolitan county where an attorney-coordinator was needed to address problems of victims being shuffled from one legal service to another, only to find that the programs were not accepting new clients or that they were ineligible for services for other reasons.

Beyond supporting an increased number of attorneys, the LAV program's primary mission is to foster a holistic approach to providing services to victims of domestic violence. Under LAV, the term holistic refers to concern with the whole system of service providers and with all of a victim's needs, both legal and non-legal. Recipients of LAV grants were to provide (1) legal assistance and representation with protection orders and other family law matters; (2) advocacy services that address victims' safety, health, and other needs; and (3) legal services to resolve other matters, such as housing, employment, public benefits, and immigration issues, that are critical to clients' safety and well being.

Few of the LAV grantee organizations we examined had the capacity to fully address all three program elements alone. Collaboration among organizations and cross-training of attorneys and victim advocates were core components of the approaches supported by LAV. Key questions for the evaluation were: Were the grantees able to provide collaborative services as planned? What difference has LAV made in these organizations' ability to address an overwhelming demand for services? What differences has it made in the lives of the domestic violence victims served by the program?

History and Background of the LAV Program

Until the early 1990s, many policy makers viewed domestic violence as a problem that called for social services, not a criminal justice response. The federal government provided only limited assistance to state and local programs aimed at domestic violence.⁴

This changed with the passage of the Violence Against Women Act of 1994 (VAWA).⁵ This groundbreaking federal law authorized funding for a variety of criminal justice initiatives, including a block grant program (STOP—Services, Training, Officers, Prosecutors) and several discretionary grant programs, including one designed to encourage adoption of pro-arrest policies by law enforcement agencies. Although VAWA provided funding to community-based agencies that delivered services to domestic violence victims, the Act’s primary focus was on enhancing the criminal justice system’s response to domestic violence.⁶ The original Act contained no explicit recognition of the problems faced by domestic violence victims who attempted to access civil legal remedies, including orders of protection.⁷

⁴ The federal government did provide some assistance to service providers under the Family Violence Prevention and Services Act, 42 U.S.C. § 40271 *et seq.* See generally, Domestic Violence, 1978, Hearings Before the Subcommittee on Child and Human Development of the Committee on Human Resources, U.S. Senate, Ninety-Fifth Congress, Second Session (1978). Of 43 witnesses at this hearing, two from a probation department were the only representatives of the criminal justice system. See also, Domestic Violence and Public Health: Hearings before the Subcommittee on Children, Drugs and Alcoholism of the Committee on Labor and Human Resources, U.S. Senate, Ninety-ninth Congress, first session, on recommendations to help victims of domestic violence resulting from health-related crimes, Oct. 30, 1985 (1986); Domestic Violence: terrorism in the home: Hearings before the Subcommittee on Children, Drugs and Alcoholism of the Committee on Labor and Human Resources, U.S. Senate, One Hundred First Congress, second session, April 19, 1990 (1990).

⁵ Section 40231 of the Act, U.S.C. § 3796hh *et seq.* The Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, 108 Stat. 1902, provided a major overhaul of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3711 *et seq.* See generally, Conference Report 103-694, “Violent Crime Control and Law Enforcement Act of 1994,” House of Representatives, August 10, 1994. VAWA was subsequently reauthorized and amended in 2000, Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386.

⁶ This emphasis was a primary goal of those advocating for a stronger federal role in reducing domestic violence as a means of reversing the historical lack of enforcement of criminal laws against domestic batterers. See generally, Elizabeth Pleck, *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present* 183-185 (1987). See also Elizabeth Schneider, *Battered Women, Feminist Lawmaking and the Struggle for Equality* (2000). More specifically, Nancy Loving, *Responding to Spousal Abuse & Wife Beating: A Guide for Police*, Police Executive Research Forum, 5-6 (1980), described the typical police response to domestic violence as resulting from the fact that “police in most jurisdictions were trained to avoid arrest....”

⁷ This omission was surprising because 48 states had laws authorizing the issuance of civil orders of protection in domestic violence cases at the time of VAWA’s enactment. See P. Finn and S. Colson, “Civil Protection Orders: Legislation, Practice and Enforcement.” Washington DC: U.S. Department of Justice (1990).

Most practitioners, however, did not ignore a victim’s option of seeking a civil order of protection. Although not as common as criminal justice-related grant applications, many civil legal services providers sought federal funding from VAWA-authorized grant programs—often as an add-on to a larger criminal justice-focused proposal. It soon became clear that federal funding for services related to civil orders of protection was needed to enhance the full range of tools required to fight domestic violence.

In Fiscal Year 1998, Congress responded by appropriating \$11 million for the Domestic Violence Victims’ Civil Legal Assistance Program.⁸ The program was subsequently renamed the Legal Assistance for Victims Program (LAV). Congress created the Civil Legal Assistance program notwithstanding the absence of any mention of such a program in the relevant authorizing legislation (VAWA).⁹ Congress provided no legislative history for the appropriation, nor any guidance as to how the program should be implemented.

Protection Orders

Changes in state laws have increased the usefulness of protection orders in the past decade. All states allow for some type of civil remedy to victims of domestic violence seeking protection from their abusers.¹⁰ The use of civil court, versus proceeding in criminal court (e.g, following an arrest), allows the victim, or plaintiff, to seek temporary relief *ex parte*—without the abuser, or defendant, being present. This is usually the first stage in most states.¹¹ The temporary protection order, which may be in effect for 5-20 days, will include conditions set by the court ordering the defendant to stay away from the plaintiff.¹² In this stage, the evidence at court is often just the testimony of the plaintiff.

Many, though not all, plaintiffs then proceed to a second stage, in which they seek a *permanent* protection order, and the defendant is given notice of the court date and can appear in court, represented by counsel if desired. At this full adversarial hearing stage, the defendant can also present evidence and cross-examine the plaintiff. Permanent protection orders, issued at the

⁸ Pub. L. 105-277, 112 Stat. 2681-62.

⁹ Violence Against Women Act of 1994, Pub. L. 103-322, 42 U.S.C. § 3711 *et seq.*

¹⁰ Helen Eigenberg, et al., “Protective Order Legislation: Trends in State Statutes,” *Journal of Criminal Justice*, 31 (5) (2003): 411-422.

¹¹ Some states, such as Maryland, have three stages—emergency, temporary, and permanent.

¹² Temporary protection orders may also include temporary financial support and sometimes, depending on the court, temporary custody matters.

end of these hearings, often contain more comprehensive conditions than the temporary orders.¹³ These permanent orders are in effect for one to two years in most states.

Both types of orders are enforced by the contempt power of the courts. In most states, law enforcement officers must arrest the abuser for violating the orders (e.g., physical presence on the victim's property). The VAWA legislation requires states to give *full faith and credit* to protection orders issued from other states.¹⁴

Program Definition

The stated purpose of the Civil Legal Assistance program was to “strengthen direct civil legal assistance available to domestic violence victims.”¹⁵ The program was designed to achieve this goal by encouraging the development of “innovative, collaborative programs within the civil legal system that strengthen battered women’s ability to secure a safe life and home for themselves and their children.”¹⁶ This new focus on civil legal issues reflected an acknowledgement of the fundamental dynamics of domestic violence and of the incompleteness of prior responses to domestic violence.

Responding to Domestic Violence: Alternatives to the Criminal Law

Historically, measures to reduce violence of any sort have been left to the criminal law. However, the effort to combat and reduce domestic violence has not relied entirely on the criminal law because of a bias against enforcing the criminal law in a domestic relationship context. Although in the past two decades many changes have occurred in how police, prosecutors, and courts respond to domestic violence, such changes are far from complete. As Hart points out, simply upgrading the responsiveness to domestic violence of individual criminal justice system components can actually increase the danger to victims. For example, victims may be encouraged to file protection order petitions, and the process for doing so may be

¹³ Conditions at this stage, since the defendant has received due process, often include use of the residence, custody and visitation of the children, financial support (spouse and children), use of vehicles, counseling or other treatment for the abuser, firearms (18 U.S.C., Section 922 prohibits possession of firearms by individuals who have a protection order issued against them), and others.

¹⁴ 18 U.S.C. Section 2265.

¹⁵ Violence Against Women Grants Office, Office of Justice Programs, U.S. Department of Justice, “Domestic Violence Victims’ Civil Legal Assistance Grants: Fiscal Year 1998 Application Kit” (n.d.): 1.

¹⁶ *Id.*

improved, but other system components must also gear up to coach victims on specific safety planning measures¹⁷, enforce the orders, and schedule court hearings in a timely manner.¹⁸

A second reason for turning to non-criminal law alternatives for helping domestic violence victims was the nature of the criminal law process. The criminal law requires a high level of proof (beyond a reasonable doubt) for intervention to occur. Related to this burden of proof is the historical bias among criminal justice practitioners against intervening in domestic cases. Recognition of these limitations led legislatures in every state to develop a civil law alternative: the order of protection expressly prohibiting the continuation of abuse. Violation of such an order is subject to the court's power to impose punishment for contempt of court.

Encouraging Victim Self-Reliance

A common feature of abusive relationships is that the victim is often isolated from sources of help. Many batterers keep their victims from contacting family and friends and allow them little access to financial resources that could empower them and help them gain independence. Addressing the question of why women do not leave abusive relationships, Hart has written that women who might otherwise leave relationships because of on-going domestic violence are constrained by a lack of financial resources that limit their ability to leave. Hart cites studies that have found that having adequate financial resources is a key determinant of whether a battered woman will leave her abuser. Financial factors facing abused women include the need for income not derived from the batterer, transportation, and adequate childcare.¹⁹ Legal assistance or representation may be needed to access government benefits and fight discrimination by employers, landlords, and others.

¹⁷ A comprehensive safety plan includes specific measures a victim can take in various situations: for example, during a violent incident; when preparing to leave (e.g., keeping keys, cash, documents, etc. in a safe place); within the residence (e.g., changing locks, making age-appropriate plans with children); at the workplace; in the community; and after filing for a protection order (e.g., carrying the PO, registering it, planning how to handle PO violations); and others (e.g., when alcohol and other drug abuse is a factor). Typically, those who assist victims with safety planning emphasize that danger may be heightened upon leaving; provide checklists of essential items, documents, and phone numbers; and encourage victims to adapt the suggested safety measures to their individual situations. OVW's LAV "policy guidance" document provides a sample safety plan (see *Legal Assistance for Victims Grant Recipients' Policy Guidebook Fiscal Year 2002* (pp 11-18), available at <http://www.ojp.usdoj.gov/vawo/docs/lavgbk02.pdf>).

¹⁸ Barbara Hart, "Coordinated Community Approaches to Domestic Violence" (1995) available at <http://www.mincava.umn.edu/hart/nij.htm>.

¹⁹ Barbara Hart, "The Legal Road To Freedom" (n.d.) (available at <http://www.mincava.umn.edu/hart/legalro.htm>)

In addition to financial concerns, victims face other challenges that have legal consequences, such as establishing a separate legal identity or handling immigration matters. Ending an abusive relationship through separation and divorce raises other concerns including child custody, child support, and visitation rights of the non-custodial parent. In recent years, there has been an increased recognition of the need to consider domestic violence as an important factor in custody determinations.²⁰

OVW Program Guidelines

In its announcement of the VAWA Civil Legal Assistance grant initiative, the Office on Violence Against Women (OVW) encouraged legal services organizations applying for grants to collaborate with groups within their local communities that provide services to domestic violence victims. Such collaborations would help identify the areas of greatest need and ensure appropriate cross-training of legal and non-legal staff.

Authorized program purposes included the provision of direct legal services to victims of domestic violence in civil matters arising out of the domestic violence. These included cases involving

- Civil protection orders
- Divorce or legal separation
- Spousal and child support
- Child custody and visitation
- Government benefits, including housing
- Landlord-tenant matters, and
- Employment, including unemployment compensation.

Agencies eligible for grants included

- Law school clinics
- Non-profit direct legal services providers (e.g., Legal Services Corporation grantees), and
- Non-profit advocacy agencies providing legal services directly or through a network of legal services providers.

Related activities to be supported by grants included

²⁰ Daniel.G. Sanders, “Child Custody and Visitation Decisions in Domestic Violence Cases: Legal Trends, Research Findings, and Recommendations” (1998) (available at <http://vaw.umn.edu/Vawnet/custody.htm>) (citing adoption of Model Code of the Family Violence Project of National Council of Juvenile and Family Court Judges in 17 states).

- Outreach at locations that battered women are likely to access to reduce safety threats, and
- Programs to recruit, train, and coordinate *pro bono* private attorneys to provide civil legal assistance to victims of domestic violence

The LAV program was shaped by OVW program staff with feedback from grantees as the program was implemented. OVW instructions for prospective LAV grantees emphasized that “[t]raining, mentoring, and collaborative relationships are core components of LAV-supported projects.”²¹ In 1998, legal services organizations were “strongly encouraged” to formally collaborate with domestic violence victim advocacy groups to develop and implement their programs, to identify areas of greatest need for representation, and to ensure cross-training of legal and advocacy staff and provision of advocacy services. In subsequent years, collaboration with domestic violence victim services programs was required; applications were to include a memorandum of understanding with the proposed formal partners. In all funding cycles, OVW encouraged applicants to “develop programs to reach diverse and traditionally underserved populations.” OVW provided additional policy guidance to LAV grantees in a 2000 publication that addressed client screening criteria, safety planning, and other issues.²²

As we discuss in later chapters, many of the legal services agencies funded under LAV also received funding from the Legal Services Corporation (LSC). Many had operated since the late 1960s (some as far back as the start of the 20th century) and had been adversely affected by LSC cutbacks and reorganizations. These organizations provided specialized legal services in several key areas in addition to family law (e.g., housing, employment, immigration, public benefits, consumer law, and others). In addition, some grant projects were implemented by legal services organizations created by, and either administered by or affiliated with, bar associations.

The domestic violence services programs funded by LAV to increase their attorney staffing typically provided more than emergency shelter; many had long histories of also providing hot lines, physical and mental health services, counseling for women and children, job training, substance abuse services, and many others.

²¹ Also identified under “core components” was the need for grantees to develop a conflict of interest screening process to “ensure that no civil or criminal legal matter is handled for the abuser of a client.”

²² Office of Justice Programs, Violence Against Women Office, *Domestic Violence Victims’ Civil Legal Assistance Grant Recipients’ Policy Guidebook, Fiscal Year 2000*.

The LAV program was intended to also foster long-term solutions to the problems of low-income domestic violence victims by providing them access to free civil legal services. The intent was that by accessing civil legal services, and freeing themselves from their abusers, the victims would become self-sufficient and achieve some degree of permanent separation and security from the abusers. Because most of the victims have children, some degree of ongoing contact is likely.

In addition, the LAV program envisioned that the legal services providers would deliver a holistic approach—have the capacity and compassion to reach out and address needs beyond the matters typically addressed in protection orders, such as education issues for the children, social security and welfare benefits, name changes, housing issues, and others. As well, the LAV program looked for specialized services to reach women with unmet needs related to immigration issues and language barriers and was also concerned about reaching women in geographically isolated areas.

The LAV program also placed a high priority on increasing agency capacity to meet the growing demand by domestic violence victims for legal services by

- Increasing legal resources—staff and *pro bono* attorneys, law students, other (e.g., contract attorneys)
- Better coordination of legal and non-legal services; improved referral systems
- Training, including cross-training between legal and non-legal service providers; training for criminal and civil justice system personnel; development of materials to assist victims in proceeding *pro se*.

The funding for the LAV program from 1998 through 2000 included the following appropriations: FY 1998—\$11 million; FY 1999—\$23 million;²³ FY 2000—\$28 million.²⁴

Context of the Problem

There are two main factors affecting the need for civil legal services for domestic violence victims: the numbers of victims needing assistance and the scope of that need. A closely related issue is the extent to which that need is being met by other sources with non-LAV program funding.

²³ Public Law 105-277.

²⁴ Public Law 106-113. The 2004 budget for LAV was \$39,740,000, P.L. 106-386.

Numbers of Victims

The number of domestic violence victims in this country can only roughly be estimated. According to the Bureau of Justice Statistics (BJS) national survey of victims of crime there were an estimated 1 million victims of domestic violence in 1998. Of this number, an estimated 876,000 were females. Low-income women were seven times more likely to report domestic violence than wealthy women.²⁵

These figures probably fall short of the actual level of domestic violence. For example, the British Crime Victims Survey found that when it used less intrusive methods to interview victims (e.g., having interviewees use laptops to enter their own responses) the level of reporting of “sensitive” type crimes, such as domestic violence, was nearly twice as high as that seen using BJS’s direct personal interview techniques.²⁶

Scope of Needs for Civil Legal Assistance

There have been no national studies of the legal needs of domestic violence victims. One approach might be to determine how many victims are actually using the civil legal system to seek relief from domestic violence. Measuring the number of protection orders, as a civil legal remedy, particularly lends itself to this approach, although the measure will be incomplete. Pursuant to the Violence Against Women Act, the Federal Bureau of Investigation (FBI) is authorized to operate a national registry for protection orders as part of the National Crime Information Center (NCIC). According to the FBI, between 600,000 and 700,000 records of permanent orders are entered annually into the NCIC registry.²⁷ (An additional half-million records of temporary orders are also entered annually, but many of these probably involve the same parties who are the subject of subsequently entered permanent orders. Furthermore, temporary orders of protection are not represented to the degree they are issued in state courts,

²⁵ See Callie Marie Rennison, *Intimate Partner Violence*, Bureau of Justice Statistics Special Report 3 (May 2000) (Table 2). The more recent BJS report on the 2000 Victimization survey suggests that there was a major drop in domestic violence to 655,350 victimizations. Given the existing pattern of yearly fluctuations, this one-third reduction may not be a permanent trend. See Callie Marie Rennison, *Criminal Victimization 2000: Changes 1999-2000 with Trends 1993-2000* (June 2001 at 8).

²⁶ A. Myhill and J. Allen, *Rape and Sexual Assault of Women: Findings from the British Crime Survey*, London, Home Office: 2002: 3.

²⁷ Information provided by NCIC staff.

where they far outnumber permanent orders of protection.²⁸) The coverage of the NCIC Registry is not comprehensive: eight states do not participate at all, and many other states have incomplete coverage. In Texas, 25 percent of the counties do not report.²⁹ Ultimately, there is no perfect way to fully measure the needs for civil legal assistance, even for orders of protection. Nonetheless, for all their imperfections, the NCIC statistics suggest that the need is great for civil legal assistance. An estimate of 1 million victims annually needing such assistance is reasonable and probably even lower than the actual need.

Additional information about civil legal needs of domestic violence victims can be drawn from studies by the Legal Services Corporation (LSC) of the needs of its clientele—low-income individuals. Among this population, family-law issues are the most common complaint. The LSC gives priority to cases “where the safety and stability of the family or individuals is involved.” Within the area of family law, LSC agencies respond to client demand with services that include orders of protection, divorce, separation, child and spousal support, child visitation, and child custody. Additional areas in which LSC clients frequently have cases include housing, income maintenance, consumer disputes, employment, and healthcare (in descending order of importance).³⁰

It is important to recognize that many domestic violence victims have multiple legal issues that need to be resolved. In fact, the average LSC client reports three to five separate legal problems. On the other hand, the LSC reports that less than 14 percent of its clients were represented through either settlement or a court/agency decision on the merits. Nearly 40 percent of LSC clients received only legal advice and consultation, with another 20 percent receiving only brief services.³¹

²⁸ See, e.g., Virginia Crime Commission, *Protective Orders in Virginia: FY 2003: A Data Collection Project by the Crime Commission Family Violence Sub-Committee* (November 2003), finding that only 16 percent of all protective orders issued in the state were permanent orders of protection. Over half the orders issued were emergency orders, while 27.5 percent were temporary orders.

²⁹ Personal communication from attorney-advocate in Austin, Texas.

³⁰ Legal Services Corporation, “Serving the Civil Needs of Low-Income Americans: A Special Report to Congress.” (April 2000).

³¹ *Id.*

Underserved Populations

Several groups of victims have special problems in accessing the justice system. One is victims who have physical disabilities, substance abuse problems, mental illness, or other impediments, such as hearing loss, that affect access to courts. Another is comprised of victims who are not fluent English speakers and, therefore, need interpreter services. The vast majority of victims who need such services are immigrants who, because of their immigration status, have additional problems and concerns. Cultural barriers, fear of deportation, and a general distrust of the legal system all stand in the way of immigrant domestic violence victims accessing the legal services they need.³²

Another group that sometimes faces discrimination and other challenges when seeking domestic violence-related legal services is victims who are lesbian, gay, bisexual, or transgendered. This population may not even be able to petition the family court for an order of protection in at least seven states.³³

In recent years, domestic violence shelters and other victim services organizations have begun to recognize that they need to do more to provide culturally relevant services, to address language needs, and to otherwise assist all domestic violence victims in accessing both legal and non-legal services.

Meeting Victims' Needs for Civil Legal Services (with Non-LAV Funding)

Prior to the creation of the LAV grant program, there were several main ways in which domestic violence victims were able to access legal services. These methods included:

- Private bar representation, through paid counsel, or reduced cost service through an intermediary such as an advocacy agency, and *pro bono* projects
- Law school clinics
- Limited court-provided (clerks) legal assistance services for *pro se* litigants

³² See Suzanne Tice, "Battered Immigrants Given New Hope with the Violence Against Women Act," *Texas Bar Journal* (Oct 1999): 933; Virginia Coto, "LUCHA, The Struggle for Life: Legal Services for Battered Immigrant Women," *University of Miami Law Review* 53 (1999): 749-759.

³³ Theresa Jefferson, in "Mainstream Legal Responses to Domestic Violence vs. Real Needs of Diverse Communities," *Fordham Urban Law Journal* 29 (2001): 140-141.

- Legal services agencies for the poor (e.g., Legal Services Corporation, legal aid societies)
- Staff attorneys and legal advocates working for domestic violence services agencies.

Private Bar

Information on private bar representation of domestic violence victims is limited. Some information is available from the ABA's Division for Bar Services, which publishes an inventory of state and local bar activities.³⁴ The Division's 2001 survey found that 36 organized bar groups provide legal representation or assistance to domestic violence victims. This was the second most common area of specialized assistance after the provision of legal services to persons who are homeless.³⁵ Local bar associations were slightly more likely than state bars to sponsor domestic violence victim assistance programs (14 of 32 state bars and 22 of 44 local bars).

Information about private attorney (fee-for-service) representation is virtually nonexistent, but it is obviously limited to clients who can afford the attorney fees being charged. However, some domestic violence services providers have arrangements with private bar members by which victims may be offered a reduced rate for services.

Law School Clinics

A 2003 report by the ABA Commission on Domestic Violence lists about 50 law school clinics that provide services to domestic violence victims and about 40 more (e.g., family law clinics) that may also provide legal services to such victims but do not specifically target domestic violence cases. Law school clinics perform a valuable service in training students to become skilled lawyers who are sensitive to the needs of domestic violence victims. Often, they are able to provide in-depth advocacy and have numerous contacts with clients. However, the number of clients served is relatively small. Even assuming that each clinic serves an average of

³⁴ Many of these projects provide training and often a practice manual for the attorneys who volunteer to provide *pro bono* legal services to victims of domestic violence. See, e.g., C. Klein and L. Orloff, "Domestic Violence: A Manual for *Pro Bono* Lawyers," District of Columbia Bar, 1994. See also L. Owens, "Washington State Domestic Violence Civil Justice Project Report-December 1999," *Washington State Bar News* (April 2000): 31-37. An article, "Programs for Domestic Violence Victims Offer Mentoring Opportunities for Lawyers," in *Bar Leader* (August 1997): 9-10, identifies domestic violence legal services projects in Charlotte, North Carolina; Camden, New Jersey; Brooklyn, New York and New Hampshire.

³⁵ American Bar Association, Division of Bar Services, *2001 Bar Activities Inventory*, Chicago: American Bar Association, 2002.

20 clients each year—an estimate that may be high—then collectively the clinics still reach fewer than 2,000 victims annually.³⁶ One reason for this is that the scope of services offered is often very broad, with many clinics reporting that a typical client receives services for eight or more distinct legal claims.³⁷

Court-Provided Assistance

Only one state (Utah) mandates by statute that court staff provide assistance to *pro se* plaintiffs seeking orders of protection.³⁸ In Hawaii and New Jersey, a court administrative order accomplishes the same result.³⁹ A number of other jurisdictions, including New York City’s Family Court, provide clerk assistance as a means of helping the judges handle the caseload. In Texas, county attorneys (who handle misdemeanor cases) are mandated by statute to represent plaintiffs seeking orders of protection, unless the attorneys are barred from doing so because of a conflict of interest (e.g., the plaintiff is a defendant in a criminal proceeding). In a number of other jurisdictions (e.g., Sacramento), the local prosecutor operates a legal clinic for plaintiffs who intend to file petitions for orders of protection. Finally, some jurisdictions (e.g., Michigan,⁴⁰ Georgia,⁴¹ and Washington⁴²) provide a web-based mechanism for preparing petitions for orders of protection that can be printed out and brought to the court clerk’s office.⁴³ However, the total number of victims helped through court-provided programs is small.

³⁶ American Bar Association Commission on Domestic Violence, “Teach Your Students Well: Incorporating Domestic Violence Into Law School Curricula – A Law School Report, 2003.” Available at <http://www.abanet/domviol>. See “Appendix E: Existing Domestic Violence Courses in Law Schools,” which also lists clinics and externships.

³⁷ Based on interviews with law school clinic attorneys and published articles on their operations.

³⁸ Utah Code § 30-6-4 (1) (a), 2.

³⁹ See “About Filing for Your Temporary Restraining Order (TRO)” http://www.courts.state.hi.us/page_server/SelfHelp/ProtectiveOrders/Family/75C63947C34C4E89EAB7725D01.html ; “Domestic Violence Court Procedures in New Jersey.” <http://www.state.nj.us/dca/womdvcr.htm> under “How do you file a restraining order?”

⁴⁰ See, e.g., http://www.co.kent.mi.us/pdfs/17th_ppo_aff-pet.pdf. See also materials available at the Michigan Crime Victims Website, <http://www.mivictims.org/help/ppo/index.html>.

⁴¹ The Georgia web site is not court-based, but instead that of the Georgia Legal Services Program. See <http://glsp.org/> and <http://www.fcny.org/dv/ordstart.htm>.

⁴² See forms available at <http://www.courts.wa.gov/dv/>.

⁴³ At the local level, some district attorney offices make available the forms for filing petitions for orders of protection. See, e.g., <http://www.chattanooga.net/da/domvio10.html>. In other instances, the state or local bar may provide advice at its web site on what to say in the petition for a protective order.

Legal Services Corporation Grantees

Domestic violence is a priority area for the Legal Services Corporation. According to reports from the LSC statistical reporting system, LSC grantees served 52,473 clients for “spouse abuse” related claims. Of these, about 25,000 received full representational services resulting in a negotiated settlement, court ruling, or administrative agency determination. Unfortunately, because of the data system’s limitations, it is not possible to determine exactly what legal actions were involved, although it is likely that many of these cases involved clients seeking orders of protection. This difficulty exists because LSC data coding only lists the most important case issue. For example, a case involving both divorce and child custody along with a protection order proceeding is likely to be listed only as one of the first two case types, not as a spouse abuse case. Thus, the LSC report of 52,000 spouse abuse cases is a minimum estimate.⁴⁴ In addition, it is unclear how LSC grantees code domestic violence cases in which there is not a marital relationship.

Domestic Violence Services Providers

Domestic violence services providers, including victim services agencies, provide civil legal services in one of two ways. They may have arrangements to refer cases to other legal services providers, including private attorneys or the various legal programs described above. Service providers may also have their own staff attorneys who provide representation or legal advocates who advise victims and accompany them to court.

Multiple Agency Partnerships

The basic structures described above for providing civil legal assistance are not mutually exclusive. It is not uncommon to see two or more providers from different categories working together through a system of referrals and services. For example, in Westchester County, New York, the Pace University Law School, through its Women’s Justice Center, provides students to help victims prepare petitions for orders of protection in Family Court. If necessary, the law school refers women to Westchester-Putnam Legal Services for case representation.⁴⁵ Organized

⁴⁴ This statement must be qualified by the possibility that some LSC grantees report domestic violence cases to the LSC for services provided under other grants, including those under VAWA — i.e., LAV grants.

⁴⁵ Victoria Lutz and Amy Barasch, “Westchester Family Court Program: Student Attorneys and Mentors Help Domestic Violence Victims.” *New York State Bar Association Journal* (Feb 2002): 27-29.

bar domestic violence projects also use *pro bono* attorneys to supervise law students representing domestic violence victims.⁴⁶

Unmet Needs

There are a significant number of low-income domestic violence victims who need civil legal services but do not receive them. The Legal Assistance for Victims grant program serves an estimated 100,000 plus victims annually.⁴⁷ Other providers (described above) probably reach another 10,000-20,000. The Legal Services Corporation reaches about 50,000 victims, making for an estimated total of 170,000 low-income domestic violence victims served by all sources. This is compared with the needs of an estimated 1 million victims every year. At best then, less than one out of five low-income domestic violence victims seeking civil relief from the courts receive any sort of legal assistance. In addition, the scope of the legal assistance provided is limited in many instances and fails to address all of the legal problems present.

This study is not unique in concluding that there is a great need for additional legal services. For example, in a 2002 report, the Texas Council on Family Violence included legal resources among the critical unmet needs of domestic violence victims across the state.⁴⁸

Effectiveness Issues

While there do not appear to have been any experimental studies on effectiveness of civil legal services in either reducing domestic violence or alleviating economic and personal injuries to victims, there is ample anecdotal evidence about effectiveness. In one study, Weisz asked domestic violence victims about the effects of receiving advocacy services when they were seeking orders of protection. She found that the mere provision of information about orders of protection “can substantially affect their decisions, such as by helping them feel they can leave their abusers and retain control of their children.” At the same time, other responses suggested that the advocacy itself was important, regardless of its specific content, because “they were meeting some of the survivors’ relational needs.”⁴⁹

⁴⁶ American Bar Association, Division of Bar Services, *op. cit.*

⁴⁷ This estimate is based on caseload data collected for this evaluation (discussed in Chapter 5).

⁴⁸ Texas Council on Family Violence, “Access To Safety, Justice and Opportunity: A Blueprint for Domestic Violence Interventions in Texas” (2002): 30, 39-40.

⁴⁹ Arlene Weisz, “Legal Advocacy for Domestic Violence Survivors: The Power of Informative Relationships,” *Families in Society: The Journal of Contemporary Human Services* (March-April 1999): 138-147.

In another study, in which students from law school clinics provided advocacy to victims seeking orders of protection, Bell and Goodman found that women receiving advocacy services compared to those receiving “services as usual” reported less physical and psychological abuse during the six-week follow-up period. The authors speculate that this finding may be more the result of the support and advice provided by the law students than the legal representation itself.⁵⁰

One study has reported a statistical association between civil legal services and reduction of domestic violence. Farmer and Tiefenthaler found, using probit analysis, that the provision of civil legal services in the county of residence was associated with a reduction in the likelihood of domestic violence. They concluded that “[g]iven that the provision of legal services for victims of domestic violence has increased dramatically in the 90s, ... legal services provision is one likely significant factor in explaining the decline” (in domestic violence in the 1990s).⁵¹

The demand for civil legal services for victims of domestic violence far exceeds the supply. The Legal Assistance to Victims program is an important step in meeting this need. How well it meets this need is a critical question. The remainder of this report is an attempt to provide the answer.

Background on the National Evaluation of the LAV Program

In November 2000, the Institute for Law and Justice and the National Center for Victims of Crime received a grant from the National Institute of Justice (with funding from OVW) to evaluate the 1998-2000 LAV grant program. This three-year national evaluation had several main objectives:

- To document the range of local activities and programs supported by the FY 1998-FY 2000 grants
- To conduct a process evaluation by examining and documenting LAV grantee planning and implementation efforts
- To evaluate the effectiveness of LAV programs in meeting the needs of the victims they serve.

⁵⁰ M.E. Bell and L.A. Goodman, “Supporting Battered Women Involved with the Court System: An Evaluation of a Law School-Based Advocacy Intervention.” *Violence Against Women* 7 (2001): 1377-1404.

⁵¹ Amy Farmer and Jill Tiefenthaler, “Explaining the Recent Decline in Domestic Violence,” *Contemporary Economic Policy*, 21 (2)(April 2003): 158-172.

The range of local activities and programs was documented primarily through initial and follow-up surveys of grantees. The process evaluation aimed to study and compare the implementation of LAV grant-funded projects by 20 grantees. The key questions addressed in the process evaluation were

- How are the grantees implementing their civil legal assistance programs?
- What obstacles are grantees encountering?
- How are these obstacles being overcome?

The process evaluation involved site visits, usually conducted over three to five days, to interview grantee agency and partner agency staff working on LAV cases and others involved in providing civil legal services to domestic violence victims in the grantees' services area (e.g., judges, law enforcement, etc.). Evaluation staff also reviewed agency documents relevant to the LAV project, including project progress reports, agency practices and procedures manuals, training materials, etc. LAV and non-LAV family law and protection order caseload statistics were also collected for use in cross-site analysis.

Information gathered at the process evaluation sites included:

- Planning processes that led to the LAV grant application
- Participants involved in the project planning process
- The need for civil legal services in the grantee's jurisdiction
- How the grantee activities fit into the larger local system for providing legal and other services to battered women
- Special provisions (e.g., services, training, outreach) made to address the needs of traditionally under-served populations (e.g., victims with limited English language skills, immigrants)
- Methods for coordinating with other service providers to address program objectives for mentoring and training
- Project personnel turnover
- Measures taken to ensure victim safety and confidentiality
- Problems encountered in the implementation of the grant, and efforts taken to solve those problems.

The impact evaluation included some before-after analysis of caseload and a satisfaction survey of clients. A more detailed discussion of the study methodology is presented in Chapter 2.

Overview of the Evaluation Report

The next chapter explains the evaluation methodology, including the methods that were implemented, adjustments made to the original evaluation plan, benefits and drawbacks to the evaluation approach, and recommendations for future evaluations. Chapter 3, “Grantee Activities,” reports on the results of the two LAV grantee surveys and a limited survey in 19 jurisdictions where no agencies had received LAV funding. In Chapter 4, a summary is provided of the 20 projects selected as process evaluation sites—their program environments, need for LAV funding, and specific project objectives. Chapter 5, “Cross-Site Analysis” compares the process evaluation sites with respect to their implementation of the key LAV program components, provides examples of successful approaches, and presents findings from a pre-post/LAV- non-LAV analysis of data contained in selected LAV case management systems. Chapter 6 is devoted to findings from interviews conducted with clients of 12 LAV projects. Chapter 7 provides a summary of findings and recommendations.

Chapter 2

Methodologies Used in the Evaluation

Work on this evaluation began early in 2001. The primary evaluation components included grantee surveys, a limited non-grantee survey, process evaluation site visits to 20 projects, interviews with a sample of clients, a cross-site analysis of project implementation at the 20 sites, and an analysis of case characteristics and outcomes.

This chapter first describes the overall evaluation approach, followed by a discussion of how each of the evaluation components was implemented. The final section offers recommendations for future evaluators based on the lessons learned with our approach. Appendix A provides additional background information on the methodologies, explaining several adjustments that were made and why, and noting benefits and disadvantages of the choices made.⁵²

Overview of the Evaluation Approach

A mixed method approach was devised to study the effectiveness of the LAV program. The researchers used a classic triangulation framework of quantitative agency data, telephone survey interviews, mail surveys, focus groups with service providers, and case studies.

Background on Evaluation Approach and Objectives

A mixed method approach was proposed because it is one of the best mechanisms for conducting a national program evaluation. As Rossi, Freeman, and Lipsey state, “Indeed, the use of multiple methods, often referred to as triangulation, can strengthen the validity of findings....”⁵³ Triangulation is an important component of social science research and

⁵² The material provided in Appendix A includes a discussion of methodological concerns raised in March 2002 by the General Accounting Office (GAO) with respect to NIJ-sponsored evaluations generally and this evaluation in particular.

⁵³ Peter H. Rossi, Howard E. Freeman, and Mark W. Lipsey, *Evaluation: A Systematic Approach*, Sixth Edition, Thousand Oaks, CA: Sage Publications, 1999: 423.

evaluation because it is widely accepted that multiple methods of studying a phenomenon result in more accurate conclusions than the use of a single method.⁵⁴

A mixed method framework is not new to criminal justice research, which has often employed multiple methods for assessing a phenomenon. For instance, in their study on the prosecution of domestic violence cases, researchers at the American Prosecutors Research Institute used mail survey-questionnaires of prosecutors, a survey of victims of domestic violence, case studies, and a review of prosecution case files.⁵⁵ In a study on the probation response to child sexual abuse offenders, Smith, Hillenbrand, and Goretsky⁵⁶ used telephone and mail surveys of probation administrators and developed case studies of four sites by interviewing judges, probation officers, prosecutors, defense attorneys, therapists, and victim advocates. In both of the studies, the use of a multi-method framework not only allowed the researchers to have a more thorough understanding of the problems under study, but increased the reliability and validity of the findings as well.

The LAV national evaluation had three main objectives:

- To document the range of local activities and programs supported by the FY 1998-FY 2000 grants
- To conduct a process evaluation by examining and documenting LAV grantee planning and implementation efforts
- To evaluate the effectiveness of LAV programs in meeting the needs of the victims they serve.

Program Documentation

ILJ/NCVC documented the range of local activities and programs supported by LAV grants in 1998 through 2000 primarily by conducting two mail surveys of those grantees. Preparation for the first survey also included a thorough examination of all successful applications for LAV funding (N=179) for those years. The first survey was conducted in 2001, and the follow-up survey was administered in 2003.

⁵⁴ For a detailed discussion, see Melvin M. Mark and R. Lance Shotland (Eds.), *Multiple Methods in Program Evaluation*, New Directions for Program Evaluation, No. 35, San Francisco: Jossey-Bass, 1987; and National Science Foundation, Division of Research, Evaluation and Communication, *User-Friendly Handbook for Mixed Method Evaluations*, National Science Foundation: Arlington, Virginia, 1997.

⁵⁵ American Prosecutors Research Institute, "Prosecution of Domestic Violence Offenses: Executive Summary," American Prosecutors Research Institute: Alexandria, Virginia, 1996.

⁵⁶ B. E. Smith, S.W. Hillenbrand, and S. R. Goretsky, *Probation Response to Child Sexual Abuse Offenders: How Is It Working*, Washington, D. C.: American Bar Association, 1990.

Process Evaluation

ILJ/NCVC proposed a process evaluation aimed at describing program planning, implementation, and problem resolution. The process evaluation consisted of a review of 20 LAV grant programs through visits to the sites and was essential to both validate and greatly expand on the mail survey findings. ILJ/NCVC staff made one trip to each site to conduct interviews and collect data on project activities. Because of the large number of sites, there were not enough funds to make subsequent trips to sites to judge their progress over time. Thus the process evaluation resulted in a “snapshot” view of the programs at the time of the site visit.

Impact Evaluation

An obstacle to any assessment of LAV program effectiveness is the lack of planned control groups. The LAV program obviously was not established as a national experiment with random assignment of victims to receive or not receive program services. We noted in our grant proposal that, to overcome this obstacle, it might be possible at selected sites to establish a comparison group consisting of victims who did not receive services supported by the grant, either because (1) more victims came forward than could be handled by the grantee’s services, or (2) victims obtained some legal services by other means. For any comparison to be valid, however, the members of the comparison group must not differ systematically from those receiving services in any respect that would affect desired outcomes. We determined early in the project, in conjunction with NIJ and our project advisory board, that establishment of such control groups would not be feasible. As discussed in Appendix A, “Background on Methodology,” we revisited this issue in March 2002 and came to the same conclusions but were able to enhance our before/after design using particularly extensive case data provided by three of the process evaluation sites.

We envisioned that court data related to *pro se* cases might be available as another means of exploring LAV program effectiveness (for example, if more victims were receiving LAV-supported legal assistance with protection orders, then court data might show a corresponding decrease in *pro se* protection order cases). As we explain later, we found that few courts maintain these data, and there were insurmountable problems in interpreting the court data that we did find.

Evaluation Methodology Components

Initial Survey of LAV Grantees

The first survey of LAV grantees was developed with the help of evaluation staff, the evaluation's advisory board members, NIJ, OVW, and several grantees who pilot tested the survey. The primary purpose of the survey was to gather baseline data about the grantee agencies and the types of services provided using LAV funds.

Survey Development

Considerable background research was conducted to prepare for the first grantee survey. ILJ/NCVC staff reviewed the individual LAV grantee proposals to better understand the specific aims and objectives of these LAV projects and the range of projects that were funded. We also made site visits to four grantees—House of Ruth (Baltimore, Maryland), Blue Ridge Legal Services (Harrisonburg, Virginia), Central Virginia Legal Aid and Southside Virginia Legal Services (Richmond, Virginia), and the Battered Women's Justice Project at the Pennsylvania Coalition Against Domestic Violence (Harrisburg, Pennsylvania)—to review issues relating to the provision of civil legal services to domestic violence victims.

ILJ/NCVC evaluation staff also met with OVW LAV program managers to gain their perspectives on issues they felt the survey should cover and known challenges to project implementation. ILJ/NCVC staff also met with Legal Services Corporation (LSC) administrators to discuss issues relating to provision of civil legal services to indigent clients and data collection from LSC agencies.

The national evaluation's advisory board, NIJ staff, and OVW staff commented on an initial draft of the grantee survey. Four grantees pilot tested a refined draft and provided feedback about the clarity and appropriateness of survey questions and the time taken to complete the survey. NIJ and OVW staff approved a final draft of the survey.

Survey Construction

The survey consisted of 28 questions divided into four sections: project activities, clients, data collection, and grantee profile. The questions were primarily closed-ended, but open-ended questions were also included. The survey contact person was instructed to fill out

the survey to reflect the project activities of the lead agency and all partner agencies. The following aspects of LAV projects were covered (the questionnaire is provided in Appendix C):

- Legal services provided
- Victim services provided
- Staff hired
- Use of *pro bono* attorneys
- Modes of service delivery (e.g., representation, referral)
- Training provided
- Use of non-LAV resources to address domestic violence victims' civil legal needs
- Underserved populations and efforts to reach out to them
- Income eligibility and financial contributions
- Referrals
- Types of data collected
- Products produced
- Agency profiles (e.g., jurisdictions served, size of agency)
- Difficulties experienced during LAV project implementation

Increasing the Survey Response Rate

Prior to mailing the surveys, ILJ/NCVC telephoned all 179 grantees to verify contact details. This task was important because in many cases the contact information had changed since the grantee agency completed its application. It also allowed ILJ/NCVC staff to answer questions about the upcoming survey and the evaluation. To increase the survey response rate, ILJ/NCVC used a survey format that was easy to fill out, included a cover letter from NIJ/VAWO officials explaining the survey's purpose, provided stamped self-addressed envelopes for return of the survey, and attached clear ILJ/NCVC contact details should grantees have questions or concerns about the survey. The grantee surveys were mailed in May 2000.

ILJ/NCVC staff made four rounds of follow-up phone calls to grantees that did not return completed surveys by the initial due date. These follow-up calls were made on June 7-8, July 2, August 1-2, and August 24, 2001. The survey methodology yielded a response rate of approximately 87 percent (N=156).

Survey Analysis

ILJ/NCVC staff entered all survey responses into an Access database, which was then converted to statistical analysis software—the Statistical Package for the Social Sciences (SPSS). Descriptive statistics were generated on all relevant variables. Where appropriate, bivariate analyses were conducted to further explore the direction and strength of relationships between

variables. The quantitative analysis provided results that allowed for general comparisons across grantees. Qualitative data compiled from open-ended questions and additional comments helped to identify themes across LAV projects, to provide insights into the statistical results, and to identify common project challenges not captured in the statistical tabulations. This included descriptive information about (among other things) relationships with *pro bono* attorneys, difficulties experienced in reaching traditionally underserved populations, reasons for client referrals to non-project partner agencies, and difficulties encountered during LAV project implementation. Follow-up telephone calls were made to 56 grantees to clarify responses and explore in greater detail unique approaches, program environments, obstacles, etc.

Follow-Up Survey of LAV Grantees

In the third year of the national evaluation (summer 2003), a survey was again developed and administered to 1998-2000 LAV grantees. The second survey was intended in part to provide a “progress report” on program implementation and project trends over time, and to capture more complete information on projects that received their first round of LAV grant funds in 2000 and thus had little implementation experience at the time of the initial survey.

Survey Sample

The second survey sample was limited to the 1998-2000 LAV grantees that had also received LAV continuation grants in either 2001 or 2002. Receipt of continuation funding was determined from lists provided by OVW. Thus we had a smaller sample of grantees (N=103) for the second survey, but overall, their experience with the LAV program was longer (ranging from about 2.5 to 5 years).

Increasing the Survey Response Rate

The grantees were contacted by telephone approximately one month prior to distributing the survey to confirm contact information. A letter from the OVW LAV program manager was emailed (and in some cases, mailed) two weeks before survey dissemination. The letter announced the forthcoming survey and emphasized the importance of survey completion for the evaluation. The second survey was mailed in July 2003.

The return rate for the second survey was more than 75 percent (N=79). Non-respondents were contacted up to 3 times, both by telephone and email (and in a few instances by

regular mail where the telephone number or email address was no longer valid). When the survey was not returned, we documented the known reasons. In some instances, the grantee had merged with another agency between the 2001 or 2002 award and receipt of the second grantee questionnaire in August 2003. A few organizations indicated that since they did not receive LAV grants in 2003, they no longer had enough staff to complete the survey, or they simply declined to do so. Also (as explained below) the second questionnaire asked for specific data on expenditures and on cases handled by type of case, and this may have influenced some grantees' decisions not to respond. Even so, the return rate of 75 percent met our expectations for a mail survey of this type.

Survey Construction

The follow-up survey was briefer than the first one and included 15 closed- and open-ended questions (see Appendix D for a copy of the questionnaire). Grantees were not asked to repeat background information (e.g., jurisdictions served). The draft questionnaire for this follow-up survey was reviewed by OVW as well as NIJ. Both agencies made valuable suggestions, and final revisions to the instrument were made. The key areas covered were as follows:

- **Resources and expenditures.** Grantees were asked about LAV program expenditures for each year of funding; other funding sources that supported provision of domestic violence-related civil legal assistance; decreases in funding levels from those sources; and changes in LAV grant project partners.
- **Numbers and types of cases** for which civil legal services were provided to domestic violence victims under the LAV grant program (see explanation below)
- **Use of *pro bono* attorneys.** This included experiences with the quantity and quality of *pro bono* work provided under the LAV project, reasons why *pro bono* attorneys were not used where that was the case, changes in numbers of cases referred to *pro bono* attorneys, and techniques found successful for recruiting or retaining *pro bono* attorneys.
- **Victim assistance services** provided under the LAV grant project
- **Staffing, recruitment, and retention**, including numbers of LAV funded attorneys and other staff, estimates of staffing increases needed (if any) to meet the demand for civil legal services), factors affecting the grantee's ability to recruit or retain staff attorneys, and successful staff recruitment and retention strategies
- **Protection order enforcement**, including the extent to which victims receive counseling from attorneys on protection order violations, extent to which victims

call on their LAV attorneys when an order is violated, and examples of actions found to be successful with respect to protection order enforcement

- **Demand for legal services** (see below), including factors affecting the grantee's ability to meet demands for civil legal services to domestic violence victims.

In the two sections that follow, we provide additional information about the rationale for including questions on numbers and types of cases and demand for legal services and explain some of the special considerations important for interpreting the data obtained.

Questions About Numbers and Types of Cases Handled. We expected to find—and did find, overall—that LAV funding permitted grantees to take on an increasing number of domestic violence-related cases as the grantees added legal staff and solidified their working relationships with their program partners. Although we were well aware of the drawbacks associated with obtaining self-reported case information through the survey, very little quantitative information from multiple LAV sites was available from other sources. We considered quantitative data on cases handled by LAV attorneys to be vital for demonstrating the extent to which LAV funding had increased agencies' capacity to assist victims of domestic violence, and in what areas (e.g., with protection orders, divorce cases, etc.). The follow-up grantee survey presented an opportunity to supplement the case databases we had obtained from selected LAV projects participating in site visits, and to supplement the wealth of qualitative information available about clients assisted and represented because of LAV funding support.

Survey Analysis

Several caveats must be considered when interpreting the case information obtained from the survey (and from other sources as well). Numbers of cases handled by type of case (protection order, divorce, etc.) are extremely difficult to compare across sites because of the various ways data are recorded in different agencies' case management systems. Moreover, most grantees have limited staff to devote to data analysis tasks. Some grantees had recently changed or were in the midst of changing their data collection systems (e.g., revising their outcome measures, upgrading their software). Even if case data were recorded consistently across all sites, the data would have to be interpreted very cautiously because of differences in individual projects' objectives and resources. A few grantees that could not easily retrieve all of the data requested on the questionnaire provided estimates, potentially resulting in over-counts or

undercounts of cases. Nevertheless, we felt that obtaining case data through the survey would be a step toward quantifying the LAV-supported legal services delivered.

In constructing questions about cases handled, however, we had to factor in the burden on survey respondents of looking up the data, which could discourage survey completion. In the end, we decided to ask respondents to indicate the number of cases handled by type of case in their first full year of LAV funding, and in their most recent full year of LAV funding. Options listed in the questionnaire for type of case were

- Temporary/*ex parte* protection orders
- Permanent protection orders
- Custody
- Child support
- Spousal support
- Divorce
- Other (housing, employment, immigration, name change, etc.).

An obvious problem in interpreting responses using the categories above is that a number of grantees do not record custody, child support, and spousal support cases separately when they are part of a divorce action. Thus we believe the numbers of custody and support cases in our survey findings represent an undercount of the custody and support issues actually handled. Similarly, visitation issues may be addressed through various types of legal proceedings and were not captured separately in the survey.

Questions About Demand Versus Capacity. We were aware from the first grantee survey findings and from the site visits that many grantees had to turn away eligible victims because they lacked the attorney staff needed to represent or otherwise assist them, even with the increased capacity made possible through LAV. In other words, many were “triaging” the cases they accepted (e.g., physical abuse only, contested protection orders only) and were referring some income-eligible victims to other resources (another legal aid program, or to advocates at victim services programs when protection orders were uncontested, safety measures were in place, and the victim was confident enough to proceed in this manner). However, prior to the survey, nearly all of the information we had to this effect was qualitative. Thus we asked survey respondents to indicate the percentage of eligible victims who requested legal services that they were actually able to serve (e.g., 40-50 percent? 90-100 percent?). Again, we were aware that the survey could only obtain estimates; but as with data on cases handled, quantitative

information of any sort was lacking and the survey represented an opportunity to better understand and document the extent of the problem.

Telephone Interviews in Sites Without LAV Funding

One of the justifications for creation of the LAV program was that current legal services for low-income domestic violence victims were not serving nearly enough victims, nor did these legal services have the capacity to expand without federal resources. In order to test this proposition, the project staff conducted a review to determine to what extent existing legal services agencies were delivering services to low-income domestic violence victims.

The ILJ/NCVC staff surveyed legal services providers who served domestic violence victims in 19 jurisdictions in which no agencies received LAV grant funding. A telephone survey was conducted with civil legal services providers and victim services providers in these jurisdictions to seek information about their work in the domestic violence civil legal assistance area (e.g., service areas, client eligibility, use of *pro bono* attorneys) as well as general information about their agencies (e.g., funding sources). The telephone survey was completed in May 2002.

Process Evaluation Site Visits to 20 Projects

The process evaluation stage of the national evaluation aimed to study the implementation of LAV grant-funded projects across 20 grantees. Within the first few months of the evaluation, ILJ/NCVC researchers obtained and carefully reviewed copies of each of the 179 LAV grant applications that were approved by OVW in 1998-2000 (and where available, copies of progress reports that these projects had submitted to OVW). This extensive review was the first step toward the selection of 20 projects for site visits.

Project staff categorized grantees according to (1) geographic service area; (2) type of jurisdiction they served (e.g., urban, rural, suburban); and (3) primary type of organization. Exhibit 2-1 below shows that the 20 projects ultimately selected for site visits were representative of all 1998-2000 grant projects with respect to type of grantee organization (as explained later, selection of sites within grantee types was subject to a variety of considerations, and this was not a truly representative sample).

Exhibit 2-1: Comparison of LAV Grantees (Years 1998-2000) and 20 Process Evaluation Sites by Type of Grantee Organization

Type of Grantee Organization	Grantees (N=179)	Process Evaluation Sites (N=20)
Legal services organization	116 (65 %)	12 (60%)
Victim services organization with an attorney	27 (15%)	3 (15%)
Tribal community	8 (4%)	1 (5%)
Law school	11 (6%)	1 (5%)
Other	17 (10%)	3 (15%)

As Exhibit 2-1 shows, 65 percent of the grantees, the largest grouping, were legal services organizations. These organizations, three-fourths of which were Legal Services Corporation-funded agencies, were providing legal services to low-income clients before the LAV program was created. The evaluation team selected 12 of these grantees for the process evaluation (60 percent of our process evaluation sites). Similarly, the percentage of victim services (with an attorney), law school, Tribal community, and “other” grantees selected for site visits mirrors the percentages of such organizations receiving LAV grants in 1998-2000.

To some degree, the class of legal services organizations, victim services organizations, and law schools are somewhat homogeneous in their type of organizations and LAV programs. However, even within this group, program diversity exists. The Tribal and the “other” grants are not homogeneous—their programs are diverse. However, these programs offered unique and interesting approaches to serving traditionally underserved populations. For example, in the “other” category, we selected a women’s bar association grantee whose LAV-funded efforts featured *pro bono* attorney recruitment, training, and mentoring as well as delivery of legal services by staff attorneys.

Site Selection

To be selected as process evaluation sites, grantees also had to meet three criteria: (1) they had to have received funding prior to 2000, in order to be far enough along in their project to measure change; (2) the grantee had to be able to distinguish their LAV-funded cases from other cases in order for evaluators to measure the work being done under the grant; and (3) the grantee had to have returned the first survey (prior to October 2001). When these criteria were taken into account, the remaining number of grantees that were eligible to be process evaluation sites was 121, or slightly more than two-thirds of the total number of grantees. Each of these 121 grants were then compared and categorized as described above—geographic location, type of organization, type of services, size, urban v. rural, etc. This analysis resulted in 27 grantees being identified as the potential sample for process evaluation site visits.

We contacted all 27 grantees to conduct detailed phone interviews to check on program details and level of cooperation. We also presented this list to OVW and NIJ staff. The final 20 process sites were selected from this list.

We had some degree of selection bias in that we selected ongoing programs that would still be operating when the evaluators showed up on site, in some cases two years into the programs. We also selected sites with automated case tracking systems. This means that we unintentionally selected some of the more promising and sophisticated programs. We did not select any known failures among the sites. This process was clearly discussed and approved by the OVW staff. Based on prior evaluation experience, the evaluation team, OVW, and NIJ agreed that we would find many implementation issues and problems even among the more promising sites.

The evaluation team, in selecting the sample, was also careful to make stratified or purposeful selections within the main grantee groups. We included representation by statewide versus multi-county programs; urban versus rural programs; and mix of populations served (African American, Hispanic, immigrant, etc.). It was not feasible to do random selection of process evaluation sites. The choice of sites was also approved by OVW staff.

As we explain in Appendix A, “Background on Methodology,” we offered NIJ an opportunity to revisit the site selection process in March 2002 in response to GAO concerns about evaluations of justice programs generally and the desirability of selecting homogeneous

samples (this was after the 20 sites had been approved and groundwork for site visits had been completed but before the site visits had begun). However, the evaluators and evaluation sponsors agreed that the current plan offered the greatest benefits both to practitioners and OVW administrators.

Site Visit Objectives and Process

The key questions addressed in the process evaluation were: (1) How are the grantees implementing their civil legal assistance programs? (2) What obstacles are grantees encountering? and (3) How are these obstacles being overcome? To obtain consistent information across the sites, an extensive interview protocol was developed (see Appendix E). In addition, before visiting each of the selected sites, ILJ/NCVC legal staff researched relevant civil and criminal statutes pertaining to domestic violence, sexual assault, and stalking. These state laws were then reviewed with the members of the evaluation team who conducted site visits to clarify the legal environments in which the programs operated and to assist in customizing the interview questions.

The site visits were usually conducted over three to five days and involved interviewing project directors, grantee agency staff working on LAV cases, partner agencies' staff working on LAV cases and providing non-legal services to LAV clients, and others involved in providing civil legal services to domestic violence victims in the grantees' services area (e.g., judges, law enforcement, etc.). Project and partner agency staff, at some of the sites, were asked to complete a partnership survey that was designed to capture their perceptions about program collaboration. Evaluation staff also reviewed agency documents relevant to the LAV project, including progress reports, agency practices and procedures manuals, training materials, and others. LAV and non-LAV family law and protection order caseload statistics were also requested for use in cross-site analysis.

ILJ/NCVC project staff and consultants who conducted the site visits had law degrees or social science advanced degrees and had extensive experience interviewing subjects and working with local grant program staff. All the staff also had prior experience working on domestic violence issues. In addition, prior to the site visits, the entire team held a day-long training session to review the site visit protocols to make sure that everyone collected consistent information.

Information gathered at the process sites included:

- Planning processes that led to the LAV grant application
- Participants involved in the project planning process
- Need for civil legal services in the grantee's jurisdiction
- How the grantee activities fit into the larger local system for providing legal and other services to battered women
- Special provisions (e.g., services, training, outreach) made to address the needs of traditionally under-served populations (e.g., victims with limited English language skills, immigrants)
- Methods for coordinating with other service providers to address program objectives for mentoring and training
- Project personnel turnover
- Measures taken to ensure victim safety and confidentiality
- Problems encountered in the implementation of the grant, and measures taken to solve those problems.

Process evaluation site visits began in June 2002, and 19 of the 20 site visits had been completed by December 2002. The final site visit (to the White Buffalo Calf Woman Society project in South Dakota) was completed in March 2003.

Cross-Site Analysis of Case Study Projects

A detailed report was prepared on each site visit covering the items listed above and other topics. Each grantee project director was provided an opportunity to review the site report for accuracy, and the reports were amended as needed.⁵⁷ In addition, two- to three-page summaries of each site report were prepared to aid the evaluators (and readers) in quickly comparing the 20 sites on selected key points. These summaries are included as Appendix F to this report.

The evaluation team held meetings regularly throughout the course of the project to discuss and compare findings at the individual sites and identify issues requiring further research and clarification.

The 20 sites were first compared with respect to significant organizational and environmental factors (see Chapter 3, "Grantee Activities.") For example:

- Form of grantee organization; organizational history; past and current non-LAV funding sources supporting provision of civil legal services to victims of domestic violence

⁵⁷ The individual site reports were submitted to NIJ under separate cover.

- Unmet needs prior to LAV funding
- Project partners
- Project environments (e.g., demographic features of service areas, unique civil and criminal laws affecting provision of legal services)
- Primary objectives of the LAV project and approaches employed to achieve those objectives. In addition to common objectives for providing direct legal assistance and victim advocacy services, projects varied in the extent to which they addressed OVW “special interest categories,” such as *pro bono* panel development or outreach to traditionally underserved populations.

The next level of analysis explored factors such as these (see Chapter 4, “Cross-Site Analysis”):

- Service models for achieving a holistic approach; benefits and drawbacks of the various service models
- Specific strategies and techniques employed to achieve project objectives
- Challenges to project implementation and how those were addressed and overcome
- Capacity to handle requests for services received; unmet needs of clients
- Comparisons of statistical data provided by the projects on clients served, client characteristics, and services provided
- Examples of practices that resulted in successful outcomes

Analysis of Case Management Databases

Ten (10) grantees provided databases to ILJ/NCVC for the analysis of caseload data. However, one of those databases (for technical reasons) proved not to be usable for our analysis, making a total of 9 grantee databases available for analysis. Each database contained information on closed cases handled with funding support from LAV (1998 to present) and closed cases handled without LAV support (1997 to present). Because the databases were maintained in a variety of formats, ILJ/NCVC spent significant time transferring all data into a master database in Microsoft Access and then exported the data to SPSS for analysis.

Of the 9 sites providing data, 3 had maintained their data for a long enough period, and in sufficient detail, to permit a limited cross-site analysis of before and after data and some comparison data (e.g., other portions of the state that were handling low-income domestic abuse cases without LAV funding). These analyses are presented later in the report.

Client Interviews

Interviews were conducted with 124 victims domestic violence who had received legal assistance or representation from LAV attorneys. Twelve of the 20 process evaluation sites assisted in this task by identifying and, in most instances, making initial contacts about the survey with former clients whose cases had been closed within the past year. Providing this assistance was a considerable burden for many of the participating sites in terms of their staff time. Their cooperation and diligence in assisting the evaluation in this way is greatly appreciated. The participating sites were House of Ruth (Baltimore), Loudoun Abused Women's Shelter (LAWS) Legal Services (Virginia), Legal Services of Eastern Missouri, New Orleans Legal Assistance Corporation, Greater Hartford Legal Aid, Philadelphia Legal Services, Appalachian Legal Services (West Virginia), Pisgah Legal Services (North Carolina), Dade County Bar Association Legal Aid Society (Florida), The Legal Project of the Capital District Women's Bar Association (New York), Women's Law Project of the National Center for Protective Parents (New Jersey), and St. Mary's University School of Law (Texas).

Development of Interview Protocols

Senior evaluation project staff prepared a comprehensive draft survey instrument. The draft questionnaire was reviewed by all evaluation team members; two consultants experienced in the construction of similar instruments,⁵⁸ and NIJ and OVW staff. In addition, the director and staff of the House of Ruth LAV project took the time to review each question and at a meeting in Baltimore, offered valuable recommendations that improved the final questionnaire.

To provide context for the responses related to receipt of civil legal services, we needed to ask sensitive questions about the types of domestic violence the clients had experienced. We decided, after consulting with advisors, to take questions about levels and types of violence from the victim interview questionnaire administered previously for ILJ's national evaluation of the OVW Arrest Policies Program. Our victim advocate and academic consultants also recommended wording refinements to other questions that helped improve the draft questionnaire and related protocols.

The final instrument was designed to be completed in approximately 30-45 minutes. A copy of the questionnaire is included in Appendix G. The following broad areas were covered:

- **Background on incident/circumstance with which victim sought legal help**, including an open-ended question as well as response sets covering extent of physical injuries, property damage, nature of relationship (husband, boyfriend, etc.)
- **Legal services requested and received**, including information/referral source identifying the agency as a service provider; scope of services received (e.g., brief counsel, representation); issues with which legal assistance was received (e.g., protection order, custody, divorce); satisfaction with case outcomes; satisfaction with attorney(s); legal issues with which the legal services agency could not provide help
- **Safety planning measures** addressed by service provider and specific changes made as a result (e.g., changed locks, changed routines outside the home, made preparations related to protection order enforcement, and many others)
- **Impact of services/life changes after receipt of legal services**, e.g., with respect to housing, employment, and/or financial situation; likely situation if free legal services had not been available; current relationship (if any) with abuser; level of violence experienced (if any) after receiving court order; current level of fear of the abuser
- **Background on history of abuse**, such as frequency and level of violence experienced (prior to the precipitating incident/circumstance), legal help sought for prior incident(s) if any
- **Demographic information**, such as gender, age, race/ethnicity of client; children in the home, ages of children.

The reviews by practitioners (attorneys, paralegals, victim advocates) were valuable in refining the questionnaire to better reflect their research interests and concerns. For example, House of Ruth project staff were particularly interested in capturing information on the precipitating event(s) or other reasons why victims sought legal remedies when they did, sometimes after years of abuse. They emphasized that, in their experience, it is not always a particularly violent incident that prompts a victim to obtain legal help; rather, it might be (for example) a batterer's verbal threat to harm a child. We decided to begin the questionnaire with an open-ended question that encouraged clients to explain this in their own words. House of Ruth staff also assisted in refining the language in the draft questionnaire to better distinguish client satisfaction with case outcomes from satisfaction with the attorney.

⁵⁸ Chris Sullivan, Michigan State University; and Marti Kovner, an independent consultant.

Mitigating Risks to Human Subjects

Protocols were adopted to ensure victim safety and address issues of confidentiality, informed consent, data security, and other concerns related to conducting research involving human subjects. The protocols and a draft of the questionnaire were reviewed and approved by the ILJ Institutional Review Board.

To minimize potential risks to victim safety and confidentiality, we sought the assistance of each grantee and at some sites, the victim services program partner, in selecting and making initial contacts with potential questionnaire respondents. The grantees were asked to generate a list of former domestic violence clients who received LAV representation services in the last 12 months and whose cases had been “closed” (using the site’s definition). “Services” were defined as services involving legal representation in court and did not include simple advice, counseling, or *pro se* assistance. Evaluation staff recognized and appreciated the standards of confidentiality associated with attorney-client privilege and therefore relied on attorneys to identify and contact former clients. Victims with “open” cases were not contacted because this could have compromised victim safety and because victims with open cases would not be able to make conclusions about all LAV-funded services received or the outcome of their cases. Victims were not included in the contact list if the grantee felt that the victim’s safety might be compromised by participation, or if there was some other reason that made it inappropriate for the victim to participate.

Contacting victims and seeking their cooperation was a two-stage process. In the first stage, an attorney, paralegal, or trained administrative assistant who worked under the attorney’s direct supervision made the first contact with the former client, usually by phone. At a few sites, attorneys preferred to first send a letter to the former clients briefly explaining the evaluation/survey and asking the clients to initiate a call to them if they were interested in learning more.

In all cases, the staff member telephoning the victim was female. The purpose of this first phone call was for the grantee attorney to conduct general follow-up on the LAV-funded legal services received by the client; briefly introduce the subject of the client legal services questionnaire; and ask the client whether she would be willing to be contacted about the study by a victim advocate or researcher experienced in the domestic violence field, with a view to being

invited to participate in the study. Clients were asked their preferred means of future contact (home phone, work phone, etc.).

The second call to the former client was made by the ILJ/NCVC researcher or victim advocate who would be conducting the interview later if the client agreed. The researcher/advocate provided background information on the evaluation, told the client briefly about the content of the questionnaire and how it would be administered, invited them to participate, explained that participation was voluntary, canvassed possible safety issues, and scheduled a time for the client to complete the interview.⁵⁹ In some instances, the client indicated her preference to complete the interview during that same phone call. The researcher/advocate was prepared to do this.

All telephone calls were governed by a detailed protocol designed to preserve victim safety and confidentiality.

Administering the Questionnaire

The individual administering the questionnaire read an introduction to the informed consent document and the informed consent form. These documents explained, among other things, the voluntary nature of the respondent's participation and the options to skip individual questions or stop the interview at any time and for any reason.⁶⁰ The interviewers reviewed with victims the purpose of the questionnaire and its format and delivery (the interviewers explained that they would read each question and its response set options (where relevant) and record the answers). The interviewer also emphasized that additional comments and opinions were welcome and encouraged, and that all responses would remain confidential. The interviewer and the earlier caller(s) had readily available the names of local victim service providers (names, telephone numbers, and availability were confirmed in advance) to which she could refer the client should a need for safety, counseling, or other services become apparent during the course of the conversation.

⁵⁹ As explained later, a few initial interviews (of former House of Ruth and Loudoun County clients) were conducted in person. In those instances, clients were invited to choose a safe place and time for the interview (e.g., a private room at the county courthouse, a local restaurant).

⁶⁰ This was the process for the majority of interviews. Clients interviewed in person were asked to sign the consent form and were provided a copy of this form to take with them if they chose to do so. One participating LAV project (Appalachian Legal Services) mailed the informed consent form to the client, who signed and returned it to that agency before the researcher/advocate administered the survey.

Clients were each paid \$25 for their participation. A check from ILJ/NCVC was issued for this amount upon completion of the interview and mailed to the participant at an address that she indicated was safe—her home, a relative’s house, the LAV legal services agency, a victim services program, etc.

The majority of telephone interviews were conducted either by a senior ILJ/NCVC researcher whose experience included conducting similar interviews for evaluations of the OVW-supported STOP and Arrest Policies programs; or by a consultant/victim advocate who had over 15 years experience providing direct services to victims of domestic violence and administering victim services programs. Some clients requested to be, and were, interviewed in Spanish by a trained ILJ/NCVC staff member whose first language is Spanish.

Analysis

It was critical to weigh the victims’ risk of potential harm from participating in the survey against the desire to adhere to valid research methods. The more important need is to ensure personal safety to the maximum extent possible. For example, if a woman was known to have reconciled with the batterer, she was not contacted about participating in the survey. It would have been relevant to determine if unresolved legal problems contributed to the reconciliation, but safety concerns were the paramount consideration. LAV program managers also had the option to screen out other cases they believed were inappropriate (e.g., debilitating illness). We must also acknowledge that it is possible that program personnel could have screened out clients who they believed would provide negative assessments of services.

Only clients whose cases had been closed were eligible for inclusion in the sample. At most sites, the cases had been closed for one year or less. This produces retrospective data that must be interpreted carefully because of reliance on individuals’ memories after some passage of time.

Not surprisingly, a high percentage of clients could not be contacted initially by the legal services agency or LAV project partner because the client’s phone numbers, addresses, or both had changed. Anticipating this situation, we did not believe any type of random selection of cases was possible; the number of reachable victims with closed cases would be low even without a random selection process.

A much smaller but still appreciable number of clients' telephone numbers were changed or disconnected between the time of the initial and second contact or between the second contact and the time of the scheduled interview. Also clients self-selected on participation, which was out of our control. Thus, the survey results are not representative of clients who could not be contacted by the evaluators, or who chose not to participate in the questionnaire after having it explained to them. This latter group was very small; fewer than 2 percent of the women opted not to participate. Only one client who began the interview did not complete it.

Other Methods

OVW/NIJ Civil Legal Assistance Workshop on Innovative Practices

This workshop, held November 17-18, 2003, brought together NIJ researchers/program administrators in the violence against women field, OVW LAV program administrators, and selected LAV practitioners, both attorneys and victim advocates, to discuss innovative practices addressing some of the most compelling issues affecting delivery of civil legal services. It also served as a type of cluster conference for OVW to hear how a variety of LAV sites were implementing their programs. The workshop consisted of presentations from 12 LAV projects around the country and facilitated group discussions.

This workshop was co-sponsored by NIJ and OVW under a separate NIJ contract for the Professional Conference Series (PCS); it was not funded by this evaluation. ILJ/NCVC's project director for the National Evaluation of the LAV program served as a co-facilitator, and all key ILJ/NCVC researchers for the national evaluation were in attendance as observers. This was of great benefit to the ILJ/NCVC evaluation team. Some of the process evaluation sites were represented at the workshop. Later in this report, we refer to the workshop discussion of several key issues, such as the provision of *pro se* assistance and the recruitment of *pro bono* attorneys. We also include examples from several of the programs that were not process evaluation sites but which have successfully addressed some of OVW's "special interest categories" under LAV. For example, Arizona developed a statewide *pro bono* program and other projects focused on serving domestic violence victims who are immigrants and seasonal farm workers. A separate summary report on the workshop is being prepared by PCS staff.

Collaboration Questionnaires

ILJ selected 8 of the 20 sites for administration of “collaboration questionnaires” to be completed by representatives of the grantees’ partner agencies. The questionnaires were an effort to quantify partners’ perceptions of working relationships on the LAV project. Questions addressed the following areas:

- Collaboration—the partners work well together, roles and responsibilities are clearly defined, partners proactively engage each other in training and mentoring, each partner is vested in this effort.
- Communication—the partners regularly communicate and exchange relevant information in a timely manner.
- Goals—the partners have common goals and that the partnership is on track in meeting the goals.
- Impact—the project has the potential to improve the safety and/or well being of domestic violence victims; the project has improved domestic violence services in the community.

Unfortunately, for a variety of reasons (e.g., including lack of follow through by some of our project staff), the number of agency respondents was small (N=40).

Implications for Other Evaluations

We were pleased with the quality of information obtained through the telephone interviews with clients of LAV projects and their willingness to speak candidly with us. The training, skill, and experience of the interviewers were critical factors in achieving this outcome and in reducing risks to the participants. Logistically, it may be extraordinarily difficult and expensive to obtain a high number of in-person interviews at a variety of sites in geographically diverse areas. In fact, the National Science Foundation⁶¹ discusses how cost and time constraints are two practical issues that affect the choice of method. The use of the telephone to administer the survey questionnaire allowed the evaluation team to gain access to a greater representation of clients from a wider variety of sites, because telephone administration is significantly more flexible and less expensive than face-to-face interviews.

Telephone surveys of victims of crime have been employed successfully in other criminological research. For example, in a study for NIJ of service utilization by victims of four

⁶¹ National Science Foundation, 1997.

types of crime (including domestic violence), Brickman administered a telephone survey to victim-respondents in six different jurisdictions. Their research design also included conducting 20 individual interviews and two focus groups with crime victims in order "...to enrich our understanding of victim needs and help-seeking behaviors."⁶²

Perhaps the main advantage of in-person interviewing is its potential for hearing more "stories." We recommend that future evaluators consider combining the logistical advantages of telephone interviews with case studies. The inclusion of case studies would add depth to the multiple method framework. While the telephone surveys would allow for a broad range of clients to be accessed, the case studies would allow for a more detailed understanding and a more thorough analysis of the effectiveness of a program. Combining case studies with survey data is a methodology recommended by Yin⁶³ and Miles and Huberman.⁶⁴ Yin argues that "certain studies may benefit when the same questions are posed for two pools of 'sites' – a smaller pool that is the subject of case studies, and a larger pool that is the subject of a survey....The case study sites can allow some insight into the causal processes, whereas the survey sites can provide some indication of the prevalence of the phenomenon."⁶⁵

When the evaluation involves a mixture of urban and rural sites, the design could be an embedded multiple case study design, with one case study conducted at an urban site and one at a rural site. The data that would be collected might consist of interviews with clients, focus groups with justice system personnel and domestic violence advocates, observations, and archival data including case histories, service delivery records, and other organizational documentation. The principal source of data would be the client interviews because "one of the most important sources of case study information is the interview."⁶⁶ However, each source of data would be important in providing multiple sources of evidence to answer the research questions.

⁶² Ellen Brickman, *Development of a National Study of Victim Needs and Assistance*, Washington, D.C., National Institute of Justice, 2002: 2.

⁶³ Robert K. Yin, *Case Study Research: Design and Methods*, Newbury Park, California: Sage Publications, 1989.

⁶⁴ Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis: An Expanded Source Book*, Second Edition, Thousand Oaks, California: Sage Publications, 1994.

⁶⁵ Yin, p. 90.

⁶⁶ Yin, p. 88.

Chapter 3

Overview of Grantee Activities: National Survey Results

This chapter discusses results from two surveys of LAV grantees and results of telephone interviews conducted with legal services providers in selected jurisdictions where no organization had received LAV grant funding.

The first survey of grantees, conducted in 2001, provided the evaluators with details about the organizations receiving LAV grants from 1998 through 2000, their LAV grant partners, and the legal and victim advocacy services being provided with LAV funding. The follow-up survey—sent to all 1998-2000 grantee survey respondents who had received LAV continuation grants in 2001 and 2002—focused on areas of concern identified on the first survey and during site visits and other evaluation activities. In addition, it requested data on types of legal services provided under the grant and on victim needs—for example the percentage of eligible victims requesting legal services who could actually be served with current resources.

Results of First Survey of LAV Grantees

A mail survey was conducted in 2001 of all organizations that had received LAV grants in 1998 through 2000. Nearly 90 percent (N=156) responded to the survey. The purpose of this survey was to obtain baseline information about LAV project goals and objectives, environments, project staffing, workload, partnerships, implementation activities, obstacles, and other factors. This section provides highlights of the survey results (a comprehensive report on the survey was submitted to NIJ and OVW in 2002).

One person at each site was responsible for completing the survey for both lead and partner agency activities on LAV-funded projects. This information helped provide a broader context for LAV project activities. Listed below are highlights of the survey results.

Background on Grantees

- Grantee respondents were predominately legal services agencies (63 percent) covering either county or multi-county areas. About 20 percent of the respondents were other types of agencies (e.g., victim services, volunteer lawyer

programs) that had a staff attorney, while 10 percent were other agencies without a staff attorney (e.g., coalitions). Law school clinics comprised a small percentage of the grantee pool (7 percent).

- Most grantees were already providing some limited level of civil legal services to domestic violence victims and used LAV funds to expand these services. Nearly 90 percent had used some type of non-LAV resources to provide civil legal services to domestic violence victims in the past, although the agencies might not have identified the clients as domestic violence victims at the time.

Legal Services Provided Under LAV

- Almost 98 percent of respondents hired staff, mostly attorneys, using LAV funds. LAV grant attorney hires ranged from 25 percent of one attorney's time to a project with six full-time attorneys.
- Most grantees used LAV funding to provide a full range of legal services; major services included protection orders, divorce, and child custody and support.
- About half the grantees used *pro bono* attorneys to assist with cases in their community. Approximately 65 percent of grantees that used *pro bono* attorneys suggested that it was difficult to recruit *pro bono* attorneys and 59 percent stated that these attorneys were unwilling to take on complex cases. In addition, 44 percent of grantees referred domestic violence victims to other non-partner legal services because of limited resources, complex cases, or special issues (e.g., immigrant matters).
- Implementation problems mentioned by grantees included hiring and retaining staff, especially attorneys, and recruiting *pro bono* attorneys. Just over 40 percent stated that they had difficulties hiring attorneys; many also had difficulties retaining attorneys because of low pay. Other problems included acquiring facilities and computer equipment.

Victim Advocacy and Outreach Services

- Most grantees formed partnerships with community victim services organizations (including agencies providing legal services, victim services, or some other types of services). This helped grantees provide domestic violence victims with a range of services to help deal with their abusive relationships.
- Nearly 90 percent of all grantees' projects provided some type of non-legal victim assistance to their clients. Most grantees offered domestic violence victims court accompaniment, information or referral to community resources, safety planning, and support and options counseling.
- Most grantees received frequent referrals from victim services providers—both LAV project partner (88 percent) and non-partner (53 percent) agencies. Grantees also received referrals from other legal services providers. Criminal justice agencies such as the courts (64 percent), law enforcement (47 percent), and prosecutors (34 percent) also provided a great number of referrals to the LAV grantees.

- Three-quarters of grantees attempted outreach to domestic violence victims who were less likely to access civil legal services. The groups most often targeted included rural (61 percent), Hispanic (56 percent), immigrant/refugee (42 percent), and non-English speaking (41 percent) victims.
- More than three-quarters of all grantees had access to external interpreters, while 64 percent had interpreters on staff. In some cases, these staff interpreters were agency staff (e.g., attorneys or paralegals) that also had skills in languages other than English, rather than full-time interpreting staff.

Caseloads

- Grantees saw no shortage of clients eligible for their legal services. In fact, about half the grantees implemented some type of income eligibility guidelines so that they could limit the potential caseload or make sure resources were reserved for the most needy cases. However, eligibility guidelines were generally flexible, especially when the victim needed an emergency protection order and the abuser was represented by counsel.
- Based on 2000 data, an average of 120 domestic violence victims per grantee per year were provided with actual legal representation in court, while a much larger number were provided with legal advice and counseling. Ten percent of the grantees were able to represent more than 300 victims in 2000. In terms of grantee caseloads, the data suggest that legal services agencies (irrespective of size) were more likely to help a larger number of domestic violence victims than both victim services agencies (including those with a staff attorney) and law school clinics.

Training and Products

- The majority of respondents (88 percent) provided training under their LAV grants. Most often, training recipients were victim services providers that were also grantee partners (79 percent), legal services providers that were also grantee partners (69 percent), *pro bono* attorneys (56 percent), and community groups (54 percent). Other individuals and agencies that received training were victim services providers that were not formal partners on the LAV grant project (51 percent); law students (49 percent); criminal justice officials, including judges, police, etc. (43 percent); and legal services providers that were not formal partners on the LAV grant project (42 percent).
- About three-fourths of grantees used LAV resources to create products. Most frequently these were training/resource materials and marketing brochures.

The survey results indicated that LAV grant funding was used to help domestic violence victims with a variety of legal needs. The most significant legal needs of these victims were emergency and then permanent protection orders, family law matters (especially divorces), and child and spousal support.

Results also suggested that grantee agencies witnessed an increasing demand for their civil legal services, but also felt that they had limited resources to adequately meet the needs of all the victims accessing their services. This also affected grantees' attempts to reach out to traditionally underserved groups.

The survey showed that LAV grantees provided needed civil legal services to victims of domestic violence and attempted to access special populations that infrequently use such services. While some grantees experienced difficulties implementing and developing their projects, many voiced their gratitude for the LAV funding and noted that a great number of domestic violence victims would not have been served had the organization not received LAV funding.

Results of Follow-Up Grantee Survey

In late summer and fall 2003, the evaluators conducted a follow-up survey of LAV grantees. As explained in Chapter 2 on methodology, the survey sample included all 1998-2000 grantees that also received continuation grants in either 2001 or 2002. Of 103 such grantees identified, 79 completed the survey, for a return rate of 75 percent.

Funding Sources

The survey asked grantees about funding sources that complemented their LAV funding.

Primary Funding Sources

- In 2003, 48.1 percent of respondents were receiving LSC funding.
- 51.9 percent of respondents reported receiving IOLTA funds. Other agency funding sources included state grants (50.6 percent); foundation grants (35.4 percent); and federal grants other than LAV (24.1 percent). Only 17.7 percent received funds from local or state bar associations; and only 7.6 percent (law school clinics) reported having university funding or support.
- 10.1 percent of respondents (8 grantees) reported having no sources of funds other than LAV for providing civil legal assistance to victims of domestic violence.

Additional Funding Sources

Thirty (30) of the responding agencies listed funding sources in addition to those noted above that help support provision of civil legal assistance to domestic violence victims. Nine (9) of the 30 indicated receipt of United Way funding. Other sources, each of which were noted by several respondents, included individual and corporate donations; city or county grants or

contracts; nominal or limited (sliding scale) client fees; and special fundraising events. In addition, 3 California respondents received CalWORS grants (federal pass-through of TANFS); 1 respondent received filing fees from the Office of Court Administration; 1 received AmeriCorps funding; and 1 indicated that funding sources included thrift shop sales.

Decreases in Funding

Well over half of the respondents (60.8 percent) reported experiencing a reduction in funding from one or more sources during the past year. Of these 48 respondents, 40 noted the sources from which funding had decreased (or was no longer available at all in some cases, such as a foundation grant or a federal STOP grant that had expired). The most frequently mentioned decreases were in LSC, IOLTA, and United Way funding.

Partnerships

Slightly more than half of respondents reported they had made no changes in their LAV grant partners since receiving their initial LAV grants. Most of those who did make changes *added* partners (38 percent), while 17 percent reported that they no longer worked with a former partner.

Twenty-eight (28) agencies commented on partners gained or lost. Of those who listed their new partners, 3 had added community-based advocacy organizations serving victims who are Asian (2 respondents) or Hispanic (1 respondent) and another reported becoming partners with a shelter program that had opened recently. In addition, 3 respondents noted new alliances with state coalitions against domestic violence, sexual assault, or slavery and trafficking; 1 reported a new partnership with the military; and another reported becoming more closely involved with the local prosecutor's office. In addition, 1 grantee reported having "increased partners from 1 to 6" since first receiving LAV funding; and 1 reported adding 3 partners: a local bar association, a university family advocacy clinic, and the United Way.

Of the few grantees that reported fewer partners than in the past, either their LSC-funded agency partners had merged; or a partner agency had lost a source of funding and was no longer able to provide the same services to domestic violence victims. For example, in one instance a shelter program closed, and in another, the shelter remained open but funding was lost for a social worker position there.

Changes in Numbers of Cases Handled

Overall, we found that LAV funding permitted grantees to take on an increasing number of domestic violence-related cases as the grantees added legal staff and solidified their working relationships with their partners. However, numbers of cases handled by type of case (protection order, divorce, etc.) are extremely difficult to compare across sites because of the various ways data are recorded in different agencies' case management systems and because of differences in individual projects' objectives and resources. Moreover, many grantees do not have sufficient staff to devote to data analysis. Others were in the midst of changing their data collection systems (e.g., revising their outcome measures, upgrading their software). Despite these caveats, we felt that quantitative information from multiple LAV sites was vital for demonstrating the extent to which LAV funding had increased agencies' capacity to assist victims of domestic violence; and we believed the follow-up grantee survey presented an opportunity to supplement the quantitative case information available from other sources (e.g., database files provided by selected LAV projects).

At the same time, we had to factor in the burden on survey respondents of looking up data, which could discourage survey completion. In the end, we decided to ask respondents to indicate the number cases handled by type of case in their first full year of LAV funding, and in their most recent full year of LAV funding. Exhibit 3-1 below shows a comparison of these data.

Exhibit 3-1 shows that the number of domestic violence-related civil cases handled by LAV grantees increased significantly over the years of funding with respect to nearly all types of cases. The greatest percentage increases were in child support, spousal support, and divorce cases. The mean number of custody cases and "other" cases handled did not increase over the years. The ranges of the above total caseloads varied significantly among LAV grantees.

Exhibit 3-1: Changes in Numbers of Cases Handled by LAV Grantees by Types of Cases

Types of Cases	First year of LAV funding	Most recent year of LAV funding	Percent of Increase
	Mean # of cases	Mean # of cases	
Temporary/ex parte protection orders	92.1	118.3	28.4
Permanent protection orders	100.5	131.0	30.3
Child custody	67.0	65.1	(-2.9)
Child support	22.3	37.0	65.9
Spousal support	15.3	22.2	45.1
Divorce	122.4	177.1	44.7
Other (housing, employment, immigration, et al.)	68.6	68.6	0

With regard to legal assistance with other, non-family law cases related to domestic violence, the above findings must be interpreted with caution. Some, but not all, LAV projects had goals to do more representation in financial, housing, immigration and other non-family law cases, and many projects met those goals. Other LAV projects were almost entirely focused on assistance with family law issues and/or they captured case data only on those issues (an example would be a victim services program where the staff attorney referred non-family law cases to outside resources, such as a Legal Aid partner agency or *pro bono* attorney). Because almost 61 percent of LAV grantees lost LSC, IOLTA, and other funding that could have helped support legal assistance and representation in non-family law areas, it could be said that overall, the LAV agencies did well not to lose ground. At the same time, because legal assistance with employment, housing, immigration, and other matters is vital for the long-term stability and well being of many victims, the data may be pointing toward an unmet need.

Use of *Pro Bono* Attorneys

Results of the follow-up survey suggest that LAV projects' use of *pro bono* attorneys has increased over the past two years. Sixty-two (62) percent of grantees responding to the second survey report using *pro bono* attorneys under their LAV grants, compared to about 50 percent on the first survey.

Reasons why cases are seldom referred to *pro bono* attorneys were provided by 26 grantees and fell into the following categories:

- **Private attorneys in the service area are reluctant to accept domestic violence cases.** Sample comments include the following:

Domestic violence is too complex and time-consuming for *pro bono* attorneys. Many cases must be handled on emergency, prioritized bases. *Pro Bono* attorneys cannot and will not take cases on short notice.

The emergencies presented by clients in these cases create barriers for *pro bono* attorneys. We are, however, working to develop *pro bono* opportunities.

- **By mutual agreement, another organization operates the *pro bono* program in the service area.** For example:

[Our agency] does not use *pro bono* attorneys directly because, by contract, that role has been reserved to the Legal Services Corporation recipient in the coterminous service area.

There is an active Women's Bar Association *pro bono* program that works in cooperation with our project and to which we refer cases when necessary, i.e., conflicts.

- **Greater success has resulted from use of reduced-fee contract attorneys** (3 respondents).

We have 230 private attorneys on a "Judicare" panel, some of whom provide LAV representation. While they receive a capped payment in some cases (\$900 for a divorce with DV and custody issues), they also contribute significant free time to clients.

In our first grant, we included compensation for private attorneys to handle certain orders of protection. Compensation was necessary in order to get attorneys to attend LAV mandated training.

Very few attorneys on our volunteer panel are willing to accept family law cases, and those few prefer easy, uncomplicated cases. Have more success with reduced fee per case attorneys.

- **Few attorneys are available because of the rural nature of the service area** (3 respondents).

Because of the very rural area and lack of attorneys, it has not proven feasible. Once in a blue moon we get one to take a case.

Because we are in a rural area, there are not many attorneys willing to do family law, especially attorneys who will do *pro bono* cases

The [county] Bar Association has been unsuccessful in its multiple attempts to develop a program of providing *pro bono* attorneys

Amount and Quality of *Pro Bono* Attorney Services Provided

Another question asked specifically about changes in the grantee's use of *pro bono* attorneys from 2000 to 2002. Of those who answered this question (N=54), 55.6 percent said their use of *pro bono* attorneys had stayed about the same, and 38.9 percent said it had increased. Only 5.6 percent said their use of *pro bono* attorneys had decreased during that period.

With regard to the *amount* of free legal work provided by private attorneys, the respondents (N=54) were almost evenly divided: 51.9 percent said the amount was adequate and 48.2 percent said it was inadequate. Overall, the respondents (N=52) were very satisfied with the *quality* of the *pro bono* work provided; 32.8 percent considered the quality of work excellent; 53.8 percent said it was good; and only 3.8 percent (2 respondents) characterized it as fair. Only 9.6 percent (5 grantees) responded, "not applicable/do not monitor quality of *pro bono* work."

Successful Recruiting Techniques

Forty-four (44) survey respondents commented on techniques they had found successful in recruiting *pro bono* attorneys to take on domestic violence-related cases. The techniques ranged from providing multiple support services to "begging." At least six respondents noted the value of participating in *statewide pro bono* recruitment efforts sponsored by state bar associations (usually these recruitment efforts were for attorneys with a variety of specializations, not just those practicing family law). Some examples of successful *pro bono* recruiting efforts are provided in Chapter 5.

Frequently mentioned techniques for recruiting *pro bono* attorneys (in addition to participating in statewide recruitment efforts) included the following (often, respondents listed several of these techniques):

- Providing training for which attorneys receive CLE credit; providing quality training/resource materials (e.g., trial notebook for protection order cases); sponsoring training and mentoring in conjunction with a well respected law school

- One-on-one personal and professional contacts; personal solicitation of attorneys who have worked in domestic violence at legal aid programs in past
- Targeting attorneys recently admitted to the bar; targeting new or large law firms
- Targeting associations representing racial and ethnic minority groups; co-sponsorship of community clinics and workshops at organizations that serve particular ethnic groups
- Speaking engagements (e.g., at local bar association meetings)
- Offering a choice of cases; offering only short-term, one-time appearance cases or alternating referrals of such cases with more complex cases
- Payment of stipends for out of pocket expenses
- Providing office space, access to library/internet resources
- Honors and awards (e.g., annual *pro bono* recognition gala featuring a presentation by a state Supreme Court justice)
- Mailings of brochures (e.g., to lists provided by bar associations); email solicitations.

Respondents were also asked about incentives they used to encourage *pro bono* attorneys to handle complex cases (N=79). About half (50.6 percent) said they provide training for *pro bono* attorneys, with 39.2 percent offering training for CLE credit; and 44.3 percent offer mentoring. In addition, 19 percent of respondents provide partial payment and one-fourth (25.3 percent) employ other techniques including some of the recruitment techniques noted above, as well as the following:

- Acting as co-counsel with the *pro bono* attorney
- Providing “malpractice insurance, office, address, phone, point of contact”
- Arranging publicity for taking *pro bono* cases
- Following up with referrals of “wealthy” clients able to pay for legal services
- Having a victim services program provide expert testimony on domestic violence issues at no cost for *pro bono* attorneys who handle cases
- Providing “support for new attorneys to receive actual courtroom experience and litigation opportunities”

Victim Advocacy and Support Services

The follow-up survey asked a multi-part question about the victim advocacy and support services provided as part of the grantee’s LAV project. We asked whether each of 7 services (e.g., court accompaniment, counseling) was provided under the LAV grant; was provided with support from other funding sources; or was not provided at all. The results are summarized in Exhibit 3-2 below.

Nearly all of the services listed in the questionnaire were provided by the vast majority of survey respondents—either with LAV grant support or through activities supported by other funding sources. The exception was assistance with victim compensation claims (not provided by 37 percent). In addition, 17 percent indicated that crisis intervention services were not provided, although safety planning was provided by 96 percent.

Exhibit 3-2: Victim Advocacy and Support Services Provided

N=79

Type of Service	Service Provided with LAV Funding Support	Service Provided with Other Sources of Funding Support	Service Not Provided
Crisis Intervention	51.9%	45.6%	17.0%
Safety Planning	79.7	38.0	3.8
General Support/ Options Counseling	62.0	43.0	5.1
Court Accompaniment	73.4	32.9	8.9
<i>Pro se</i> Assistance	73.4	32.9	8.9
Victim Compensation Claims	24.1	39.2	36.7
Information & Referral to Community Resources	82.3	46.8	--
Other	24.1	13.9	

Services listed in the “other” category included community outreach, information on public benefits and immigration options, a “case manager for victims,” training on a holistic approach to providing services, treatment and intervention with medical and health issues (including drug treatment), provision of ADT home security systems, community health/resource information fairs, and support groups.

Staffing

LAV-Funded Attorney Positions

Almost all (97.3 percent) of the grantees who responded to a question about LAV-funded attorney staff (N=73) indicated that they had used LAV funding for one or more attorney

positions. The number of positions ranged from a half-time attorney at two projects to 7 FTE attorneys at one project.

A majority of grantees (56.3 percent) received LAV funding for between 0.5 and 2.0 FTE attorneys; 23.5 percent gained between 2.2 and 3.6 FTE attorneys; and 13.7 percent gained between 4 and 5 FTE attorneys. Only 2 projects (2.8 percent) received LAV funding for more than 5 FTE attorneys.

Additional Attorney Positions Needed to Meet Demand for Services

Sixty-two (62) grantees (78.5 percent of total survey respondents) answered a survey question asking them to estimate the number of *additional* attorneys needed to meet local demands for civil legal services to victims of domestic violence, sexual assault, and stalking. The results are summarized in Exhibit 3-3 below.

Exhibit 3-3: Additional FTE Attorneys Needed to Meet Demand for Civil Legal Services

N=62

Estimated Number of Additional FTE Attorneys Needed	Percent of Responding Agencies
Fewer than 1	9.6%
1	16.1
1.5 – 2.5	20.5
2.5-4.0	16.1
5-8	21.0
9-12	8.0
20 or more	6.4

As Exhibit 3-3 indicates, about one-fourth of grantees (25.7 percent) report needing 1 or fewer additional FTE attorneys to meet current demands for legal services; 36.6 percent see a need for from 1.5 to 4.0 additional FTE attorneys; and 21 percent indicate they need an additional 5 to 8. In addition, 14.4 percent of respondents report needing 9 or more additional FTE attorneys. These data show the perception that many grantees feel they still need more legal help to meet the demand for civil legal services.

Paralegals and Victim Advocacy Staff

LAV grant funding also supported paralegals at about two-thirds of the projects (68 percent), with the number of LAV-supported FTE paralegals ranging from 0.1 to 7.0. Of the grantees that used LAV funds to support paralegals, the vast majority gained from 0.5 to 2 FTE paralegals, with only 5 grantees using LAV funds to support from 3 to 7 FTE paralegal positions. In response to another question about the need for more paralegals (N=54), 87 percent (47 respondents) reported needing from 1 to 4 additional paralegals, with the others reporting a need for more than 4.

About 49 percent of respondents indicated they applied LAV funds toward victim advocate positions. For most of these grantees, LAV supported from .14 to 2 FTE positions, with only 4 grantees reporting more than 2 LAV-funded advocates. On another question about the need for additional advocates (N=41), grantees typically reported needing 1 or 2 additional FTE victim advocate positions.

Staff Attorney Recruitment and Retention

As noted earlier, about 40 percent of respondents to the first grantee survey stated that they had difficulties recruiting or retaining attorneys. The follow-up grantee survey provided an opportunity to learn more about staff recruitment and retention issues.

Exhibit 3-4 presents the results of a question that asked about the extent to which each of six factors was a problem with respect to attorney recruitment or retention.

From the perspective of the employers, the most significant problems that affected attorney recruitment and retention were low salaries and the lack of job stability resulting from the grant-funded nature of the position.

In addition to rating the potential recruitment and retention problems listed in the questionnaire, 19 percent of respondents (15 grantees) listed other factors as problems associated specifically with retaining staff attorneys. The most frequently mentioned problems were burnout or stress from dealing with emergency and emotional situations and heavy caseloads.

Exhibit 3-4: Factors Affecting LAV Staff Attorney Recruitment or Retention

N=75

	Significant Problem (%)	Minor Problem (%)	Not a Problem (%)
Low salaries	60.0	34.7	5.3
Uncertain duration of grant funded positions	50.7	30.7	18.7
Isolated, rural service areas	29.7	18.9	51.4
Lack of multi-lingual attorneys	29.2	36.1	34.7
Unwillingness of attorneys to work in domestic violence field	16.0	24.0	60.0
Lack of public interest law school clinics	5.5	37.0	57.5
Other (burnout, law school loans, et al.)	13.9	5.1	--

Solutions to Recruitment and Retention Problems

Survey respondents were asked to briefly describe any solutions they had developed that successfully addressed problems with recruiting or retaining staff attorneys. Fifty-five respondents offered information about their solutions, some of which are explored in greater detail in subsequent chapters of this report. Essentially, measures that worked for the survey respondents fell into the following categories:

- **Mentoring and training.** Fourteen respondents specifically mentioned the training, mentoring, and other high quality legal support they provide as factors in recruiting or retaining attorneys. Several of these also noted that they work hard to provide a generally “supportive work environment.”
- **Generous benefits.** Thirteen respondents explained that they try to compensate in part for low salaries by providing attractive fringe benefits. Several characterized their benefits as “family friendly.” Specific benefits mentioned included generous paid vacation and other leave and fully paid health care.
- **Assistance with paying back law school loans.** Six respondents indicated that they either offer an employee benefit to help repay law school loans (e.g., one agency provides \$200 a month), or their attorneys have access to another program that offers some type of assistance.
- **Liaisons with law schools.** Three respondents noted that they either recruit interns from local law schools or work with a fellowship program, with the interns later coming on board as employees.

- **Dedication as a hiring criterion.** Three respondents emphasized that they are careful to hire attorneys who are committed to public interest law or domestic violence work.
- **Use of contract attorneys.** Three respondents noted using contract attorneys, either to handle a limited portion of the regular caseload, or to assist with conflict of interest cases.
- **Other.** The following techniques were each noted by one or two respondents:
 - Compensating interpreters/translators and obtaining the support of bilingual/bicultural advocates from collaborating community agencies
 - Partnerships with community groups to recruit attorneys
 - Hiring some attorney staff on 2-year contracts. One respondent explained that this allows the agency to attract top quality law school graduates for a defined 2-year period. It allows them at the end of the period to renew the contracts only for those attorneys who meet their needs.

Enforcement of Protection Orders

Another multi-part question asked grantees for information on the assistance provided by LAV attorneys to domestic violence victims whose batterers have violated a protection order. First, grantees were asked (a) the extent to which LAV attorneys counsel their clients to contact them if the batterer violates a protection order, and (b) the extent to which clients actually call on LAV attorneys for legal assistance when this occurs. The results are provided in Exhibit 3-5 below.

Exhibit 3-5: LAV Attorney Involvement in Protection Order Enforcement

N=75

	Extent to which LAV Attorneys Counsel Client (%)	Extent to which Clients Call on LAV Attorney for Assistance (%)
Always	70.7	14.7
Often	18.7	62.7
Occasionally	5.3	22.7
Never	5.3	--

Exhibit 3-5 shows that nearly 90 percent of LAV attorneys report advising their clients always (70.7 percent) or often (18.7 percent) to contact them if the batterer violates a protection order. Further, 62.7 percent report that victims often make that contact, and 14.7 percent indicate

that clients always do so. This finding is consistent with responses provided from the client interviews.

Respondents were also asked to provide examples of actions they have found successful with respect to protection order enforcement (e.g., warning letter to police chief, filing of contempt of court charges against officers who fail to enforce). Of the 61 grantees who commented, 10 stated that police did a good job of protection order enforcement; the issue seldom arose. Representative comments to that effect included these:

Our relationship with police and prosecutors is excellent. Police come to our offices to meet with clients and go the distance to serve orders and to arrest violators.

This area has not been a real big issue. In the first year of the project, effort and time was allotted to meet with local police officers to gain their support. In most cases, it has worked.

Law enforcement enforces orders in our area. We had trouble getting one assistant DA to prosecute. We just held another training for law enforcement, magistrates, and DAs.

It is important to remember that the LAV projects often work with many different city and county police departments, prosecutor's offices, and courts. Protection order enforcement may vary considerably from one jurisdiction to another. For example, one respondent noted that enforcement was generally good in the city, where a domestic violence detective is assigned to each district, but that "in the suburbs, enforcement is a serious problem. We have not developed successful tactics to combat [the problem there]." Similarly, another respondent notes: [W]hat is successful often depends on the county/judge (e.g., what is successful in one instance is not necessarily successful before a different court)."

Other comments on protection order enforcement varied greatly, but as a whole, respondents' emphasis was on preventive measures such as joint task forces, training, client education, and interventions such as phone calls to the supervisors of police domestic violence units. Many respondents mentioned filing criminal and civil contempt charges against protection order violators, but only one noted a case filed against a police officer for failure to enforce. The actions mentioned by respondents were as follows:

Collaboration with Other Agencies and Community Groups

- Collaborating in the development of protocol
- Working through local community programs. One grantee noted that this “allows for the use of subtle political pressure on local courts and law enforcement agencies.”
- Participating in multi-agency task forces and partnerships where protection order enforcement issues are addressed. For example:

Regular participation of LAV attorneys at county-wide "roundtables" consisting of shelter staff, police and probation department, District Attorney staff, and other service providers keeps up communications and catches gaps in enforcement

Routine enforcement meetings between officers and advocates. Meeting with police supervisors to review recent incidents and discuss protocols. Encourage and offer domestic violence prosecution/law enforcement training.

Training for Criminal Justice Professionals; Client Education

- Providing—or encouraging others to provide—training for police, prosecutors, and judges and other court personnel. Sample comments include the following:

We provide information on enforcement problems to the chief of the city prosecutor's domestic violence unit, who provides training to police officers.

We do training on the duties (statutory) of law enforcement officers to enforce and give full faith and credit to orders of protection. We also work closely with our state and local prosecutors on filing these criminal cases.

- Educating victims about their rights, safety planning, and what to do if the batterer violates a court order. For example:

Have the client document all violations and 911 calls. And provide that documentation to prosecuting attorney or include it in filings.

Educating clients on what the police are required to do under the specific provisions of the protective order versus what the police have discretion to do when a violation occurs. Thus, a knowledgeable client can demand that the police do their duty under the law.

Intervening With and Filing Charges Against Batterers

- Contacting the batterer or batterer's attorney. For example:

We try to go to the source first. Often a "stern" call to the defendant from the attorney is quite helpful (i.e., putting a little fear in them about legal penalties which we will pursue if they do not behave).

- Filing criminal charges or petitions for contempt against abusers
- “Work with police to track down a batterer who has violated the protection order”
- Accompanying clients to the police to file a report, to the magistrate to get a warrant against the defendant when a violation of the protective order occurs, and to other court proceedings.

Advocacy With Criminal Justice Supervisors and Administrators

- Contacting domestic violence advocates who work in, or work closely with, police departments or prosecutors’ offices
- Calling a detective/liaison or the supervisor of the law enforcement agency’s or prosecutor’s domestic violence unit. For example:

We have a great relationship with our local sheriff’s dept. When we have a problem, we place a call to the lieutenant in charge of the DV Unit and our concerns are addressed promptly.

Thank you letter to supervisors when officers do appear.

- Calling the chief of police, district attorney, or other high level administrator

We contact the DV liaison [at police headquarters] with complaints about specific precincts who fail to arrest batterers. This usually results in enforcement of the orders of protection.

Warnings of Potential Legal Action; Filing of Lawsuit for Failure to Enforce

- Writing a warning letter to the chief of police; “threat to sue letter;” formal grievance through police department
- Filing a civil suit against a police officer for failure to enforce. For example

A high profile case in [our state] in which police officer was civilly sued because he failed to enforce an OP was also very effective in reminding police to take [protection order enforcement] seriously.

Demand for Legal Services v. Capacity

Survey respondents were asked to estimate the percent of domestic violence victims requesting legal services that they were able to handle with existing resources (see Exhibit 3-6). Slightly more than one-third of survey respondents (36.5 percent) report that they can provide legal serves to most victims (between 80 and 100 percent) who request those services. Another one-third of LAV grantees (35.2 percent) indicate they can handle from 50 to 80 percent of

requests. The remaining grantees (28.4 percent) report being able to handle fewer than half of the requests received from eligible domestic violence victims who request services.

Exhibit 3-6: Percent of Victims Requesting Services Who Were Served

N=74

Requests for Legal Services that Grantees Can Handle with Existing Resources	Percent of Grantees
90-100 percent	21.6
80-90 percent	14.9
70-80 percent	10.8
60-70 percent	12.2
50-60 percent	<u>12.2</u>
Subtotal	71.6
Fewer than 50 percent	<u>28.4</u>
Total	100.0

Factors Affecting Capacity to Meet Demand

Grantees were asked to indicate whether four factors—eligibility requirements, staff shortages, lack of *pro bono* attorneys, and language barriers—were a significant problem, minor problem, or not a problem with respect to handling domestic violence victims’ requests for legal services. Findings are provided in Exhibit 3-7 below.

Exhibit 3-7: Factors Affecting Capacity to Meet Demand

N=75

	Not a Problem	Minor Problem	Significant Problem
Eligibility requirements	60.8%	33.8%	5.4%
Staff shortages	6.7	34.7	58.7
Lack of attorneys taking <i>pro bono</i> family law cases	13.2	35.5	51.3
Language barriers	39.7	45.2	15.1
Other	--	5.1	13.9

As shown in Exhibit 3-7, staff shortages and a lack of *pro bono* attorneys taking family law cases were problems for a large majority of respondents. In fact, a shortage of staff was reported as a significant problem for 58.7 percent, and lack of *pro bono* attorneys was a significant problem for 51.3 percent. In addition, respondents indicated that language barriers represented either a minor problem (45.2 percent) or significant problem (15.1 percent). Finally, half of the respondents who listed factors under “other” noted funding issues (insufficient funding, uncertainty of funding).

Expansion of LAV Program to Serve Victims of Sexual Assault and Stalking

Grantees were asked whether their agencies have changed any procedures, and whether their workloads have been affected, because of the expansion of the LAV program in 2000 to include victims of sexual assault and stalking. Only about one-third (32.9 percent) indicated they had made changes in procedures. Of the 40 respondents who provided comments, most stated in effect, “We have always served these clients.” Similarly, a majority of those who commented characterized changes in workload because of the expansion as “minimal” or “not significant.” However, there were some significant exceptions:

- A number of projects began to encourage more referrals from rape crisis programs, or included a rape crisis program or sexual assault coalition among their partners.
- Several projects noted placing a greater emphasis on issues of sexual assault and stalking during client screening and interview sessions. For example:

Attorneys and advocates expanded screening of potential clients to include sexual assault/stalking in overall assessment of the case and the danger to the client

We have made an effort to take more clients/prioritize intake of clients who indicate sexual assault or stalking is involved. We have strengthened our community partnership/relationship with our local rape crisis agency

- Some projects significantly increased the legal services provided to victims of sexual assault or stalking. For example:

In 2002 we did 96 consults and 20 representations in the sexual assault program. Those were things we would not have handled before.

The case load increased by 35 percent.

There has been a rise in sexual assault victims and we have increased collaboration with agencies specialized in sexual assaults. These cases require much more time because of client's additional needs

Other Issues

Respondents were invited to provide additional comments and 36 did so. Each of the following themes were emphasized by five or six respondents:

- LAV greatly expanded agencies' services, particularly in complex cases such as child custody and divorce. However, substantial numbers of victims still need representation in those matters and others (e.g., employment, housing) so they can truly gain control over their lives and end the cycle of violence.
- Difficulties in retaining attorneys were related to uncertainties associated with grant funding (award notification delayed, funding reduced, discontinuation of grant funding not anticipated, need for a longer funding cycle).
- *Pro bono* attorney recruitment was particularly difficult in rural areas. One respondent suggested that technology enhancements (e.g., laptops, remote network access) could go a long way toward addressing this problem.

Several respondents also noted that it was difficult to classify the types of legal services provided in ways that can be interpreted easily by others; and several noted difficulties inherent in using data on clients turned away as a measure of demand for services.⁶⁷ Finally, one agency—which had merged with another LSC-funded agency and also experienced cutbacks in OVW funding—discussed how it was able to increase local support by emphasizing a holistic approach:

We have pushed the issue of holistic assistance including safe housing, child support, proper medical care, and financial security. As a result, we have been assisted by other local funders who embrace the concept of multi-faceted assistance.

Telephone Survey in Jurisdictions Without LAV Funding

One of the rationales for creating the LAV program was that current legal services for low-income domestic violence victims were not serving nearly enough victims, nor did these legal services have the capacity to expand without federal resources. To test this proposition, project staff conducted a review to determine the extent to which existing legal services agencies were delivering services to low-income domestic violence victims.

⁶⁷ For example, demand goes up when attorney availability becomes known. Advocates may stop referring certain types of cases when they know attorney workloads will not permit handling them.

In the jurisdictions we examined where no agency had LAV funding, we found that only about half of the legal services providers had attorneys who were assigned exclusively to represent victims of domestic violence. Not unlike the LAV grantees, these providers pieced together funding from multiple sources—typically, seven or eight. The amount available from most of those sources cannot be considered reliable from one year to the next. Several organizations gave examples of cutbacks in services or potential clients who could not be served because of a loss of funding from one or more source.

Process and Sample. A telephone survey was conducted to learn more about civil legal services for battered women in jurisdictions where no organization had received LAV funding within the first three years of the LAV grant program (1998 through 2000). The areas were selected to obtain a mix of geographic regions of the nation, populations sizes, demographic diversity, and more. The list of selected states and regions is shown in Appendix E. From this list, 19 regions were surveyed in 11 states.

Contact information on civil legal assistance programs for battered women was provided by several sources, including the Legal Services Corporation, American Bar Association, state and local bar associations, victim services organizations, and NCVIC's database of victim services agencies. Some of the agencies included had applied for LAV funding but did not receive grant awards. Interviews were conducted with agency directors or executives. The interviews were completed in May 2002. Most respondents were legal services agencies that served a mix of areas (rural, suburban, urban) and most served multiple counties, with several providing services statewide.

Interview Questions. The interview questions were aimed at understanding (1) the types of civil legal services provided to low-income victims of domestic violence in these jurisdictions; and (2) staffing and funding for those services. In addition to background questions on agency and service area characteristics, questions were asked about

- Staffing for domestic violence cases
- Types of legal services provided (protection orders, custody, employment, etc.)
- Funding sources
- Eligible victims not served because of a lack of resources

Staffing. Only half of the responding agencies reported having any attorneys who worked solely on cases involving domestic violence. One of these agencies had four staff

attorneys serving only domestic violence clients; the others had one or two. Only four agencies had one or two paralegals assisting domestic violence victims. However, all but five agencies said there were other organizations in the area that provided limited types of civil legal services to domestic violence victims. The other organizations included law school clinics, victim services providers, shelters, and legal aid societies.

Legal Services Provided. Participants were asked if they handled various types of cases (protection orders, child custody, divorces, etc.) and, if so, whether those cases constituted a major or minor part of their workload. More than half reported that permanent protection orders, divorces, child custody, housing, and public benefits were part of their practice. Only about one-fourth indicated that protection order enforcement and spousal support cases constituted a major portion of their workload. Four agencies did not provide any assistance with temporary protection orders or protection order enforcement.

Funding. Nearly all of the agencies we reviewed relied on funding from multiple sources. About 70 percent received some funding from state government in amounts that ranged widely from \$5,000 up to \$500,000 (this highest amount was TANF pass-through funding). Several reported that their state funding was specifically allocated for court filing fees and not for hiring attorneys, and one had a grant from the state Bureau of Prisons. The average amount from state government was \$160,000.

About half of the responding agencies relied on the Legal Services Corporation (LSC) as their primary source of funding. The smallest LSC award among respondents was \$429,000 and the largest was \$3.6 million (for an agency with 9 offices serving 23 counties). About half of the agencies received considerable support from IOLTA funds (the average amount was \$350,000).

In addition, about 40 percent of respondents received United Way funding, with amounts varying greatly from \$8,000 to \$500,000. About 30 percent received local government funding. One of the larger agencies received a total of \$1.1 million from several local jurisdictions in its service area, but this was the exception. Local government funding for the others ranged from \$17,000 to \$72,000. Another one-third received bar association funding (typically, the amounts were \$5,000 to \$9,000, with one agency receiving \$33,000).

Only three agencies among the total respondents received any funding from OVW, and this was through the STOP grant program. Other federal grant programs such as HUD, VOCA, and Title III Senior Services provided funding for various purposes.

Unmet Needs. Most agencies interviewed (about 89 percent) formally identified which of its clients were domestic violence victims. But we could not quantify unmet needs in terms of domestic violence victims referred to other programs or turned away. Only a few agencies had a system for tracking this, although a number of others reported that the demand for legal services was greater than their ability to deliver them. Two programs indicated that they turn away approximately two-thirds of those seeking help, and one reported turning away 250 potential clients in 2001. Another agency served more than 400 low-income victims of family violence annually, some of whom had to wait more than a year to have their divorce cases handled. This agency had to notify its primary referral sources (social service agencies, court officials, and private attorneys) that it would have to start limiting its child custody and divorce case representation in order to handle its waiting list. The announcement came when the agency learned that the LAV grant for which it had applied with another legal services organization had not been awarded.

Conclusions. This review supported findings from our other evaluation activities, which demonstrated LAV's importance for the continuation of specialized legal representation to victims of domestic violence. In addition, research not available when LAV was created in 1998 has found that the provision of legal services is a key factor contributing to the decline in the incidence of domestic violence seen during the 1990s (Farmer and Tiefenthaler, 2003). A closer examination of state-level funding for legal services might uncover strategies that could be adapted from one state to another. However, it is unlikely that this would result in any appreciable expansion of legal services to victims of domestic violence. Many agencies are still struggling to compensate for significant reductions in LSC and other funding over the past ten years.

Summary

The initial survey of LAV grantees conducted in 2001 produced a comprehensive picture of the LAV grantee organizations and their partners; their objectives; modes of service delivery (brief service, representation, etc.); types of cases being handled (protection orders, other family law matters, non-family legal matters); and more. While acquisition of even one-half of one FTE attorney position through LAV made a significant difference in a grantee's capacity to provide civil legal services to domestic violence victims, the grantee agencies were not able to

greatly increase their staffing: about four-fifths of survey respondents (79.8 percent) gained 3 or fewer LAV-funded FTE attorney positions. Fewer than half applied LAV funding toward victim advocate positions; however, through partnerships strengthened under the grant, at least 90 percent of grantees provided—either directly or through referrals—a range of advocacy services such as shelter, counseling, health care, employment assistance, and others.

The second grantee survey repeated several questions from the first survey. However, findings from the site visits, combined with results from the initial grantee survey, led to a decision to re-focus the follow-up grantee survey. More was needed to aid in *quantifying* both (1) the legal services provided under LAV, and (2) the demand for services versus the capacity to provide them. Questions were added to identify changes that had occurred over several years of LAV grant support, such as changes in LAV grant partners, changes (often, decreases) in support from other funding sources, and to the extent possible, increases in domestic violence cases handled by LAV attorneys by type of case. We also took advantage of this survey to elicit from grantees specific strategies and techniques they had employed to address such problem areas as *pro bono* attorney recruitment and retention, staff attorney recruitment and retention, and protection order enforcement.

Key results from the 2003 survey, which showed trends for LAV grants for the previous 2-3 years of funding, include the following:

- Nearly 61 percent of LAV grantees reported experiencing recent reductions in funding from one or more (non-LAV) sources.
- Over 83 percent of grantees maintained their LAV project partners, or added partners (38 percent) over the years of the project.
- LAV grantees increased the number of low-income domestic violence civil cases handled over the years of funding with respect to nearly all types of cases.
- Results of the 2003 follow-up survey suggest that LAV projects' use of *pro bono* attorneys has increased over the past two years. Sixty-two percent (62%) of grantees responding to the second survey reported using *pro bono* attorneys under their LAV grants, compared to about 50 percent on the first survey. In addition, nearly 40 percent of grantees indicated that their use of *pro bono* attorneys had increased over the years of funding. However, nearly half felt that the amount of free legal work was still not adequate. Overall, the grantees were very satisfied with the quality of the *pro bono* work provided.
- A full range of victim and advocacy support services (e.g., safety planning, counseling, etc.) were provided to nearly all LAV clients. The exception was help

with victim compensation claims, which about one-third did not provide (generally referring victims to the state service).

- Many grantees feel that they still need more legal help to meet the demand for civil legal assistance by low-income domestic violence victims.
- Many LAV grantees express difficulties with attorney recruitment and retention due to low salaries and the lack of job stability, due to the grant-funded nature of the positions.
- The vast majority of LAV attorneys state that they do a good job of telling their clients to contact them if the abuser violates the protection order; nearly 80 percent say that they do receive calls from the clients asking them to help enforce the orders.
- Slightly more than one-third of survey respondents (36.5 percent) report that they can provide legal services to most victims (between 80 and 100 percent) who request those services. Another one-third of LAV grantees (35.2 percent) indicate they can handle from 50 to 80 percent of requests. The remaining grantees (28.4 percent) report being able to handle fewer than half of the requests received from eligible domestic violence victims who request services. The most significant factors affecting capacity to provide legal services were staff shortages and a lack of *pro bono* attorney help.

The initial LAV grantee survey conducted in 2001 laid the groundwork for selecting a cross-section of 20 projects for site visits during the process evaluation phase of this study. The next chapter (Chapter 4) provides summaries of each of these 20 projects, along with background information to provide context for better understanding the projects' service areas and legal environments. This is followed in Chapter 5 by a cross-site analysis of project implementation at the 20 sites.

Chapter 4

Overview of Process Evaluation Sites: Case Studies of 20 Grantees' Activities

Twenty LAV projects were selected for site visits to assist in the process evaluation phase of this study. These sites were selected in consultation with NIJ, OVW, and the project advisory board, and after reviewing the results of the first LAV grantee survey (see Chapter 2, “Methodology”). The site visits produced detailed information and valuable insights that could not have been gleaned from mail surveys or grant applications alone. Interviews were conducted with nearly 400 individuals across the 20 sites; and half of the participating sites provided case management databases for further analysis.⁶⁸

The purpose of this chapter is to introduce the grantees, partners, and LAV projects and to provide some context for understanding LAV project implementation by noting key features of the grant program environments. The information presented is largely descriptive, whereas the next chapter (Chapter 5) discusses the results of our cross-site analysis of project implementation at the 20 sites.

The following information is included in this chapter:

- Types of grantee organizations
- Formal LAV grant partners
- Jurisdictions served by the grant projects and selected demographic characteristics
- Brief descriptions of each of the 20 grantees and their LAV projects, including background on the grantee organization and the need for LAV grant support
- Primary goals/objectives addressed by each project.

Overview of Grantee Organizations

The majority of LAV grants in 1998-2000 were awarded either to legal services organizations (63 percent) or to victim services programs (15 percent), with the balance going to Tribal organizations (4 percent), law schools (6 percent), and other organizations, such as bar

⁶⁸ Case databases were stripped of names and other identifying information before being provided to the evaluators.

associations (10 percent).⁶⁹ Similarly, most of the grantees participating in the site visits for this evaluation were either legal services organizations (12 grantees, or 60 percent)⁷⁰ or domestic violence victim services programs (5 grantees, or 20 percent, including one Tribal program).⁷¹ Of the remaining 3 grantees, 1 was a law school, and 2 grantees fell into the “other” category (a county bar association and a women’s bar association). The grantees are listed in Exhibit 4-1.

Exhibit 4-1: Organizational Structure of the 20 LAV Grantee Organizations

LAV Grantee	Type of Organization			
	Legal Services Organizations	Victim Services Programs	Law School	Other
Appalachian Legal Services (WV)	√			
Capital District Women’s Bar Association, Legal Project of the (NY)				√
Connecticut Domestic Violence Partnership Initiative/Greater Hartford Legal Aid	√			
Dade County Bar Association Legal Aid Society (FL)				√
Eastern Missouri, Legal Services of (MO)	√			
Greater Boston Legal Services (MA)	√			
House of Ruth (MD)		√		
Loudoun Abused Women’s Shelter Legal Services(VA)		√		
Montana Legal Services (MT)	√			
New Orleans Legal Assistance Corporation (LA)	√			
Philadelphia Legal Services (PA)	√			
Pine Tree Legal Assistance (ME)	√			
Pisgah Legal Services (NC)	√			
St. Mary’s University Law School (TX)			√	
San Mateo County Legal Services (CA)	√			
Sanctuary for Families (NY)		√		
Travis County (TX) Domestic Violence and Sexual Assault Survival Center (dba SafePlace)		√		
Utah Legal Services (UT)	√			
White Buffalo Calf Woman Society (SD)		√		
Women’s Law Project (NJ)	√			

⁶⁹ 2001 LAV grantee survey (see Chapter 3).

⁷⁰ The Women’s Law Project in New Jersey is classified with the legal services organizations because its primary function is to provide legal assistance and representation, with LAV funds increasing its capacity to do so. However, its organizational structure differed considerably from the 11 other projects in this category. It was the only active program of its parent organization, the National Center for Protective Parents, which was founded in 1992 to train attorneys about child sexual abuse and battery of women.

⁷¹ All five of these programs operated emergency shelters in addition to providing many other services.

Although only one law school-administered program is represented, several other grantees collaborated with law schools. For example, one grantee, Sanctuary for Families, relied heavily on students from 9 law schools to implement its LAV program; the Austin project had a subgrantee, the University of Texas Law School Domestic Violence Clinic; and at another project (New Orleans Legal Assistance Corporation), LAV attorneys helped establish a law school clinic at Tulane University, where they also taught.

Overview of Partner Organizations

In 1998, OVW “strongly encouraged” legal services applicants for LAV funding to propose working partnerships with local non-governmental, non-profit victim advocacy organizations, and in subsequent years, applicants were required to do so. In their applications for LAV funding, 18 of the 20 LAV grantees we visited named partner organizations that they expected would play a substantial role in implementing their projects. These partners are listed in Exhibit 4-2 below and were sometimes referred to as “formal” partners. However, Exhibit 4-2 does not accurately portray the extent of cooperation that the grantees achieved. Many additional organizations—including social services providers, police, prosecutors, and courts—worked cooperatively with various LAV programs. A few grantees reconfigured their formal partnerships after some experience with the LAV project (e.g., added or dropped a partner when applying for LAV continuation grant funding). As noted in Chapter 3, 38 percent of respondents to the second LAV grantee survey added partners after receiving their initial LAV grants.

Exhibit 4-2: Formal Partners of LAV Grantees

Legal Services and Bar Association Grantees	Partner Organizations
Appalachian (WV)	Tug Valley Recovery Shelter; Women’s Resource Center; Resolve; and Stop Abusive Family Environments (each of these shelter programs serves 2-3 counties); WV Coalition Against Domestic Violence
Capital District (NY)	Unity House (Rensselaer), the YWCA of Schenectady, and Equinox, Inc. (Albany).
Connecticut Partnership /Greater Hartford	Connecticut Legal Services, New Haven Legal Assistance Association, and 18 shelter programs throughout the state
Dade County (FL)	Victim Services Center; Safe Space, Domestic Violence Court Intake Unit; Miami Beach Police Department
Eastern Missouri	Women’s Safehouse (St. Louis); Abused Victims Education Network

Eastern Missouri, cont'd.	United to Ensure Safety (AVENUES) (Hannibal); Washington University School of Law (St. Louis) ⁷² ; St. Louis University School of Law; Missouri Coalition Against Domestic Violence; Alternatives to Living In Violent Environments (ALIVE); and Leadership through Education and Advocacy for the Deaf (LEAD)
Greater Boston (MA)	Casa Myrna Vazquez (battered women's service provider), and 6 hospital-based victim advocacy programs
Montana	Two victim agencies put in their own LAV applications after MLS was unable to deliver much service; efforts to coordinate with tribal organizations did not meet with success.
New Orleans (LA)	Project S.A.V.E./Catholic Charities of the Archdiocese of New Orleans; Jefferson Parish and Plaquemines Parish District Attorneys' Offices; St. Bernard Battered Women's Program; New Orleans Mayor's Domestic Violence Advisory Committee; New Orleans YWCA; Metropolitan Battered Women's Program; and Tulane Law School
Philadelphia (PA)	Women Against Abuse Legal Center (Philadelphia); Delaware County Legal Assistance Assn.; Congreso de Latinos Unidos Domestic Violence Program (Philadelphia); Interpersonal Violence in Asian American Communities (Philadelphia); Women Against Abuse Shelter (Philadelphia); Domestic Abuse Project of Delaware County
Pine Tree (ME)	Maine Coalition for Family Crisis Services; Caring Unlimited (York County); Abused Women's Advocacy Project, (Lewiston); Family Crisis Assistance (Augusta); New Hope for Women (Rockland); Battered Women's Shelter (Presque Isle)
Pisgah (NC)	Victim services agencies in 6 counties: Mainstay (Henderson) Helpmate and Interlace(Buncombe) S.A.F.E.(Transylvania); Steps-to-Hope(Polk), Helpmate (Madison), and P.A.T.H. (Rutherford)
San Mateo (CA)	Center for Domestic Violence Prevention, and Sor Juana Ines Services for Abused Women
Utah Legal Services	Legal Aid Society (Salt Lake County)
Women's Law Project (NJ)	Womanspace (Mercer County); Providence House Division of Catholic Charities (Burlington and Ocean Counties); Lutheran Social Ministries of New Jersey, Immigration and Refugee Program; and New Jersey Coalition for Battered Women
Victim Services Program Grantees	
House of Ruth (MD)	Women's Law Center
Loudoun County (VA)	No formal partners
Sanctuary for Families (NY)	New York Legal Assistance Group; 9 law schools and 25 law firms
Travis County SafePlace (TX)	Legal Aid of Central Texas (LACT) (now part of Texas Rural Legal Aid); Women's Advocacy Project; University of Texas School of Law Domestic Violence Clinic
White Buffalo Calf (SD)	No formal partners
Law School Grantee	
St. Mary's U (TX)	Texas Rural Legal Aid; San Antonio Police Department, Victim Advocacy Section; San Antonio Family Violence Prevention Service (operates the battered women's shelter); Benedictine Resource Center

⁷² The Washington University Law School was a partner in the initial but not the continuation grant project.

In addition to the expected partnerships between legal services organizations and victim advocacy and shelter programs, Exhibit 4-2 shows that other types of organizations were included as grant partners at a number of sites. Several grantees joined with organizations that had explicit missions to assist victims who traditionally have been underserved because of their limited English language skills, cultural backgrounds, race/ethnicity, and/or immigration status (e.g., Philadelphia Legal Services, San Mateo County Legal Assistance, Greater Boston Legal Services, Sanctuary for Families, Legal Services of Eastern Missouri, and Women’s Law Project). Other formal partners included

- **Hospitals.** Greater Boston’s key partners included 6 hospital-based advocacy programs. (Various other grantees also received some referrals from hospital programs, distributed information about LAV services in hospitals or doctors offices, or participated on task forces with, or made presentations to, health care providers).
- **Law School Clinics.** Five grantees—all of which served urban centers—included area law schools as partners in their grant applications. Two of these were victim services program grantees (SafePlace in Travis County, Texas; and Sanctuary for Families in New York City), and four were legal services organizations (Legal Services of Eastern Missouri; New Orleans Legal Assistance Corporation; and Philadelphia Legal Services)
- **Police.** Two grantees (St. Mary’s University Law School and Dade County Bar Association Legal Aid Society) worked with the police as key formal partners. The Dade County LAV project was the only one of the 20 to be located in a police department facility (Miami Beach Police Department). However, many of the grantees received referrals from police officers.
- **Domestic Violence Court.** One grantee, the Dade County Bar Association Legal Aid Society, partnered with the Intake Unit of the Domestic Violence Court (part of the Family Court). (Court intake did not receive funding under the LAV grant).
- **Prosecutor.** One grantee, the New Orleans Legal Assistance Corporation, included as a formal partner a prosecutor’s office that provides direct representation of domestic violence victims seeking civil protection orders.
- **Faith Organizations.** Several projects included faith organizations among their partners (e.g., St. Mary’s University Law School, the New Orleans Legal Assistance Corporation, and the Women’s Law Project in New Jersey).

Finally, two grantees did not enter into formal partnerships as part of their LAV projects. One was Loudoun Abused Women’s Shelter (LAWS) Legal Services, which was one of the smallest of the 20 programs in terms of capacity to provide legal representation (the LAV grant,

among other things, allowed a part-time attorney at LAWS to become full time). The second was White Buffalo Calf Woman Society. WBCWS does collaborate formally and informally with local agencies including the Rosebud Sioux Tribal Court, Tribal Prosecutor’s Office, and Law Enforcement Services; Indian Health Services; and local schools.

Jurisdictions Served by the Grantees

The 20 LAV grant programs served a mix of urban, rural, and suburban areas (see Exhibit 4-3). Several projects stand out for the demographic variation found *within* their service areas, which encompassed both major urban centers and sparsely populated rural counties. Most of the 20 projects’ service areas included jurisdictions where poverty levels well exceeded the national average.

Scope of Service Areas

Of the 20 programs, 4 provided LAV-funded legal services statewide (Montana Legal Services, Utah Legal Services, Pine Tree Legal Assistance in Maine, and the Connecticut Domestic Violence Partnership Initiative⁷³); and 11 served multiple jurisdictions with LAV grant support. These 11 programs’ service areas ranged from several adjoining counties (e.g., Capital District Legal Project in the Albany, New York, area) to approximately half the state (Eastern Missouri Legal Assistance, which served the city of St. Louis and 21 counties). Finally, 5 organizations provided LAV-funded legal services in a single county or city (San Mateo County, California; the city of Miami Beach, Florida; Suffolk County (Boston), Massachusetts; Travis County (Austin), Texas; and Loudoun County, Virginia).⁷⁴

⁷³ The Connecticut Domestic Violence Partnership Initiative had a statewide LAV program but focused most of its direct legal services under LAV in four cities.

⁷⁴ Two of these five grantees—Greater Boston Legal Assistance and the Miami-Dade Bar Association—also provide legal services in other counties/cities with funding from other sources.

Exhibit 4-3: LAV Grant Project Service Areas

LAV Grantee	Jurisdictions Served under the LAV Grant Projects
Appalachian (WV)	12 counties in southern West Virginia (includes city of Charleston) ⁷⁵
Capital District (NY)	3 counties (Albany, Rensselaer, and Schenectady)
Connecticut Partnership	State of Connecticut, with a focus on 4 jurisdictions: Hartford, Bridgeport, New Haven, and Waterbury
Eastern Missouri	City of St. Louis and 21 counties in eastern Missouri
Greater Boston (MA)	2 courts in Suffolk County
House of Ruth (MD)	City of Baltimore and Montgomery Prince George's Counties
Loudoun County (VA)	Loudoun County (includes independent city of Leesburg)
Miami-Dade (FL)	City of Miami Beach
Montana	State of Montana
New Orleans (LA)	City of New Orleans/Orleans Parish and 4 additional parishes (Jefferson, St. Bernard, Plaquemines, and St. Charles)
Philadelphia (PA)	Philadelphia County (includes city of Philadelphia) and Delaware County
Pine Tree (ME)	State of Maine
Pisgah (NC)	6 counties in Western North Carolina
San Mateo (CA)	San Mateo County
Sanctuary for Families (NY)	New York City (started with the 4 boroughs of Brooklyn, the Bronx, Manhattan, and Queens; later expanded into the 5 th borough (Staten Island))
St. Mary's University (TX)	Bexar (includes San Antonio), Webb, Val Verde, and Maverick Counties in south Texas
Travis County (TX)	Travis County (includes city of Austin)
Utah (UT)	State of Utah, with a focus on 10 rural counties
White Buffalo Calf (SD)	Rosebud Sioux Reservation (covers Todd County, SD, and extends into 4 additional counties)
Women's Law Project (NJ)	Burlington, Mercer (includes Trenton), and Ocean Counties

Economic Conditions in the Service Areas

In a number of LAV project service areas, particularly harsh economic conditions prevail. The most striking example is the area served by White Buffalo Calf Woman Society. Todd County, South Dakota, where much of the Rosebud Sioux Reservation is located, is the second poorest county in the nation. The unemployment rate is approximately 73 percent. Unemployment is also exceptionally high in the rural, mountainous areas served by Appalachian Legal Services (ALS) in West Virginia, where in the past 20 years, tens of thousands of jobs

⁷⁵ The 12 counties served by Appalachian Legal Services are Boone, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Mercer, Mingo, Putnam, Raleigh, and Wyoming

were lost because of the mechanization of the coal industry. Nearly one-third (31.4 percent) of residents in one of 12 counties served by ALS live below the federal poverty level (18 percent in the 12-county area as a whole).

Using 1999 census data as a very rough gage, the percent of population living below the federal poverty level exceeded the nationwide average that year (12.4 percent) in the following major urban jurisdictions served by the 20 projects: Suffolk County/Boston (19 percent); Philadelphia County (22.9 percent); the city of St. Louis (24.6 percent); Orleans Parish/New Orleans (27.9 percent); and New York City (ranging from 14.6 percent in Queens to 37 percent in the Bronx). Many other jurisdictions served by the 20 LAV projects also exceeded the national average for populations living in poverty—for example, 14.6 percent in the state of Montana; and 13 to 18 percent in most outlying counties served by Eastern Missouri Legal Services and in the counties served by Pisgah Legal Services, and in some areas served by New Orleans Legal Assistance Corporation (NOLAC).

Rural Service Areas

Half of the 20 grantees were challenged to provide civil legal assistance to victims living in sparsely populated rural areas.⁷⁶ Seven of these 10 grantees were legal services organizations (the projects in Montana, Maine, Utah, West Virginia, North Carolina, Louisiana, and Missouri); two were victim services providers (the projects in South Dakota and Virginia (half of Loudoun County is largely rural); and one was a law school (the St. Mary’s University project in Texas).

To illustrate just a few geographic differences among the rural service areas, the South Dakota project (White Buffalo Calf Woman Society) serves tribal lands encompassing four counties; several projects served mountainous areas (Appalachian, Pisgah, and Pine Tree); and one service area (Pine Tree) included small islands. The sidebar, “Rural Area Served by the LAV Projects,” notes additional characteristics of these rural environments. Despite these geographic and demographic differences, however, the projects’ difficulties in delivering legal services in rural areas were similar in many respects (these difficulties and strategies to overcome them are discussed in Chapter 5).

⁷⁶ In addition, major urban centers were also located in four of these service areas (St. Louis, New Orleans, San Antonio, and Salt Lake City).

Rural Areas Served by the LAV Projects

- **Appalachian Legal Services** has a 12-county service area that is predominantly rural, mountainous, and isolated. The total population of the 12-county area is 618,414. Charleston, the state capital, has a population of about 53,000.
- **Legal Services of Eastern Missouri** serves a large geographic area (St. Louis and 21 counties) that includes many rural areas.
- **Loudoun Abused Women’s Shelter (LAWS) Legal Services.** Loudoun County, Virginia has about 225,000 residents and is growing rapidly in the eastern half, while the western half remains predominantly rural.
- **Montana Legal Services.** Montana has 56 counties and seven tribal reservations (Blackfeet, Rocky Boys, Flathead, Fort Belknap, Fort Peck, Crow, and Northern Cheyenne) spanning more than 145,000 square miles. In 2000, population density in the state averaged 6 persons per square mile.
- **New Orleans Legal Services.** This project serves 2 rural parishes in addition to New Orleans/Orleans Parish and the suburban parish of Jefferson.
- **Pine Tree Legal Services** has many islands as well as rural and mountainous areas. A number of islands have year-round populations ranging between 80 and about 1,000. There are little or no law enforcement services located on those islands, and women there who seek financial self-sufficiency often must relocate. Maine’s largest city, Portland, has a population of about 60,000.
- **Pisgah Legal Services** serves 6 counties in the mountains of western North Carolina. The largest city in the area is Asheville (population 70,000).
- **St. Mary’s University School of Law.** In addition to Bexar County (San Antonio) and Webb County, the Battered Immigrant Civil Legal Assistance Project (BICALP) served two additional counties (Val Verde, and Maverick), each of which had fewer than 50,000 residents.
- **Utah Legal Services.** Ten rural counties in Utah were identified by the grantee and its partners as particularly lacking in services generally and were the focus of much of the work done under ULS’s grant project.
- **White Buffalo Calf Woman Society** serves the Sicangu Oyate Nation (Lakota) on the Rosebud Sioux Reservation in south central South Dakota. The Reservation includes 22 communities located throughout a land base of approximately 900,000 acres spanning 1,500 square miles. The Reservation entirely comprises Todd County and extends into Mellette, Tripp, Lyman, and Gregory Counties. The Rosebud Sioux Tribe has approximately 25,000 enrolled members with 22,870 living on or near the Reservation.

As discussed in the next chapter, all of the projects in major urban areas served victims representing many different ethnic groups, including recent immigrants who spoke little or no English. However, the need to provide culturally sensitive legal and advocacy services and communicate in languages other than English was not limited to large urban centers. A few

examples include a growing Bosnian population within the service area of Eastern Missouri Legal Services; a recently established Somalian population in Portland, Maine; and growing Vietnamese and Cambodian populations in one of the rural parishes served by New Orleans Legal Assistance Corporation.

Legal Services Environments

Prior to each site visit, project legal staff conducted legal research to identify nuances in state laws pertaining to domestic violence and become more familiar with civil court structures and court procedures in each state. That information was further clarified during site visit interviews (see individual site reports). The sections that follow highlight some of the similarities and differences in state laws and court procedures (18 different states were represented, with two projects located in New York and two in Texas).

Protection Orders

Duration of Protection Orders

Typically, where emergency protection orders were issued by a magistrate, the victim was required to appear before a judge on the next day that court was in session. Temporary protection orders in most of the states remained in effect for 10-20 days; and permanent protection orders in most jurisdictions were issued for 1 to 2 years. In some states, permanent orders could be renewed for an additional year if application was made before the order expired.

Some exceptions to these parameters among the study sites are noted below:

- In West Virginia and Connecticut, the duration of a permanent protection order is only 180 days
- In Utah, Part I of a protection order (protection from abuse) lasts for 1 year but Part II (which addresses visitation, custody, and other matters) remains in effect for only 150 days.
- In New York, there is no statutory limit on the duration of a temporary protection order. In New York City, hearings on permanent orders are typically held 4 to 10 weeks after issuance of a temporary order.⁷⁷

⁷⁷ At the *ex parte* court appearance, the court will schedule a return date for the case, which is typically between 4-10 weeks after the first court date. At this first return date, the respondent may consent to the issuance of an order or contest the order. If the respondent contests the order, a fact-finding hearing to determine whether a permanent order of protection will be issued may be held at that time; but usually the case is adjourned at least once, often several times, before a hearing is concluded.

- In New York, orders of protection ordinarily are limited to one-year duration. However, where the court finds aggravating circumstances, an order may be issued for a 3-year period.
- There is no limitation on the duration of a permanent protection order in New Jersey.

Victim Representation by Prosecutor in Protection Order Cases

The two projects in Texas differed from the others in that the prosecutor's office filed most petitions for civil orders of protection. Also, in Jefferson Parish, Louisiana, one of four parishes served by New Orleans Legal Assistance Corporation, the prosecutor's office filed many emergency protection orders.

Bexar County (San Antonio), Texas. Most petitions for an order of protection in Bexar County are filed by the District Attorney's Office. However, the District Attorney will not accept protection order cases where there has not been a police report filed within the past 30 days. The Office will also refuse cases where the complainant has dropped a request for a protection order three or more times. Often, however, these latter cases are referred to the LAV project (many Assistant District Attorneys are graduates of the St. Mary's law clinic program).

Travis County, Texas. In January 1999, the Travis County Attorney's Office established a special unit with 3 assistant prosecutors assigned to prosecution of misdemeanor domestic violence cases. In addition, most petitions for an order of protection are filed by the County Attorney's Office. Another unit handles domestic violence protection order cases. This protection order unit uses the office's victim-witness staff to refer victims to needed services. The unit files about 4,000 domestic violence protection order cases annually.⁷⁸

Jefferson Parish, Louisiana District Attorney's Office. In addition to several victim advocates and a counselor who are assigned to work with domestic violence victims, the Jefferson Parish District Attorney's Office, a partner in the New Orleans Legal Assistance Corporation LAV grant project, has an assistant district attorney in its Family Violence Unit whose job it is to help battered women with emergency civil legal matters. Receiving referrals

⁷⁸ An effort is made at bail release hearings to have the court impose as a condition of bail a requirement for an assessment of the batterer by the Travis County Education and Counseling Services. The court bail agency assesses each arrestee for release on recognizance (ROR) or bail recommendations and monitors compliance with bail conditions. If a defendant is non-compliant, the bail agency will recommend changes in conditions of release; if the judge agrees, a warrant is issued.

from the police and from prosecutors in her office, this attorney assists clients in obtaining emergency protective orders. She then regularly refers clients to NOLAC for assistance with more long-term legal needs.

No-Drop Policies and “Project Options” Course for Victims

In **Travis County, Texas**, the County Attorney has adopted a “no-drop” policy whereby if a victim asks that a misdemeanor case prosecution be terminated, she is asked to attend a “Project Options” course. Similarly, the County Attorney’s unit for filing petitions for orders of protection is not required to drop a petition at the request of the victim. This course is also provided for clients wishing to dismiss in order of protection cases. If a request to end the petition is received, the victim is asked to attend a 2-hour Project Options course. Then the victim is asked to meet with a SafePlace counselor to discuss safety issues. The victim can then appear at the court hearing and request of the judge that the petition be dropped. Among other factors considered by the court in determining if there is a continuing risk of domestic violence is whether the defendant has complied with any treatment requirement added to the bail release.

Domestic Violence Courts

Two projects—in Miami-Dade County, Florida, and Travis County, Texas—benefited from working through the domestic violence courts that operated in some or all of the jurisdictions they served with LAV support.

Miami-Dade County has a specially designated Domestic Violence Court (established in 1992) as part of Family Court. Seven elected judges hear both civil and criminal cases arising from domestic violence. Family Court has jurisdiction over divorce, custody, and support matters. Family Court is a county-level court and is not a court of record. The County Court on Miami Beach only hears small claims and landlord tenant disputes. No domestic violence cases are heard in Miami Beach; all of the proceedings for Miami Beach cases are held at the justice complex in downtown Miami.

Travis County (Austin), Texas. The Travis County/Austin Family Violence Task Force was a primary sponsor of the Domestic Violence County Court and the Family Violence Protection Team. Three different Texas courts can handle criminal cases involving domestic violence. Arraignments in misdemeanor cases are held in the Municipal Court. All further

proceedings in misdemeanor criminal cases are held in the County Courts. One County Court has been designated as the domestic violence court to hear all criminal and civil matters involving domestic violence that are not required to be heard in the District Court,⁷⁹ the trial court of general jurisdiction. However, the Domestic Violence County Court in Travis County does have jurisdiction to hear felony cases involving enhanced misdemeanor domestic violence cases (second offense) that are heard in other counties only in the District Court.⁸⁰ Felony matters involving domestic violence are held in the District Court.

Non-Attorney Magistrates

Although it is common to have magistrates or similar court officials available to sign off on emergency protection orders when court is not in session, non-attorney magistrates played a prominent role at two sites, Pisgah Legal Services in North Carolina and Appalachian Legal Services in West Virginia.

Role of Magistrates in North Carolina (Pisgah Legal Services). The role of the magistrate is important in the issuance of domestic violence protection orders. The North Carolina Legislature has established a certain number of magistrates for each county court. For the day-to-day operations of schedule, policy, and procedures, magistrates work under the supervision of the Chief District Court Judge. In the urban areas, magistrates are generally available 24 hours a day. In the rural areas, they are often “on call” after normal business hours. Under the North Carolina Domestic Violence Act (NC Statutes, 50-B), two types of domestic violence protection orders may be issued: *ex parte* orders and protective orders. *Ex parte*⁸¹ orders are usually issued by the District Court judge, but may be issued by a magistrate if authorized by the Chief District Court judge. *Ex parte* orders protect domestic violence victims and minor children prior to a domestic violence court hearing. These orders may also provide limited emergency relief (support payments, custody, etc.). If issued by a magistrate, the *ex*

⁷⁹ Government Code § 25.2292.

⁸⁰ *Id.*

⁸¹ A Latin phrase meaning “one party only is present.” Typically, the law provides in certain situations that the moving party (in this case, the abused victim) can seek immediate relief in court without the necessity of having the other party (abuser) present. This relief is always temporary, giving the other party a later opportunity to appear in court and challenge the relief.

parte orders are valid for 72 hours from filing for relief, or until the end of the next day on which district court is in session in the county (or whichever is earlier).⁸²

Magistrates' and Family Law Master's Courts in West Virginia (Appalachian Legal Services). The magistrates presiding over the Magistrates' Courts are appointed by the Circuit Court. Magistrates generally are not trained attorneys. Until September 2001, the Magistrates' Courts were responsible for hearing most of the temporary protective order petitions in their jurisdictions. Magistrates' Courts have no power to make findings of contempt of their orders.

In the Family Law Master's Courts, Family Law Masters are qualified attorneys acting in a full-time judicial role. Family Law Masters are appointed by the governor on recommendation of the Circuit Court. Parties appearing in the Family Law Master's Court must have legal representation. Prior to September 1, 2001, both the Family Law Master's Court and Circuit Court were responsible for full hearings on protective orders, as well as appeals of temporary protective orders. The Family Law Master was also responsible for hearing parenting plans, paternity cases, child and spousal support hearings, scheduling conferences for all divorces, and child custody modifications. The Master recommended orders on these matters to the Circuit Court, which made the final orders. Beginning September 1, 2001, the Family Law Master's Court assumed primary responsibility for full hearings of final protective orders. From this date, the Family Law Master could also hear divorce, child custody, child neglect and abuse, and juvenile cases.

Circuit Court is a court of general jurisdiction. Judges in this court are elected to their positions. Most counties in southern West Virginia have their own Circuit Court, although some of these counties share a Circuit Court judge. The Circuit Court is responsible for signing final protective orders and hearing appeals of final protective orders. It also hears family relations cases and criminal contempt cases.

Mandatory Jail Time for Domestic Violence Conviction. In Florida, minimum terms of incarceration have been attached to the crime of domestic violence.⁸³ If a person is convicted of intentionally causing bodily harm to another person in conjunction with an offense of domestic violence, the court must sentence the offender to a minimum of 5 days in jail. This

⁸² If the order is issued by a magistrate, a hearing is scheduled before a District Court judge who may issue another *ex parte* order.

provision does not prevent the court from sentencing an offender to a non-suspended period of incarceration, probation, community control, or an additional period of incarceration.⁸⁴

Additionally, an offender will be placed on probation for 1 year and ordered to attend a batterers' intervention program as a condition of probation if the offender is found guilty of, has had adjudication withheld on, or has pled *nolo contendere* to a crime of domestic violence.⁸⁵ The court may, however, in its discretion, decide not to impose the condition of the batterers' intervention program if it states on the record why such a program might be unnecessary.⁸⁶ First time offenders are usually ordered into a batterers' intervention program. This has resulted in a widely held belief that defendants are entitled to "one free hit" without serious criminal consequences.

Legal Services Organizations: Need for Funding and LAV Project Goals

Of the 12 grantees that were legal services agencies, most were formed in the late 1950s through 1970s, although the oldest, Greater Boston Legal Assistance, was founded in 1900 as the Boston Legal Aid Society. With one exception, these organizations (and one of the victim services programs, House of Ruth) were recipients of funding from the Legal Services Corporation (LSC), among other sources; and many had experienced hardships because of LSC-mandated agency consolidations and funding cutbacks. The exception is the Women's Law Project based in Trenton, New Jersey, which was formed in 1992 and has never received LSC funds.

Several examples are provided below to illustrate the organizational changes and funding uncertainties that the legal services agencies experienced both before and during their LAV grant periods.

- **Appalachian Legal Services** was established in January 2000 following the merger of the Appalachian Research and Defense Fund and the Legal Aid Society of Charleston. After that merger, indigent clients in West Virginia were served either by ALS, which served 12 counties, or by one other agency, the West Virginia Legal Services Plan, which served the other 43 counties in the state.

⁸³ Fla. Stat. ch. 741.283, (2002)

⁸⁴ *Id.*

⁸⁵ Fla. Stat. ch. 741.281, (2002)

⁸⁶ *Id.*

ALS and the Plan merged in January 2002, with the goal of providing more consistent and better resourced civil legal services throughout the state.

- **Legal Aid Society of San Mateo** was an LSC grantee for 25 years but in January 2001 withdrew from this source of funding because of pressures from LSC to consolidate with other regional programs. At that time, nearly one-third (\$300,000) of the Legal Aid Society's funding came from LSC.
- **Montana Legal Assistance Association** experienced a serious financial setback in the wake of LSC cutbacks in the 1990s and believed that LAV funds could help MLSA continue serving the needs of low-income domestic violence victims throughout the state.
- **Philadelphia Legal Services** administered the LAV grant and partnered with another LSC-funded agency, Delaware County Legal Services (DCLS), which experienced severe cutbacks in LSC funding shortly after the LAV grant application was submitted. As a result, DCLS did not have sufficient staff to provide the scope of services originally planned for under the LAV grant.
- **Pisgah Legal Services.** In 1978, volunteer attorneys created the Legal Aide Society of Buncombe County, North Carolina, to provide free legal services in non-criminal matters to low-income county residents; and over the next five years, these legal services were expanded to five surrounding counties. In 1982, the name was changed to Pisgah Legal Services (PLS) and funds were raised, primarily from the Legal Services Corporation, to hire attorneys to serve as full-time staff. In 1998, PLS decided not to merge into a statewide LSC-funded program because it wanted to maximize local fundraising opportunities. The Legal Services Corporation and the statewide program decided not to subgrant to PLS and stopped LSC funding to PLS before the end of a contract year. PLS replaced those funds from other sources and gradually increased its total funding and services.
- In the state of Texas, where the **SafePlace** (Travis County/Austin) and **St. Mary's University Law School** projects are located, the recent merger of many of the smaller LSC grantees left 3 LSC grantee organizations to serve the entire state, down from 9.

These experiences reflect those of many other organizations that responded to the second LAV grantee survey for this evaluation; nearly 61 percent reported experiencing recent reductions in funding from one or more sources (primarily LSC, IOLTA, and United Way). At the same time, these agencies offer a potential advantage for the comprehensive approach fostered by LAV—at least with respect to legal services—in that attorneys with specializations in areas such as housing, employment, and public benefits are on staff and have the expertise to assist LAV (and other) family law attorneys, either through consultations or by directly taking on cases.

Brief descriptions follow of the legal services organizations that participated in site visits and other evaluation activities. Information is included on unmet needs for legal services and the major objectives of the agencies' LAV-supported efforts. (LAV project objectives and specific implementation approaches are compared in Chapter 5).

Appalachian Legal Services (ALS). ALS was the only legal services agency providing civil legal services to domestic violence victims in a 12-county area. Before LAV funding, ALS attorneys rarely attended final protection order hearings except in grievous cases; divorce work was limited to cases where victims had sought refuge in a domestic violence shelter; and ALS did not have the resources to meet domestic violence victims' legal needs in such areas as housing, public benefits, and employment. The agency was unable to serve domestic violence victims whose incomes exceeded 125 percent of federal poverty guidelines.

- **LAV program goals/objectives:** By increasing its attorney staff, and by working closely with 4 shelter programs and the state domestic violence coalition, ALS sought to
 - Represent more domestic violence victims in protection order cases
 - Take on more divorce and custody cases; and
 - Provide more assistance to clients with other legal problems (e.g., income maintenance, housing) related to domestic violence.

Connecticut Domestic Violence Partnership Initiative/Greater Hartford Legal Aid.

Cutbacks in funding in the 1990s left Connecticut's legal services agencies with insufficient staff to meet the needs of domestic violence victims for civil legal services. At the time of the first LAV grant application, the three legal services partners in this project (Greater Hartford Legal Aid, Connecticut Legal Services, and New Haven Legal Assistance Association) had only 8.5 full time equivalent (FTE) attorneys among them who focused on providing legal services to domestic violence victims. The state's 18 shelter programs assisted approximately 42,000 victims annually. Through the LAV grant, the Partnership sought funds to hire 5 attorneys; and a small amount was budgeted to conduct a local evaluation of services provided under LAV.⁸⁷

- **LAV program goals/objectives.** An overarching goal for this project was to implement, statewide, a woman-directed model of delivering legal and advocacy services. Key objectives were to

⁸⁷ Although about one-third of the 20 organizations conducted client satisfaction surveys, the Connecticut Partnership was the only grantee to enlist a local consultant to evaluate its LAV program.

- Implement formal referral protocols with the 18 shelter programs
- Deliver legal advocacy, assistance, and representation services
- Strengthen legal services-shelter relationships and improve both advocacy and legal services through case consultations and cross-training
- Conduct a local evaluation of the LAV project
- Under the LAV continuation grant, conduct outreach to Spanish speaking women and to victims with legal problems related to housing, debt, public benefits, health reimbursement, and others.

Greater Boston Legal Services. GBLS is the largest legal services agency in New England, serving more than 30 cities within multiple counties in Massachusetts. Domestic violence victims are assisted through the Family Law Unit, and they also may be referred to GBLS immigration attorneys, the housing unit, the elderly unit, or the employment unit for legal assistance related to their domestic violence. In addition to providing legal representation, the Family Law Unit collaborates with other community-based organizations, provides cross-referrals to many of these agencies, and conducts community education on legal issues.

- **LAV program goals/objectives.** This project was specifically targeted toward the following traditionally underserved groups. African Americans; Asians; Hispanics; immigrants and refugees; gay, lesbian, bisexual, and transgender people; non-English-speaking people. Specific objectives were to
 - Staff a domestic violence intake and advocate center at the Suffolk County Probate and Family Court;
 - Hire an attorney to train and supervise law students from the Northeastern University School of Law to provide civil legal assistance at the Dorchester District Court;
 - Provide an additional attorney position at Casa Myrna Vazquez
 - Use a GBLS staff attorney to coordinate legal services for domestic violence victims who are served by one of six hospital advocacy programs

Legal Aid Society of San Mateo County: Stop Abuse Legal Collaborative. The Legal Aid Society of San Mateo County partnered with two victim services agencies, the Center for Domestic Violence Prevention (CDVP), and Sor Juana Ines Services for Abused Women (Sor Juana). The Legal Aid Society—the only agency in the county that offered family law representation to low-income residents—had only one staff attorney position dedicated to family law work. As noted earlier, in January 2000, the Legal Aid Society moved away completely from LSC funding. Without an LAV grant, it would have had to reduce its family law and

domestic violence work. CDVP had one attorney who supervised the CDVP legal program, which provided advice and some representation to restraining order petitioners and telephone advice on other issues. Sor Juana had no staff attorney or legal program; two counselors provided legal information and assisted Spanish-speaking domestic violence victims with petitions for restraining orders.

All three organizations were routinely forced to turn away needy clients. In addition, legal services were poorly coordinated; victims were sometimes referred back and forth to different agencies without receiving the assistance they needed.

- **LAV program goals/objectives:** In this project—the Stop Abuse Legal Collaborative, or SALC—each of the three organizations took the lead on a separate activity to create a continuum of services and frequently referred clients to each other as appropriate. Key objectives were to
 - Continue providing legal representation in family law cases (Legal Aid Society, by hiring two attorneys). This included assisting pregnant and newly parenting teens with restraining order cases and other legal matters.
 - Develop a *pro bono* attorney program (one attorney-coordinator position, Sor Juana).
 - Increase legal assistance with restraining orders, with Center for Domestic Violence Prevention taking the lead on this, as well as supporting other project objectives for coordinating and tracking the services provided (e.g., through improved legal assistance hotline protocols).

Legal Services of Eastern Missouri (LSEM). The LSEM Family Law Unit had the largest caseload in the agency but was the most difficult unit to fund. In 1995, LSEM established the Lasting Solutions Program to assist victims of domestic violence by providing holistic services and intervention in families where domestic violence is present. Some legal services were available for domestic violence victims from the St. Louis University School of Law legal clinic. However, at that time they were handling perhaps only a dozen family law cases a year. Lasting Solutions had already successfully integrated the services and collaborative partnerships called for by the LAV program but needed to increase capacity to better serve victims.

- **LAV program goals/objectives:** LSEM sought LAV funding for the full-time equivalent of 4 staff attorneys at LSEM to work with its partner agencies to address victims' needs for safety and achieve the following additional goals:
 - Help clients obtain orders of protection

- Institute or defend civil cases as necessary to provide long-term relief by resolving clients’ legal problems associated with the abuse.
- Provide more comprehensive social services to develop lasting solutions to reduce incidents of re-victimization.
- Provide legal representation to underserved communities, particularly victims living in rural areas and victims who are deaf.
- Broaden the scope of clients served to include victims whose assets on paper make them ineligible for services under LSC criteria, but who have no actual access to those funds, and to elderly victims of domestic violence.
- Integrate LAV-funded legal services with other LSEM services (housing, bankruptcy, consumer credit, and other areas of the law), which can be vital for long-term resolution of safety, financial, and other problems associated with the domestic violence.

Montana Legal Services Association (MLSA) was formed in 1968 and is the only civil legal services provider for low-income residents of Montana. At the time of the site visit, MLSA had fewer than 50 full time employees on staff, including administrative assistants; has 11 offices statewide; and offers a wide range of civil legal services, including family law, consumer matters, landlord/tenant, Indian law, social security, and public benefits. In the early 1980s, MLSA began limiting its family law cases to only those cases involving domestic abuse. MLSA sought LAV funding for five attorneys in order to assist more domestic violence victims with their civil legal needs.

- **LAV program goals/objectives:** MLSA’s long-term goals for the LAV project were to (1) coordinate civil legal services delivery to domestic violence victims, and (2) improve access to the civil legal system for low-income domestic violence victims. MLSA planned to achieve these goals by
 - Providing community education and outreach (including educating law students)
 - Recruiting, training and supporting *pro bono* attorneys
 - Providing direct representation of clients through a newly-created Domestic Violence Unit with 11 offices located across the state.

New Orleans Legal Assistance Corporation (NOLAC). NOLAC is the primary civil legal services provider for low income residents of the greater New Orleans area. The service area includes Orleans Parish (coterminous with the New Orleans city limits) and four other parishes—Jefferson, St. Charles, and the more rural parishes of St. Bernard and Plaquemines. The area covers more than 2,000 square miles and has a population of more than one million.

The greater New Orleans area has a number of agencies that assist domestic violence victims with a full range of needs, including assistance with protection orders (such services are significantly less accessible for victims in rural areas); however, there were critical needs to (1) increase capacity to provide civil legal assistance, especially with long-term family law and other legal matters, and (2) develop a coordinated system for case referrals.

- **LAV program goals/objectives.** NOLAC sought LAV funding for 5 attorneys—3 at its New Orleans office, one at its Chalmette office, and 1 at Project S.A.V.E.—and 1 secretary/paralegal, to address the following objectives:
 - Establish a “single point-of-entry” and continuum of civil legal assistance for the region’s battered women;
 - Provide follow-up, long-term civil legal assistance for domestic violence victims on non-emergency civil legal matters;
 - Offer prompt access to centrally located attorneys for domestic violence victims referred by court-based victim advocates;
 - Expand outreach and legal services in more remote, rural parishes; and
 - Recruit and train law students and local attorneys to provide *pro bono* and low cost civil legal assistance to domestic violence victims.

Philadelphia Legal Assistance. Before receiving an LAV grant, Philadelphia Legal Assistance (PLA) had three family law attorneys handling custody, support, protection from abuse, and some divorce and paternity cases. Grant partner Delaware County Legal Assistance Association (DCLAA) had one family law attorney handling protection from abuse cases; and Women Against Abuse Legal Center (WAALC), another grant partner, had three attorneys handling protection from abuse cases. Only PLA consistently represented victims in all domestic relations matters, but it had limited attorney resources to do so. Philadelphia has a population of more than 1.5 million, and Delaware County has over half a million residents. Court personnel estimated that approximately 90 percent of domestic violence cases involve un-represented parties. Another significant problem for the court involved language barriers.

- **LAV program goals/objectives.** PLA sought LAV grant funding for 3 attorneys—one each at PLA, DCLAA, and WAALC)—and 2 paralegals to address the following objectives
 - Increase representation of domestic violence victims, especially in custody, support, and divorce cases
 - Conduct special outreach and education services, particularly in language minority communities

- Increase the visibility of domestic violence resources within the community.

Other objectives were to provide training, collaborate more closely with other organizations, create materials helpful to serving victims of domestic violence, and create a student project with Villanova University Law School.

Pine Tree Legal Assistance, Inc. In Maine, funding for legal services on a *per capita* basis is among the lowest in the Northeast. Although private attorneys are actively involved in *pro bono* work, the need simply outweighs the level of *pro bono* counsel available. While victim assistance organizations provide many direct services, they do not have attorneys on staff to meet legal needs. Victim advocacy staff and trained volunteers help clients obtain protection from abuse orders, but they are not able to assist victims in court with other matters, such as those related to divorce, custody, and child and spousal support. Maine's court system ranks 46th in funding nationally; thus, financial resources for court assistance for victims in *pro se* actions are not readily available.

- **LAV program goals/objectives:** Pine Tree's approach called for each of 4 LAV attorneys to work closely with a partner victim services agency, with 2 attorneys assigned to central Maine, one assigned to York County, and one serving as the statewide *pro se* coordinator. Specific objectives were to
 - Provide high quality, free representation in contested protection from abuse and family law proceedings.
 - Strengthen direct legal services programs and legal advocacy programs operated by domestic violence victim advocacy organizations.
 - Establish collaboration between legal advocacy organizations and local agencies to provide on-site legal assistance in places battered women are likely to access.
 - Strengthen *pro bono* civil legal assistance.
 - Provide access to free, high quality legal education about Maine's legal procedures and victims' rights in family law cases, and to a lesser extent PFA proceedings; and support victims in obtaining court orders on a *pro se* basis

Pisgah Legal Services. Prior to the LAV grant, Pisgah Legal Services (PLS) was the only agency providing free legal representation to low-income domestic violence victims in the six-county service area of Western North Carolina. In the mid-1990s, PLS used Office for Victims of Crime (OVC) grant funding to create the Mountain Violence Prevention Program (MVPP) to "help victims of domestic violence take legal action to escape violent situations and

prevent future violence.” However, PLS’ legal services were limited to one attorney assisting domestic violence victims through the emergency protection order process. There was no follow up and no long-term legal help for divorce, custody, child support, and other matters.

- **LAV program goals/objectives:** The overall goal of MVPP was to provide more comprehensive services to domestic violence victims. PLS sought LAV funding for an additional attorney FTE and one full-time paralegal, as well as some supervisory, administrative, and training costs. The specific project goals in the LAV grant application included the following:
 - Expand the capacity of PLS to provide free legal representation and counseling to low-income domestic violence victims.
 - Provide training in domestic violence and civil legal aid to law enforcement, domestic violence victim service agencies, magistrates, *pro bono* attorneys, and others.
 - Strengthen and build collaborative relationships with domestic violence victim services providers.

Utah Legal Services. Neither Utah Legal Services (ULS), a statewide legal services agency, nor its LAV grant partner, Legal Aid Society of Salt Lake (LAS), had sufficient resources to help domestic violence victims pursue such remedies as child custody, child and spousal support, and property distribution that accompany protective orders. Victim access to civil legal services was particularly difficult in 10 rural counties, which were targeted as part of the LAV grant. Most ULS offices cover a large service area; for example, the Provo office covers Vernal and Roosevelt (3 hours away), Blanding (4.5 hours away), and Price (1.5 hours away). LAS operates a court-based program in Salt Lake City that provides assistance with *ex parte* protective orders and represents victims in protective order hearings, and its family law attorneys represent both domestic violence victims and other clients in divorce and custody cases.

- **LAV program goals/objectives.** The primary goals of this project were to
 - Increase the capacity to represent domestic violence victims in family law cases (custody, support, divorce).
 - Increase protective order assistance to victims, particularly those with custody issues and those living in rural counties
 - Assist more domestic violence clients with legal issues such as housing, health, and public benefits

- Recruit and train *pro bono* attorneys both in rural areas and in Salt Lake County
- Under the continuation grant, build on the *pro se* clinics developed during the initial grant period and deliver additional clinics.

Women’s Law Project (WLP) is currently the only active program of its parent organization, the National Center for Protective Parents, which was founded in 1992 to train attorneys about child sexual abuse and battery of women. WLP serves Mercer, Burlington, and Ocean counties in New Jersey. A unique feature of Mercer County is the number of correctional officers housed there. Trenton is the site of three state prisons, as well as the state police headquarters and National Guard. Because state law forbids a person subject to a restraining order to possess a firearm, victims of domestic violence among these groups were said to be hesitant to ask for such orders because they jeopardize the family’s income. Before the LAV grant, the only other source of legal assistance for low-income domestic violence victims in this area was the LSC grantee, which had only limited resources for handling protection order matters. WLP is the only legal services agency in the service area that assists battered women seeking divorce and related remedies. Assistance was particularly needed with orders of protection, such as changes in visitation or child support.

- **LAV program goals/objectives:** Through the LAV grant, WLP sought to increase staff by hiring an executive director; a full-time attorney for Mercer County, two part-time attorneys for Burlington and Ocean Counties; and an administrative support position. Unlike most other LAV grantees, WLP charges for its services on a sliding scale. Specific objectives were to
 - Provide legal services to victims of domestic violence, particularly with regard to support, custody, divorce, and related matters.
 - Provide training to *pro bono* attorneys willing to provide civil legal assistance to victims of domestic violence
 - Support and train legal advocates associated with other agencies providing services to victims of domestic violence
 - Develop and distribute a Family Court Manual designed to assist *pro se* plaintiffs.

Bar Association Programs: Need for Funding and LAV Program Goals

Dade County Bar Association Legal Aid Society has provided free legal services to the indigent population of Miami-Dade County for over 50 years. The Legal Aid Society has attorneys in communities as diverse as the migrant farm labor camps in the Everglades to the urban neighborhoods of Miami; however, the LAV program is focused on Miami Beach. The district court in Miami Beach does not hear domestic violence cases or issue orders of protection. The Domestic Violence Court previously had an intake unit on Miami Beach, but due to budget reductions, the court closed the unit and consolidated all intake services at the downtown Miami justice center. After seeing an intake officer downtown and filing a petition, the victim had to come back on another day to see an attorney, and come back on a third day for a hearing (previously, everything but the hearing could be accomplished in three hours). Limited bus service is the only way for many domestic violence victims to access the services in downtown Miami. In addition, it is estimated that more than 50 percent of the Miami Beach population is of Hispanic origin and speaks little or no English. The city also has substantial elderly, gay, and Haitian populations. Domestic violence-related legal services are under-used by these groups.

- **LAV program goals/objectives:** The Legal Aid Society and its partners sought LAV funding to create the Miami Beach Domestic Violence Collaborative, a one-stop center where victims can seek an emergency protective order, receive legal representation, and gain access to shelter, counseling, and a host of other social services. The focus of the LAV-funded attorney was representation in protection order cases.

Capital District Women’s Bar Association Legal Project. The Legal Project serves Albany, Schenectady, and Rensselaer Counties. Providers of free and low-cost civil legal services this tri-county area had only a limited capacity to assist and represent victims of domestic violence. Before LAV funding, The Legal Project was staffed only by a part-time Executive Director and a part-time (one day per week) intake worker. The Legal Aid Society serving the area assisted some domestic violence victims (and later received an LAV grant to increase its capacity to do so) but has a much lower income eligibility criteria cutoff than does The Legal Project. Albany Law School also provided legal assistance to domestic violence victims but was limited in the number of clients it could take.

- **LAV program goals/objectives:** LAV funding supported substantial increases in staffing. The Legal Project now has a full-time Executive Director, legal services coordinator, and legal director, as well as two additional attorneys funded part-time through the LAV grant (one of whom serves the YWCA of Schenectady). LAV funding also supports a full-time attorney at Unity House.

The Legal Project initially developed service goals for legal representation for 100 victims of domestic violence and the provision of 300 legal consultations at shelters and the main office. Legal advice and representation were to be provided by a combination of staff attorneys and *pro bono* attorneys, who were to receive extensive training opportunities.

The LAV continuation grant project included objectives to expand substantially on these service goals, bring the size of the *pro bono* panel up to 60 attorneys, and provide legal consultations and representation for victims of sexual assault and stalking as well as domestic violence.

Victim Services Organization Grantees: Need for Funding and LAV Program Goals

The five victim services organization grantees participating in process evaluation site visits had been serving victims of domestic violence and sexual assault for many years. Two were founded in the mid-1970s (House of Ruth and White Buffalo Calf Woman Society); and two (Loudoun Abused Women's Shelter and Sanctuary for Families) began operation in the mid-1980s. Although SafePlace in Travis County, Texas, was not formed until 1998, it represented a merger of two established organizations. One of those organizations had served battered women since 1977 and the other was a rape crisis program founded in 1974. Provided below is a brief overview of the five organizations, the legal services they provided prior to receiving an LAV grant, and their main goals under LAV.

House of Ruth. Founded in 1977 and based in Baltimore, Maryland, House of Ruth is one of the country's largest domestic violence centers, providing shelter, counseling, job training, and many other services. House of Ruth established a legal clinic in 1983; and with the Women's Law Center (WLC), it had operated a court-based project (Protective Order Advocacy and Representation Project, or POARP) since 1996. However, POARP did not have sufficient staff to address the critical need for legal assistance and representation in custody, visitation, child and spousal support, divorce, and other legal matters. House of Ruth sought LAV grant funding to address those needs, building on the services provided through POARP.

- **LAV program goals/objectives.** LAV funding to support 2 attorneys and a paralegal was sought to achieve the following objectives
 - Establish a courthouse-based collaboration between House of Ruth and the Women’s Law Center to provide domestic violence victims in the city of Baltimore and Montgomery and Prince Georges Counties with skilled representation in family law and other cases related to the domestic violence, with most referrals coming from the POARP attorneys
 - Develop a network of referrals and information about other legal and social service providers to complement the direct legal services provided

Loudoun Abused Women’s Shelter (LAWS), which began operation in 1985, is the only domestic violence program in Loudoun County, Virginia, where the western part of the county is largely rural and the eastern portion is a fast-growing outer suburb of Washington, D.C. If there is no room in the LAWS emergency shelter, then the agency may pay to have victims stay in a motel or refer them to a shelter in a different county. LAWS created its legal services program in 1993. Prior to the LAV grant, the staff attorney at LAWS worked only three days a week.

- **LAV program goals/objectives:** LAWS sought LAV funding to increase the staff attorney position to full time, and to provide a full-time paralegal and part-time victim advocate. The overall goal of the project was to continue and strengthen the LAWS Legal Services program so that the unmet civil legal needs of victims of domestic violence in the county could be more effectively addressed. The caseload primarily involves protection orders, enforcement of those orders, custody, visitation, support, and modification of the orders it obtains for clients.

Sanctuary for Families (SFF) in New York City was established in 1984. It provides shelter, counseling, and advocacy services to victims of domestic violence and administers the Center for Battered Women’s Legal Services (CBWLS). At the time of the LAV grant application, CBWLS had only four attorneys. Working with the CBWLS director, a third-year law student interning with CBWLS founded the Courtroom Advocates Project (CAP), which uses law student advocates to assist victims seeking protective orders *pro se* in Family Court. CAP was about one year old and served only the Family Court in Manhattan when SFF sought LAV funding.

- **LAV program goals/objectives:** The overall goal of this project was to first expand CAP into three additional boroughs (Queens, the Bronx, and Brooklyn), and later to expand into the fifth borough (Staten Island). Key objectives were to

- Help domestic violence victims obtain protective orders through court advocacy services provided by trained law students
- Provide legal representation by staff and *pro bono* attorneys, as needed, to resolve other civil legal problems, including immigration matters
- Provide domestic violence victims with safety planning and support services.

SafePlace in Travis County, Texas, was established in 1998 with the merger of the Center for Battered Women (established 1977) and the Austin Rape Crisis Center (established 1974). SafePlace provides multiple services to victims of domestic and sexual violence, including two shelters, counseling for clients and their children, and a transitional housing facility.

Prior to the LAV grant, victims of domestic violence often went without legal assistance. This was due, in part, to the difficulty in identifying legal services providers and determining client eligibility among the various standards set by the different providers.

- **LAV program goals/objectives.** The primary project goals were to
 - Coordinate provision of services through a formal system for cross-agency referrals
 - Expand the number of *pro bono* attorneys willing to provide civil legal assistance to victims of domestic violence and provide training for these attorneys
 - Expand legal services to victims of domestic violence.

LAV grant funds were shared among the project partners and were largely used to support four attorneys. This included

- SafePlace attorney-coordinator to work with grant partners in developing and implementing a client referral system
- Legal Aid attorney to provide enhanced legal services to domestic violence victims
- Women’s Advocacy Project attorney to provide a broad spectrum of services
- University of Texas Law School Domestic Violence Clinic attorney to supervise students.

White Buffalo Calf Woman Society, founded in 1977, is a grass-roots women’s organization whose primary mission is to serve women and their children who have been victimized by domestic violence and sexual assault. It operates the oldest shelter located on an Indian reservation in the United States and was the first shelter in the United States for women of

color. It also provides support groups for women and for children; individualized advocacy including children's advocacy services; criminal justice support advocacy; healthcare, social services, education and housing advocacy; and a 24-hour crisis line. With respect to civil legal services, the organization assisted victims with preparing petitions for orders of protection, but it did not have attorneys on staff or sufficient funds to pay contract attorneys to provide legal assistance and representation.

- **LAV program goals/objectives:** WBCWS sought an LAV grant to pay contract attorneys (at discounted rates) to represent victims before the tribal court.

Law School Grantee: Need for Funding and LAV Program Goals

The Battered Immigrant Civil Legal Assistance Project (BICLAP) is part of the clinical law program at St. Mary's University School of Law in San Antonio. The clinical law program operates four clinics (civil justice, criminal justice, immigrant law, and community development) and has 8 faculty staff members and 7 additional staff (including 5 paralegals). BICLAP is part of the civil justice clinic.

The south Texas service area covered by BICLAP encompasses Bexar (San Antonio), Webb, Val Verde, and Maverick counties. The last two counties have populations under 50,000. An estimated 36 percent of the residents of South Texas are immigrants, 60 percent of whom are from Mexico. Prior to the LAV grant, immigrant victims of domestic violence often went without legal assistance. This was especially true for undocumented immigrants, who are not eligible under LSC guidelines for its grantees (Texas Rural Legal Aid is the LSC agency serving the area and was one of St. Mary's LAV grant partners).

LAV program goals/objectives: LAV grants awarded in July 1999 and December 2001 provided funds for one attorney and one paralegal. The primary project goals were to

- Provide legal services to battered immigrant women
- Strengthen the clinical law program to train lawyers to meet the needs of battered immigrant women
- Coordinate with battered women shelters to ensure that the clinic clients receive immediate assistance for their specific needs
- Create a corps of attorneys sensitive to the needs of battered immigrant women among graduates of St Mary's Law School

- Provide training to non-legal services agencies working with battered immigrant women and community education
- Develop written materials for use by attorneys and legal advocates

Summary

Most of the 20 LAV grantees selected to participate in site visits for the process evaluation had many years' experience providing legal services to low-income domestic violence victims. The majority had multiple formal partners with which they collaborated under their LAV grant projects. All had objectives to increase legal assistance and representation by adding attorney staff (or in the case of the White Buffalo Calf Woman Society, by retaining contract attorneys). In addition, various grantees had objectives to undertake additional strategies—such as working closely with law school clinic programs, recruiting *pro bono* attorneys, and conducting *pro se* legal clinics—to expand the legal resources available to domestic violence victims. Several had specific objectives for improved coordination of case screening and referrals to different legal services providers; and a number of projects had objectives aimed at improved outreach to victims who were members of racial and ethnic minority groups. About half of the projects had rural areas among the jurisdictions they served.

This chapter provided highlights of the program environments in which the 20 grant projects operated, information on the grantee organizations and their partners, an overview of the need for LAV funding at each site, and a brief description of each grantee's objectives for its LAV grant project. The next chapter provides a cross-site analysis of project implementation and results.

Chapter 5

Cross-Site Analysis

Chapter 4 presented background information on the 20 LAV grantee organizations that were studied on site for this evaluation. It highlighted the need for LAV grant program assistance to domestic violence victims at those sites, and the individual projects' objectives under LAV. It also provided an overview of the grantee organizations' service areas and legal environments. This chapter compares LAV project implementation at the 20 sites and includes discussions of the following:

- Core LAV program components of training/mentoring and collaboration, including strategies for reaching traditionally underserved populations
- Other key project components,⁸⁸ including
 - Delivery of legal services by law firms and other legal organizations, victim services organizations, and law school clinics, including “collaborations to provide on-site legal assistance/advocacy at places battered women are likely to access.”
 - Development or expansion of *pro bono* programs
 - Delivery of services to help victims, under certain circumstances, to proceed *pro se* (e.g., *pro se* clinics, forms and information published on the Internet)
 - Outreach, training, and marketing efforts
 - Obstacles encountered and strategies employed to address them
 - Factors that aided the projects in accomplishing their objectives and specific examples of successful approaches
 - Benefits and drawbacks of various organizational models for delivering comprehensive services to victims of domestic violence

During each of the 20 site visits and follow-up, the evaluators were consistently impressed with the commitment of attorneys, advocates, and other staff to the collaborative approach promoted by the OVW LAV grant program; and the high value that others in the community—such as judges and members of state and regional domestic violence coalitions—placed on the availability of new resources through LAV and the accomplishments of LAV project staff. In addition, a large majority of clients interviewed for this evaluation (see Chapter

⁸⁸ In OVW's instructions to LAV grant applicants, these components were described as OVW “Special Interest Categories.” Applicants were not required to propose activities in all categories

6) expressed high levels of satisfaction with their attorneys, with the services provided by victim advocates, and with the outcomes of their cases. Overall, the grantees implemented their projects as planned. The greatest obstacle for many projects was a lack of sufficient attorney staff resources—even with substantial funding through LAV—to meet the demand in their communities for free and low-cost civil legal services for domestic violence victims.

Core LAV Program Components: Collaboration and Cross-Training/Mentoring

OVW instructions for prospective LAV grantees emphasized that “[t]raining, mentoring, and collaborative relationships are core components of LAV-supported projects.”⁸⁹ In 1998, legal services organizations were “strongly encouraged” to formally collaborate with domestic violence victim services groups to develop and implement their programs, to identify areas of greatest need for representation, and to ensure cross-training of legal and advocacy staff and provision of advocacy services. In subsequent years, collaboration with victim advocacy organizations was required; applications were to include a memorandum of understanding with the proposed formal partners. In all funding cycles, OVW encouraged applicants to “develop programs to reach diverse and traditionally underserved populations.”

Collaboration

As noted in Chapter 4, of the 20 projects we visited, 18 began their projects with multiple partners, including shelter programs based in different counties.⁹⁰ The vast majority sustained these formal partnerships throughout the period we evaluated. Only two grantees were unable to work out a small portion of the services planned with one of their originally proposed partners (the intended partners were law school clinics).

Formal Partnerships to Serve Culturally Diverse Populations

Six grantees created formal partnerships with (among others) community organizations whose missions are to assist traditionally underserved populations. These included organizations serving primarily Spanish speaking populations (in Philadelphia, San Mateo County, and

⁸⁹ Also identified under “core components” was the need for grantees to develop a conflict screening process to “ensure that no civil or criminal legal matter is handled for the abuser of a client.” The 20 projects we visited already had such procedures in place when they applied for LAV grants.

Boston), a statewide organization (in Missouri) that assists victims who are deaf, a program serving battered immigrant women threatened with deportation (a partner of Women’s Law Project in New Jersey), and a legal program for immigrants that worked with the Sanctuary for Families LAV project in New York City.⁹¹ As discussed later, other grantees also worked with various organizations to reach traditionally underserved populations, and several identified emerging needs for services to specific ethnic/cultural minority populations during the course of their LAV projects.

Resource Sharing

LAV application materials did not precisely define collaboration,⁹² sometimes using the term interchangeably with cooperation, although OVW was clear that cross-training, mentoring, and other joint approaches were expected in order to ensure that legal and advocacy services were comprehensive and sensitive to victims’ safety planning and other needs. Beyond that, it was up to the grant applicants and their partners to determine how they would collaborate based on the specific needs identified in their jurisdictions.

The grantees were not required to allocate LAV funds to any of their formal partners; however, ten of the 20 projects did so. Six of these were legal assistance organizations (Greater Boston Legal Aid, Philadelphia Legal Assistance, Connecticut Partnership Initiative, Utah Legal Services, Legal Aid Society of San Mateo County, New Orleans Legal Assistance Corporation), two were victim services organizations (Sanctuary for Families, and SafePlace in Travis County), and two were bar associations (Miami Dade County Bar Association and The Legal Project of the Capital District Women’s Bar Association). At nine of these projects, the resource sharing involved funding an attorney at one or more partner agencies.⁹³ At the tenth project (Miami Dade County), LAV funds supported a full-time social worker at one partner agency and a part-time social worker at another.

⁹⁰ Of the 18 grantees, 3 began their LAV projects with 1 or 2 formal partners. The other 14 had from 3 to 8 formal partners (see list in Chapter 5).

⁹¹ Both the LAV-supported CAP and the legal program serving immigrants were part of Sanctuary for Families’ Center for Battered Women’s Legal Services. SFF also coordinated with many other organizations serving a wide range of ethnic groups in New York City.

⁹² OVW did not want to limit project creativity by prescribing a specific model.

⁹³ At one of the 9 sites (Philadelphia Legal Assistance), the LAV grant also supported a paralegal who divided her time between two partner organizations. In addition to placing attorneys at partner agencies, the Connecticut

Cross-Training and Mentoring

OVW emphasized that cross-training and mentoring of LAV attorneys and domestic violence victim advocates should be ongoing—each discipline (domestic violence law, victim support) should teach their partner the principles and relevant aspects of their discipline so they become more knowledgeable. All 20 grantees not only complied with but were very much committed to this approach. An excellent example is the Connecticut Domestic Violence Partnership Initiative project (see below, “Collaboration, Training, and Mentoring: Connecticut Partnership Initiative”). This project was grounded in a woman-defined advocacy model developed by the LAV project director, local evaluator, and others.⁹⁴ It also illustrates the advantages of beginning an LAV project with collaborative working relationships that are already well established. The joint oversight and resource sharing seen in this project would be difficult to achieve without such a history of collaboration.

Collaboration Surveys

Evaluation staff distributed special collaboration surveys at about half of the 20 case study sites that had enough partners to make the results useful. However, we only received surveys back from three of the sites.⁹⁵ The surveys (See Appendix H) were an attempt to quantify partners’ perceptions of working relationships on the LAV projects. Survey questions addressed the following areas:

- Collaboration—the partners work well together, roles and responsibilities are clearly defined, partners proactively engage each other in training and mentoring, each partner is vested in the project.
- Communication—the partners regularly communicate and exchange relevant information in a timely manner.
- Goals—the partners have common goals and that the partnership is on track in meeting the goals.

Partnership Initiative allocated some funds (administered by the state domestic violence coalition) to help support case management and training at shelters, and a small amount for a local evaluation.

⁹⁴ In 1998, GHLA’s deputy director and the LAV project’s local evaluator published a book, *Safety Planning with Battered Women: Complex Lives/Difficult Choices*, which set out this model. Services were built on women’s perceptions of the risks they and their children faced, and their responses to their partner’s battering and controlling behavior. Advocates and lawyers asked women what they needed and tailored services to address those needs.

⁹⁵ This was an error in oversight by the project team to track the completion of the surveys at more of the sites. The three sites for which data are available are Montana Legal Services, Greater Boston Legal Services, and Pisgah Legal Services.

- Impact—the project has the potential to improve the safety and/or well being of domestic violence victims; the project has improved domestic violence services in the community.

In all, 40 partner agencies from three sites returned the surveys. The findings are as follows:

- 93 percent felt that their LAV project was having a positive impact on victim well-being and victim safety.

**Collaboration, Training, and Mentoring:
Connecticut Domestic Violence Partnership Initiative**

The Connecticut Domestic Violence Partnership Initiative project benefited significantly from the partners' history of collaboration—through work on other OVV and OVC projects, service on each other's boards of directors, and other joint activities—prior to receiving LAV funding, and from the LAV attorneys' experience (from two to 14 years experience with domestic violence cases at the time they joined the LAV project).

Sharing of Resources and Project Oversight. LAV funding supported five attorneys: one at Greater Hartford Legal Aid (GHLA), three at Connecticut Legal Services (CLS), and one at New Haven Legal Assistance Association (NHLAA). (The initial grant funded four of these attorneys; the continuation grant funded a fifth.) Another key partner was the Connecticut Coalition Against Domestic Violence (CCADV). The deputy director of GHLA and executive director of CCADV served as co-directors of the LAV project. GHLA administered the LAV grant funds. A Coordinating Work Group guided and provided oversight for the work of the Partnership Initiative. This group was made up of the project co-directors, deputy director of CLS, executive director of NHLAA, and the project's local evaluator. There has been great continuity in those who planned, implemented, and directed the LAV project. The Work Group coordinated the application for continuation funding.

Results. The three legal services organizations were able to establish formal client referral protocols with 18 shelter programs within a very short time after grant award. Attorney-advocate interactions increased under LAV through case consultations and cross-training, helping the partners fully implement their woman-defined legal advocacy model. As shelter advocates gained experience with relatively straightforward legal processes (e.g., applications for restraining orders), some began referring only the most difficult, complex cases to project attorneys. Representation cases handled over the course of the LAV project increased from 17 percent to almost 30 percent.

- 88 percent agreed that the partners worked well together.

- 88 percent felt that the partners communicated regularly.
- 78 percent agreed that the partners were working toward common goals.

Objectives to Hire and Retain Staff Attorneys

Of the 20 case study projects, 19 used grant funds to hire staff attorneys (White Buffalo Calf Woman Society used contract attorneys who agreed to serve domestic violence victims for reduced fees). The total number of LAV-supported attorneys per site ranged from one in Loudoun County, Virginia, to five in Connecticut and in the New Orleans area. Some grantees also hired one or two paralegals (House of Ruth, Loudoun County, Utah Legal Services, Philadelphia Legal Assistance); as noted earlier, one project (Miami Dade County) funded 1.5 FTE social workers at partner agencies.

In the 20 sites, only a small portion of the grant funds were used to pay for the time of administrators and supervising attorneys—as a show of commitment and dedication, most of this time was donated by the grantees (especially the legal services agency grantees) to make the projects work. Thus, the vast majority of the LAV funding at the case study sites was used for the direct delivery of legal services to domestic violence victims.

Attorney Recruitment and Retention

LAV grantee agencies were at least as successful as most public interest law firms with respect to attorney recruitment.⁹⁶ Even so, about 40 percent of respondents to the first LAV grantee survey stated that they had difficulties recruiting or retaining attorneys. Similarly, about 35 percent of the LAV projects visited for the evaluation (7 projects) had significant problems recruiting one or more of their LAV attorneys.

Four of the seven projects primarily served rural areas (Montana, mountainous areas of North Carolina and West Virginia, and the Tribal lands in South Dakota). At these projects, the reasons most often cited for recruitment difficulties were low salaries and the lack of stability in the grant-funded attorney position. Due to the nature of the federal grants, most LAV grantees could not commit to funding the position for more than one year at a time. Recruitment problems for the South Dakota project—where the objective was to contract with rather than hire attorneys—were compounded by a shortage of attorneys admitted to practice before Tribal courts

⁹⁶ On a recent NALP survey, 68 percent of public interest employers reported difficulty recruiting attorneys.

(see, Use of Contract Attorneys and Legal Advocates, White Buffalo Calf Woman Society below).

Use of Contract Attorneys, White Buffalo Calf Woman Society

Need for Attorneys Admitted to Practice in Tribal Courts. At White Buffalo Calf Woman Society (WBCWS), the bulk of LAV funding was used to pay the contract attorneys who charge the WBCWS a discounted rate of \$45 to \$90 per hour depending on the type of case. Most of the attorneys in this sparsely populated area are general practitioners and are reluctant to do any type of domestic relations work; doing so may result in an attorney alienating half of his client base by representing one side over the other. That problem is only compounded when the case involves domestic violence. The second part of the problem is that it can be difficult to find attorneys who practice in the tribal courts, which requires special admission.

Attorney Recruitment Efforts. WBCWS staff called through the roster of the Rosebud Bar Association asking if the attorneys practiced in the area of domestic relations, if they were interested in taking cases, and if they knew of any other attorneys that might be interested. WBCWS identified three private attorneys willing to represent domestic violence victims for an hourly fee. One had previously represented shelter clients and is located in Pierre, South Dakota, approximately two hours north of the Reservation; one is in Winner, South Dakota, 45 miles east of the shelter; and the third is in Valentine, Nebraska, about 35 miles south of the shelter. The contract attorneys primarily represent shelter clients in divorces, name changes, and custody and support proceedings. At the time of the site visit, WBCWS had a total of 15 cases being handled by the three contract attorneys. Training was also delivered using LAV funds. Some of the groups that received training included police and court personnel, and victim services providers on staff with WBCWS. The contract attorneys participated in a three-hour orientation training.

The reasons for recruitment or retention problems (in addition to low salaries) at the urban/suburban projects varied. They included insufficient resources to carry positions between grant funding cycles and a need for additional time to recruit attorneys with the required language skills (e.g., fluency in Spanish). It was a significant challenge for the Philadelphia grantee and partners at start-up to recruit attorneys who had family law experience and were multi-lingual. One grant partner there lost LSC funding for attorneys just before the LAV grant was awarded. There was also a loss of two staff attorneys around the time that the first LAV grant expired and the partners were applying for a continuation grant. In the Baltimore/Washington, D.C. area, the staffing challenge was more limited; it involved

significant turnover in one of three attorney positions (a position in suburban Washington, D.C.). In San Mateo County, the staffing difficulty was also very specific: it took approximately six months to fill a shelter-based, attorney-*pro bono* coordinator position that required fluency in Spanish.

Temporary Solutions to Recruitment and Hiring Problems

The case study sites with staffing issues showed creativity in developing temporary staffing solutions, sometimes required in between funding periods. To meet their professional obligations until the appropriate staff was hired or sufficient funding secured, the grantees and partners noted above called on existing (non-grant) staff attorneys to represent LAV clients. This was also true at other projects that experienced relatively short delays in initial hiring or that temporarily lost attorney staff (e.g., because of family-related reasons, promotions, etc.). Montana Legal Services Association fostered a relationship with the state bar association to help increase *pro bono* coverage, but private attorney involvement did not increase as much as MLSA would have liked. Appalachian Legal Services also worked to recruit *pro bono* attorneys by assisting the state domestic violence coalition with a separate LAV grant the coalition had received for that purpose. One site trained and supervised a recent law school graduate but the individual did not pass the state bar exam and could not be retained.

Another solution was to combine positions. At Pisgah Legal Services, domestic violence attorneys work intermittently on both an Office for Victims of Crime project (which focuses almost exclusively on protection orders) and the LAV project (which provides for assistance with both emergency and longer term legal matters (e.g., divorce, custody). This allows for more and quicker availability of legal services.

Another example is the “PAS” support position created at Appalachian Legal Services (ALS). ALS staff worked with its shelter partners and other members of local domestic violence coordinated community response teams to develop its LAV project goals. In its initial LAV grant application, ALS applied for funds to hire two attorneys and two support staff. This latter position was to provide paralegal, advocate, and/or secretarial (PAS) services, depending on the applicants’ qualifications and the needs of the LAV-funded attorneys. ALS created this multi-functional position because it did not want to rely on the agency’s existing infrastructure to

support the additional, LAV-funded attorneys. It also wanted to allow for the broadest use of this position under the grant. It was relatively easy to attract and retain PAS employees.

Examples of Successful Staff Recruitment and Retention

Attorney staffing at the other 13 projects was more easily accomplished; and several projects were notable for having almost no difficulties recruiting LAV attorneys (see below, Examples of Successful Staff Recruitment and Retention). Either they were in a position to transfer existing attorneys with domestic violence legal experience into the new LAV positions, or they identified new attorneys largely through their involvement in state domestic violence coalitions—many grantees had longstanding partnerships with shelters and other victim advocacy organizations in their service areas.

Long-Term Solutions to Problems of Low Salaries and Educational Debt

Although delays or gaps in grant funding contributed to staffing problems at some sites where there was a lack alternative funds to carry them through, the heart of the problem is a matter of low salaries in the practice of public interest law generally, and for newer attorneys, obligations to pay back enormous debt for law school and other college loans. The low salaries offered, in combination with potential applicants' educational debt, represent a major obstacle; it is very difficult for new attorneys carrying \$100,000 or more in law school and other educational loans to see their way clear to accepting a job paying \$35,000 or less. In contrast, the prevailing salary for first-year associates in large law firms is \$125,000 in cities like New York, Boston, Chicago, and Los Angeles.⁹⁷

One way to address this situation is through programs that forgive some of the law school debt in exchange for employment in public interest work.⁹⁸ According to the public interest law association, Equal Justice Works, more than 50 law schools currently have loan repayment assistance programs. In addition, linkages with law schools and with organizations like state or regional domestic violence coalitions may provide advantages with respect to recruiting new attorneys committed to public interest law. This issue is addressed in greater detail in Chapter 7.

⁹⁷ "Entry-Level Associate Salaries Again Remain Stable in Large Firms: NALP Survey Details Private Practice Compensation Ranges." National Association for Law Placement, <http://www.nalp.org>, August 8, 2003.

⁹⁸ An example discussed later in the report is the North Carolina Legal Education Assistance Foundation (NC LEAF)

Examples of Successful Staff Recruitment and Retention

Connecticut Partnership Initiative/Greater Hartford Legal Aid. The three legal services agencies that were partners in this project had a history of collaboration with each other and with most of the state's 18 shelter programs. There was significant turnover in only one of the five LAV staff attorney positions. The LAV attorneys began with from four to more than 15 years experience in domestic violence and other family law cases.

Similarly, **Pine Tree Legal Services** did not have problems recruiting and retaining attorneys. The attorneys hired for the LAV project either had worked with Pine Tree in the past or were experienced in domestic violence cases. Many of the victim advocates and other domestic violence coalition members who were interviewed noted the attorneys' dedication—for example, their availability 24-hours a day, outreach efforts in immigrant communities, presentations to community groups, and work on statewide advocacy efforts.

Legal Services of Eastern Missouri. LSEM had a long-standing relationship with many of its grant project partners before applying for LAV funding. Formal LAV partners included several shelter programs, two law schools, and the statewide domestic violence coalition. These partnerships were bolstered by LSEM's Lasting Solutions program, which was established in 1995, several years prior to receiving an LAV grant. The LAV grant funded the full-time-equivalent of four staff attorneys at LSEM, which had no difficulty recruiting attorneys to work on the project and did not experience turnover problems.

Service Delivery Models

All 20 projects had objectives to (1) provide direct legal assistance and representation and (2) ensure that victims receive assistance with shelter, safety planning, counseling, accompaniment to court, health care, and other services. Attention to these advocacy services represents a critical component of the LAV grant program. A key reason for Congress selecting OVW to administer the LAV program was its ability to encourage and support attorney-advocate collaboration and cross-training toward this end. The evaluation provided an opportunity to closely examine a variety of approaches for achieving these dual objectives.

One approach to analyzing project implementation across the 20 sites might be to compare the projects by type of administering organization (legal services agency, shelter program, bar association, law school, etc.). But this approach has limited utility, because (1) the

number of case study sites was limited, and (2) the evaluation was not designed to test one service delivery system over another.

Keeping those major caveats in mind, some general trends can be observed based on the capacities of various types of organizations when they *began* their LAV-supported work. For example, legal services agencies were more likely to have attorneys on staff with a variety of legal specializations but few if any domestic violence victim advocate positions; shelter programs were dedicated to and experienced in providing a full range of safety planning and advocacy services but had fewer attorneys on staff; bar associations and legal services organizations with volunteer lawyer programs seemed to have an edge in matching victims with *pro bono* attorneys willing to take on domestic violence cases; law schools offered a great deal of legal expertise but were limited in the numbers of cases they could handle (e.g., because of summer breaks, teaching schedules). The important questions with respect to process, though, are

- How did the grantee organizations collaborate to capitalize on their individual organizational strengths and supplement their lack of capacity in other areas?
- Did the grantees increase their capacity to provide more comprehensive services (safety/advocacy, family law, non-family law) to more victims of domestic violence?
- What was it like for victims to receive services through these collaborative projects? Were they more likely than in the past to receive comprehensive services (safety/advocacy, family law, non-family law)? Were they likely to find the service delivery system well coordinated, so that referrals from place to place were kept to a minimum?

In the sections that follow, we discuss further the objectives noted above, which all 20 grantees had in common (personal safety assistance/advocacy, and direct legal assistance/representation). We also discuss an objective articulated by some of the 20 sites to devote specific LAV resources toward coordinating the domestic violence case referral systems in their jurisdictions. Examples of successful approaches are provided, along with discussions of various challenges to implementation. These examples cross organizational lines, and some are not easily categorized (i.e., more than one key objective is addressed by the activities described).

In later sections of the chapter, we focus on other objectives supported under LAV at some of the sites, such as *pro bono* attorney recruitment and support and development of products and *pro se* clinics.

Objectives for Personal Safety Assistance and Advocacy

The fact that shelter-based attorneys had victim advocates working for the same organization (often in the same building) was of great benefit to victims in terms of quick, convenient, safe access to support services. LAV attorneys working for legal service agencies and other non-shelter based programs strived to address victims' needs for safety and well being in other ways.

Improved Client Screening and Referrals by Legal Services Agency Attorneys

For many legal services agencies, shelter programs were the primary source of client referrals. In those cases, the attorneys communicated with their advocate partners about the extent to which victims' immediate needs for safety and other assistance were being addressed. In most sites, victims were given detailed safety advice by both the legal services agencies' attorneys and paralegals and the advocates in the shelter or other victim services program. Where victims were referred through other channels, the legal staff emphasized safety planning, assessed non-legal needs during their initial interviews, and made referrals to appropriate resources for follow-up. (For example, see below, Safety Planning and Intake Interviews, Pisgah Legal Services.) This process was enhanced by the cross-training provided under LAV by victim advocacy organizations—usually shelter program partners or other advocacy partners—on the dynamics of domestic violence and on the local network of referral sources.

Safety Planning and Intake Interviews, Pisgah Legal Services

In many cases, domestic violence victims are referred to Pisgah Legal Services (PLS) by its six shelter partners. These organizations provide immediate services and usually assist victims through the emergency protection order stage. They also know PLS's income eligibility criteria and assess cases before referring them to PLS attorneys (many other LAV clients are referred directly to PLS by the courts, law enforcement, and other sources).

During intake interviews, the PLS attorney or paralegal takes a comprehensive approach. In addition to discussing evidence needed to support the case and providing some degree of legal advice, they provide information to help the victim stay safe from the abuser (e.g., asking about safe phone numbers, what to do if the abuser violates the temporary protection order, etc.) and inquire about such matters as needs for social services, children's needs in school, health issues, housing, mental health, and others.

PLS' holistic approach was a form of legal problem solving designed to make victims whole by helping them address the long-term goal of attaining independence from abusers and self-sufficiency. The reason PLS could provide such an approach was that it was a full service law firm that had attorneys on staff who were experienced in many important areas of the law including housing, public benefits, education, consumer protection, landlord/tenant, and others.

Co-Location of Attorney and Advocate Personnel

A number of projects were able to offer a type of one-stop service center, at least part-time, by co-locating LAV-funded attorneys with victim services providers. As noted earlier, eight projects placed LAV-funded attorneys at partner organizations (including attorney placement at shelter programs at all but one project). Other examples of co-location are noted below (more detailed descriptions are provided in sidebars later in the chapter):

- New Orleans Legal Assistance Corporation (NOLAC) assigned an attorney to work one day a week in an office in Plaquemines Parish with a victim advocate employed by the prosecutor's office.
- The Miami Dade project co-located its LAV-funded attorney with LAV-supported social workers and other service providers at a one-stop center.
- The Sanctuary for Families CAP Program stationed both attorneys and advocates at various courthouses to offer assistance with protection orders. CAP staff attorneys are all trained to provide safety planning services and to identify when referrals should be made to SFF non-legal staff for such services as counseling, emergency and transitional housing, programs for children and teens, substance abuse treatment, employment preparation, mentoring, and others.

Objectives to Provide Individual Legal Assistance and Representation

The large majority of LAV attorneys at the 20 sites were hired to provide direct legal assistance and representation, with some taking on additional responsibilities for training, *pro bono* attorney recruitment and support, *pro se* clinics and product development, and case screening and service brokerage.

At most of these LAV projects, individualized assistance at the *temporary* protection order stage was usually provided by a non-attorney legal advocate rather than by the LAV attorneys.⁹⁹ However, this was not a hard and fast rule across the sites, and one project focused considerable grant resources on legal assistance at the temporary order stage. A major objective of the Sanctuary for Families CAP program was to provide assistance at courthouses to victims filing *pro se* for temporary protection orders (this service was provided primarily by law students, supervised by attorneys).

At most sites, the LAV attorneys' involvement in individual "representation" cases usually began with petitions for *permanent* protection orders (which typically address custody, visitation, support, and other matters as well as no-contact orders), and included direct legal assistance and representation in other, longer-term family law matters such as separation and divorce. However (as we discuss later), some projects had to "triage" the family law cases they could accept (e.g., limit representation in protection order cases to those where the defendant was represented by counsel; take custody, visitation, and support but not divorce cases), because they were still short on legal staff even with the LAV-supported staff attorneys on board.

All of the projects were also concerned with providing additional legal (and other) assistance for non-family, collateral law matters related to the domestic violence, such as immigration, housing, public benefits, education, employment, and other issues. Projects' capacity to address those issues directly varied, depending on the complexity of the matter and the availability of staff attorneys with specialized expertise in the areas of concern. The legal services agency grantees were usually in a position to provide this assistance directly through (non-LAV funded) staff attorneys, whereas attorneys working for shelter and other victim

⁹⁹ These advocates, who often sat next to the victim in the courtroom, were not "practicing" law but did in fact provide support on law-related matters (e.g., advising victims on what to say in court).

services programs referred such cases, if they were too specialized and complex, to their legal services agency partners, other legal aid programs, or *pro bono* attorneys.

Examples of Legal Services Agency Delivery of Comprehensive Services

The sidebars that follow on Legal Services of Eastern Missouri and Pisgah Legal Services provide two examples of how legal services organizations were able to deliver comprehensive legal services under LAV, including assistance with non-family, collateral legal issues (employment, housing, etc.) related to the domestic violence. Both projects were also

Example of Comprehensive Delivery of Legal Services, Legal Services of Eastern Missouri

In 2000, Legal Services of Eastern Missouri (LSEM) served a total of 3,374 domestic violence victim clients through its Lasting Solutions program. Of that number, 407 received legal representation. In the first six months of 2002, LSEM served a total of 2,220 domestic violence victim clients. The majority of grant-funded attorneys' time was spent on legal representation. In family law matters, legal representation was for the most part vertically integrated, with the same attorney providing services to the client throughout the period of representation.

Much of the legal representation related to obtaining and enforcing orders of protection, divorce, custody and support, housing, employment issues, and securing public benefits. *Pro bono* attorneys handled a substantial number of protection order cases. The same non-LAV funded staff attorney who handled Juvenile Court abuse and neglect cases also provided collateral legal services for those clients when they needed assistance with orders of protection, divorces, and paternity actions. Housing and employment issues litigated by Lasting Solutions that were related to an incident of domestic violence or divorce were handled as separate cases, usually by different attorneys at LSEM.

closely linked to at least six victim shelter and advocacy organizations. While the legal expertise is necessary to provide collateral legal services, the 2003 LAV grantee survey found that the demand for such services was low compared to the main legal services—protection orders, custody, support, and divorce (see Chapter 3, Exhibit 3-1).

Example of Comprehensive Delivery of Legal Services, Pisgah Legal Services

Background. In the mid-1990s, Pisgah Legal Services used Office for Victims of Crime (OVC) grant funding to create the Mountain Violence Prevention Program (MVPP). However, PLS' legal services were limited to one attorney assisting domestic violence victims through the emergency protection order process. With funding from an LAV grant in September 1998, PLS expanded the MVPP's capacity in the domestic violence area. LAV funding paid for an additional attorney FTE and one full-time paralegal.

Legal Services Provided. MVPP intervenes with legal representation to help the victims obtain immediate safety and distance from abusers in the form of protection orders. It also has experienced attorneys who can assist with such legal issues as affordable housing; monetary support (protecting assets); social services; employment stability; child support, protection, and education, and other matters. In addition, approximately 35 *pro bono* attorneys handle about 75 domestic violence civil cases annually.

Example of Legal Services Agency Collaboration with Hospital-Based Victim Advocacy Programs and Law School

Although a number of projects coordinated with advocates serving victims in hospitals, one project—Greater Boston Legal Services—developed formal partnerships with six hospital-based victim advocacy programs and assigned an LAV attorney to work almost exclusively with these partners. This approach supported the Boston LAV project's goal to increase delivery of legal services to victims who were members of diverse ethnic and cultural groups. These victims might be likely to seek medical services from hospital emergency rooms but might not seek out shelter and other victim services programs or civil legal assistance.

Greater Boston Legal Services Corporation Collaboration to Reach Underserved Populations

The Greater Boston Legal Services Corporation (GBLS) LAV project was specifically targeted toward groups of individuals who have been traditionally underserved, including those who are African American, Asian, Hispanic, immigrants and refugees, non-English speaking, and gay, lesbian, bisexual, and transgendered. To do this, the project focused on courthouse, shelter, and hospital-based services by

- Staffing a domestic violence intake and advocacy center at the Suffolk County Probate and Family Court; and hiring an attorney to train and supervise law students from the Northeastern University School of Law to provide civil legal assistance at the Dorchester District Court;
- Providing an additional attorney position at Casa Myrna Vazquez, the largest shelter for domestic violence victims in the state; and
- Assigning GBLS staff attorney to coordinate legal services for domestic violence victims who enter the system through one of six hospital advocacy programs.

At the Suffolk Probate and Family Court, an attorney and law student help victims file restraining order petitions; and they represent some clients in court that day and at the subsequent hearing. Services at the Dorchester District Court are similar, but there are more students (working as advocates) available as well as three full-time advocates from community agencies. One of two attorneys assigned to the Dorchester Court is funded under LAV. Both attorneys may take on cases for representation; the LAV-funded attorney/fellow primarily supervises and trains student and community advocates. GBLS hired staff that was racially and culturally diverse, and attended and presented at meetings in underserved communities.

One full-time LAV-funded attorney was assigned to six hospital advocacy projects. The attorney's responsibilities include cross-training, providing advice to hospital advocates and victims, making referrals for legal assistance, and taking on full representation cases when possible. This attorney is also experienced in immigration law.

Analysis of case data for this evaluation showed a significant increase in case follow-through after LAV, particularly among Spanish speaking victims of domestic violence. The availability of an attorney to assist advocates at the hospitals was seen as an excellent means of early intervention.

Examples of Expanded Legal Services by Victim Services Programs

Of the five LAV projects administered by victim services programs, three—LAWS Legal Services, House of Ruth, and White Buffalo Calf Woman Society—used LAV funding to expand the legal assistance and representation available from their organizations. LAV enabled the

LAWS program to fund a full-time attorney and support staff. House of Ruth, which already had courthouse-based attorneys who assisted with protection orders, was able to add attorneys to provide assistance with other legal matters. (See below, Examples of Expanded Legal Services by Victim Services Programs). The two other victim services grantees—in Travis County, Texas, and New York City—also expanded the legal services available to victims in their jurisdictions; they are discussed in other sections of this chapter to illustrate different approaches involving coordination of multiple agencies and organizations.

Examples of Expanded Legal Services by Victim Services Programs

(1) With LAV grant funding, LAWS in Loudoun County, Virginia, was able to expand one part-time attorney position to full time and provide paralegal and advocacy support. This enabled LAWS to more fully address “under one roof” two of the three components of the holistic approach: advocacy, and legal assistance in family law matters (except divorce). For legal assistance with non-family law matters such as housing or employment, the LAWS attorney made referrals to the Northern Virginia Legal Aid Society, private attorneys, and other sources.

(2) House of Ruth, based in Baltimore, Maryland, succeeded in linking an existing legal services program with the services provided by its LAV attorneys. With the Women’s Law Center (WLC), House of Ruth has operated the court-based POARP project (Protective Order Advocacy and Representation Project) since 1996. However, this did not address the critical need for legal assistance with custody, visitation, child and spousal support, divorce, and other legal matters. Two attorneys and a paralegal were hired with LAV funding to provide court-based civil legal services in Baltimore City, Montgomery County, and Prince George’s County, Maryland. Most clients assisted by the LAV project are referred by the POARP attorneys, who were already established at the courts in those jurisdictions. A strength of this project is its ability to address all of domestic violence victims’ legal and other needs, including safety planning, a full range of advocacy services, and legal assistance with protective order, family (custody, visitation, support, divorce, etc.), and other legal needs (e.g., housing, public benefits, employment).

Example of One-Stop Service Center (Bar Association Administered)

As this report was being prepared in late 2003, OVW was soliciting applicants to field test another initiative, Domestic Violence Victim Centers. Based on several models in operation at that time, the initiative seeks to support applicants in co-locating as many relevant services as possible under one roof. Among the 20 projects visited, the LAV-supported service center established by Miami Dade County Bar Association Legal Aid Society probably came closest to that model (see below, One-Stop Center, Miami Beach Domestic Violence Collaborative).

Located in a Miami Beach Police Department facility,¹⁰⁰ it enables victims to simply walk down the hall to access legal services, counseling, police services, health care, and more. A disadvantage noted by project staff is the reluctance of some victims (e.g., immigrants, migrant farm workers) to enter a police facility for services, although the LAV attorneys do considerable outreach and will meet victims at locations of their choice. A tremendous advantage is easy access to the bar association's well-developed *pro bono* program, enabling LAV attorneys to make same-day referrals to private attorneys.

One-Stop Center, Miami Beach Domestic Violence Collaborative

The Miami-Dade Bar Association Legal Aid Society and its LAV grant partners created the Miami Beach Domestic Violence Collaborative, a one-stop center where victims can seek an emergency protective order, receive legal representation, and gain access to shelter, counseling, and a host of other services. The focus of the LAV-funded attorney was representation in protection order cases. The victim, acting *pro se*, must get an *ex parte* temporary protection order signed by a judge. The LAV project attorney will then represent the victim for the permanent protection order hearing. Legal Aid also provides legal representation for divorce, custody, support, housing, and benefits. Those services are not provided by the LAV project attorney, but rather by other staff attorneys or by volunteer attorneys through the bar association's "Put Something Back" *pro bono* program.

Victim Services Center, a project partner, provides individual treatment for trauma victims (50 percent of the agency's clients are domestic violence victims). Victim Services Center used LAV grant funds to pay half the salary of a social worker who is dedicated to Miami Beach clients. Safe Space, another program partner, provides shelter, social services, and financial assistance to victims of domestic violence. One of Safe Space's six social workers is funded by the LAV grant and covers Miami Beach. Safe Space provides services in Creole, Spanish, and English.

The Miami Beach Domestic Violence Collaborative is a comprehensive, well-integrated, holistic, and multidisciplinary program. It seamlessly integrates legal services, social services, victim advocacy, and mental health services in a way that maximizes resources to provide assistance to the largest possible number of victims. The existence of a Domestic Violence Court that provides intake officers to interview *pro se* petitioners and prepare the petition and service of process is a tremendous advantage.

¹⁰⁰ This was the only LAV program studied that was located in a police facility.

Examples of Law School Administered and Law School Partnership Approaches

Law schools administered less than 10 percent of the LAV grant projects funded in 1998-2000. Only one of the 20 projects visited for this evaluation was administered by a law school clinic. The St. Mary's University Law School LAV project was selected because it appeared to offer essential ingredients for success through this organizational model: strong support from the university community and its other legal clinics; a track record working with some of the traditionally underserved populations targeted under LAV, including many immigrants; and a system of management and supervision that permitted handling a fairly large number of cases compared to most other clinical programs (see below, "St. Mary's University Law School: Comprehensive Approach through Strong Partnerships"). Another project, administered by a victim services organization, relied heavily on the involvement of student advocates from many law schools (see below, Sanctuary for Families CAPS Program). Several other projects, such as SafePlace in Travis County (described elsewhere) developed partnerships with law schools. Law students also interned in some legal services offices, e.g., in Philadelphia.

In addition, one grantee, New Orleans Legal Assistance Corporation (NOLAC), assisted in founding a law school domestic violence clinic. Tulane University began operating a Domestic Violence Clinic at its law school in 2002. NOLAC attorneys were actively involved in training students and getting the clinic started. In addition, a NOLAC attorney has been appointed as an adjunct professor to teach domestic violence law to students. The clinic is designed to enable students to address clients' needs beyond emergency assistance to include representation in family law, housing, employment, consumer credit, and criminal matters. The law school has a mandatory *pro bono* requirement. Students must complete at least 20 hours of *pro bono* work before graduating.

St. Mary's University Law School: Comprehensive Approach Through Strong Partnerships

This project is a good example of a successful legal services program operating in a learning environment. A supervising attorney is responsible for 8 law students, each of whom is responsible for 3-7 cases (40 total). Each law student must work at least 15 hours per week with clients and their cases. In practice, most students work 20-25 hours per week. The work requirement must be completed during regular business hours to match up with the hours of the court and District Attorney. Classroom instruction (an additional 3 hours per week) includes lessons on the dynamics of domestic violence.

Students are responsible for arranging coverage of their cases when they are absent from campus. During the graduation period (May), student volunteers continue the work of the graduating clinic students. St. Mary's has two summer sessions at which the clinical program is offered to a reduced number of students. However, no new cases are accepted during this period, except for emergency situations, because more time is needed for students to learn to work with clients who are from different cultures and may distrust the justice system, including attorneys.

The law clinic has access to services (e.g., safety planning) provided by the University's Counseling Center. The Law School will also pay for related legal costs such as transcripts. In addition, money for other client non-legal needs are available from a fund set up by other charitable Catholic organizations. The law clinic also maintains a small inventory of donated clothing, furniture, and food that it can provide its clients as needed. The clinic also refers clients to a support group of domestic violence survivors; weekly evening meetings are held at the clinic center. The clinic hopes to start a counseling program for children accompanying their mothers to the support group meeting.

Sanctuary for Families CAPS Program

Program Goals. CAP uses law student advocates to assist victims seeking protection orders *pro se* in Family Court. CAP was about one year old at the time of LAV grant application and served only the Family Court in Manhattan. The overall goal was to expand CAP into three additional boroughs (Queens, Bronx, and Brooklyn) and later into the fifth borough (Staten Island).

Approach. Advocacy assistance with protection orders is provided primarily through volunteer law students and summer associates from New York City law firms.¹ At the time of the site visit, there were 9 law schools and 25 law firms involved with CAP. A CAP coordinator at each law school recruits students to become CAP advocate volunteers and schedules them to appear in the Family Court to assist petitioners. Volunteers are trained in 5-hour sessions on domestic violence dynamics, family offense law, and their specific duties. A comprehensive *Training Manual* for CAP was prepared for the student advocates.

Staffing and Supervision. CAP staff attorneys, one in each borough served by CAP, supervise the CAP advocates and provide full legal services to clients. The staff attorneys funded by the grant include the CAP Director, two other CAP borough supervisors, one borough supervisor at the New York Legal Assistance Group (NYLAG), and an immigration attorney at SFF for one-third time. An attorney funded through other sources at SFF serves as a supervising attorney in the Bronx. In addition, NYLAG has a law clinic through arrangements with local law schools. Students in the clinic may provide representation to clients under the supervision of a CAP staff attorney. CAP has also developed a network of volunteer attorneys through 25 cooperating law firms that encourage their attorneys to volunteer for *pro bono* assignments. CAP provides training to *pro bono* attorneys and offers support, as needed, from the CAP staff attorneys.

Legal Services Provided. The types of legal assistance provided by the staff and *pro bono* attorneys include family law matters (divorce, child custody, visitation, child and spousal support), immigration matters, and government benefits (public assistance, housing). CAP attorneys carry a caseload of approximately 20 clients for full representation. This is in addition to the approximately 30 ongoing student cases that they supervise. SFF attorneys who are not funded by CAP may also accept referrals for family law services, and CAP refers some housing law cases to the Legal Aid Society, which specializes in these cases.

Safety Planning, Advocacy, and Outreach. CAP staff attorneys are all trained to provide safety planning services and to identify when referrals should be made to SFF non-legal staff for such services as counseling, emergency and transitional housing, substance abuse treatment, employment preparation, mentoring, and others. CAP and SFF also work closely with and make referrals to community organizations serving Asian, South Asian, Latina, Korean, and Arab-American immigrant groups. In addition, the SFF Immigration Intervention Project does extensive outreach with ethnic-based community organizations, hospitals, and religious organizations.

Clients Served and Attorney Caseloads

Based on caseload analysis at 9 of the 20 sites that provided detailed case tracking data, we found that in the peak year of the LAV grant for that grantee, they averaged approximately 425-500 cases. About 40 percent of these cases involved representation. In terms of individual attorney workload, they averaged about 35-40 open cases per full-time attorney during the observation site visits.

Objectives to Coordinate Client Referral Process

Several of the 20 LAV programs had explicit objectives to better coordinate the referral process for legal and advocacy services. In their grant applications and during site visits, these programs explained that prior to LAV, victims often were referred to legal programs for which they were ineligible, or from one legal program to another because various programs lacked sufficient staffing at the time to accept new cases. The sidebars below describe two projects—SafePLace in Travis County, Texas, and the New Orleans Legal Assistance Corporation—where LAV attorneys had specific responsibilities for addressing this problem. Service coordination was, of course, an implicit objective for the other LAV projects.

Legal Services Coordination in Travis County, Texas

Background. Before the LAV project, low income victims of domestic violence had difficulty identifying civil legal services providers because the various providers had different eligibility criteria and limits on caseloads because of insufficient staff. This situation was further complicated because of the practice of many batterers going to the legal service providers before the victim could and asking for legal help. In addition, the legal services providers needed to increase their capacity to take cases. The Travis County Attorney has a special unit that represents victims seeking orders of protection, so the need was greatest for representation in other family law matters (e.g., child custody, visitation, support; divorce), as well as in other legal matters affecting victims' long-term well being (e.g., immigration, employment, housing, public benefits).

Approach. The LAV grant provided funding for four attorneys: a legal services attorney-coordinator at SafePlace, and one attorney each at Legal Aid, the Women's Advocacy Project, and the University of Texas Law School Domestic Violence Clinic. The grant also paid for some litigation costs (e.g., transcripts, depositions, psychological evaluations). The grantee established an efficient system to coordinate client referrals to partner services. This was accomplished through (1) assigning coordination responsibility to a SafePlace attorney, (2) monthly meetings of the grant partners, and (3) informal consultations among the partner agencies. Procedures to determine whether clients followed up on referrals was an important part of the new coordination function. The three principal legal assistance service providers were able to better serve more clients because of the increase in attorney staffing.

New Orleans Legal Assistance Corporation: Regional Coordination and Delivery of Legal and Advocacy Services

Background. The LAV grant funded three attorneys in NOLAC’s New Orleans office, one attorney in Chalmette, one Project S.A.V.E. attorney, and one secretary/paralegal. Partner agencies other than NOLAC (e.g., Project S.A.V.E., Jefferson Parish District Attorney’s Office, Metropolitan Battered Women’s Program) receive referrals from many different agencies; serve as “points of entry” to the civil legal services system; handle emergency legal needs (e.g., protection orders) of domestic violence victims in Orleans, Jefferson, and St. Charles Parishes (NOLAC does protection orders in the more rural parishes of St. Bernard and Plaquemines); and refer clients to NOLAC for more long-term legal matters. NOLAC and most of its grant partners were well established in the greater New Orleans community long before the LAV grant program, but prior to the grant, each agency’s response was more isolated.

Approach. The LAV partners resolved issues like how clients would be referred from one agency to the next in their “single-point-of-entry” collaborative system and developed uniform referral forms and internal screening protocols. NOLAC’s collaboration with its partners appears to have successfully gelled into a system that is making a difference, and battered women are benefiting from access to NOLAC’s services in both family law and other areas (e.g., housing, employment, public benefits, etc.).

Objectives for Recruiting and Supporting *Pro Bono* Attorneys

The following six projects had specific objectives calling for all or a significant portion of an LAV attorney’s or paralegal’s time to be devoted to *pro bono* attorney recruitment and support.

- Legal Project of the Capital District Women’s Bar Association
- Sanctuary for Families’ CAPS Program
- Utah Legal Services
- Pine Tree Legal Assistance, Inc. (one LAV-funded attorney served as statewide *pro bono* coordinator)
- San Mateo County Legal Assistance (one LAV-funded attorney-coordinator position was established at Sor Juana, a victim services partner)
- Montana Legal Assistance

Of the projects listed above, Legal Project of the Capital District Women’s Bar Association, Pine Tree Legal Assistance, and Sanctuary for Families had notable success with

their LAV-funded efforts to recruit and train *pro bono* attorneys willing to take domestic violence cases.

Other projects such as those in New York City, Miami Beach, and St. Louis benefited greatly from the capacity of existing *pro bono* programs to serve LAV clients. In Miami Beach, the local bar association's volunteer lawyer program greatly boosted the LAV project's ability to serve nearly all domestic violence victims seeking legal services. Similarly, Legal Services of Eastern Missouri (LSEM) had operated a volunteer lawyer program successfully for 20 years and used it extensively to assist domestic violence victims with protection orders (see below, Existing Volunteer Lawyers Programs Benefit LAV Grant Projects). This resource, along with four attorneys funded through LAV, enabled LSEM to also serve virtually all eligible victims who requested services (however, *pro bono* and staff attorney availability was much more limited in the rural counties than in the St. Louis area).

Existing Volunteer Lawyer Programs Benefit LAV Grant Projects

“Put Something Back,” Dade County Bar Association

“Put Something Back,” the volunteer lawyer program of the Dade County (Florida) Bar Association, has over 7,200 participating attorneys, 284 of whom are trained to handle domestic violence cases. Put Something Back was not supported by LAV funds but served as a valuable resource for the Bar Association’s LAV project serving Miami Beach. Attorneys can receive continuing legal education (CLE) credits for attending free domestic violence training (offered four times a year) if they agree to take a minimum of one *pro bono* case that year. This is an effective incentive because Florida requires attorneys to receive 30 continuing CLE credits and five ethics credits every 3 years. Put Something Back refers 10 to 12 domestic violence cases each month. The representation is usually to obtain a permanent protection order. Staff attorneys for Put Something Back perform client intake services and make the referrals to the volunteer attorneys. Clients usually can be placed with a volunteer attorney within one day.

Legal Services of Eastern Missouri (LSEM) Volunteer Lawyers Program

Legal Services of Eastern Missouri has a 20-year-old Volunteer Lawyers Program (VLP). More than 4,000 volunteer attorneys participate in the program, which has been a mainstay of legal services for domestic violence victims in the community. In 2000, 559 domestic violence cases—primarily protection order cases—were placed with volunteer attorneys; in 2001, the number increased to approximately 750. Staff is able to place almost all of the cases referred to the VLP with an attorney, usually within a day. However, many of the rural counties in the LSEM service area have no volunteer attorneys. One of LSEM’s grant partners, the Missouri Coalition Against Domestic Violence (MCADV), offers specialized training to all volunteer attorneys. The training is funded by the LAV grant. MCADV also produced a comprehensive training manual, *Justice for All*, which serves as a resource for attorneys, advocates, prosecutors, clerks, and others. The manual was also funded by the LAV grant.

The Legal Project of the Capital District Women’s Bar Association and Pine Tree Legal Assistance also had a substantial number of private attorneys willing to accept domestic violence-related cases *pro bono* (usually these were short-term protection order cases), and they expanded their *pro bono* resources under the grant. The Legal Project, encouraged by its success in recruiting *pro bono* attorneys during its first LAV grant period, set additional goals for this under its continuation grant (see below, The Legal Project, Capital District Women’s Bar Association: Use of *Pro Bono* Attorneys). The Appalachian Legal Services project benefited from, and contributed to, a separate LAV-funded effort whereby the West Virginia Coalition

Against Domestic Violence collaborated with shelters around the state to recruit and train *pro bono* attorneys.

LAV project staff in both the Appalachian and Sanctuary for Families (New York City) service areas also noted that night court hearings in those areas were of help with respect to *pro bono* attorneys' ability to schedule appearances at hearings.

The Legal Project, Capital District Women's Bar Association: *Pro Bono* Panel

One important element of the Legal Project's LAV-funded project is the *pro bono* attorney panel. At the time of the site visit, there were 64 trained *pro bono* attorneys on the roster, all available to take LAV-funded cases. About two-thirds are used regularly for representation and the remainder take only one case annually. Continuing legal education (CLE) credits and free attendance at the Legal Project training programs is offered in exchange for agreement to take at least one case after being initially trained by the Legal Project. Availability of mentoring, advice, and support from Legal Project staff is well received, saves time for *pro bono* attorneys in complex cases, and is a factor in the Project's successful recruitment and retention of *pro bono* attorneys. *Pro bono* attorneys also assist staff attorneys with conducting legal workshops, when requested by community groups and project partners, on family offense and related legal proceedings, such as custody and divorce.

The ability to refer domestic violence cases to *pro bono* attorneys appeared to be a feast or famine situation across the 20 sites. In contrast to the examples provided above, a number of LAV projects made little or no use of *pro bono* attorneys for domestic violence cases. These included not only various projects serving sparsely populated rural areas, but also projects whose service areas were home to many attorneys and attorney organizations—Philadelphia, Baltimore, suburban Washington, D.C., and New Orleans.

Reasons for Lack of *Pro Bono* Attorney Involvement

LAV project staff serving rural areas emphasized that there are simply not enough private attorneys—and even fewer attorneys experienced in domestic-violence cases—to avoid conflicts of interest.

In some jurisdictions, state regulations and court practices may be contributing to limited *pro bono* attorney involvement in domestic violence cases. Most states do not have *pro bono*

service requirements for private attorneys.¹⁰¹ For example, private attorneys in Maryland are not required to provide *pro bono* services (they must report the number of *pro bono* hours provided, but that number can be zero). House of Ruth legal staff observed that few private attorneys were willing to take divorce and custody cases, particularly those involving domestic violence. Similarly, Philadelphia Legal Assistance and its grant partners rarely use *pro bono* attorneys on domestic violence cases. They report that the VIP program, which places cases for *pro bono* representation in Philadelphia, has a very difficult time finding volunteers to take domestic violence cases. Furthermore, advocates believe that holistic domestic relations representation for domestic violence victims is complex and requires domestic violence expertise which most volunteer attorneys do not have.

In New Jersey, cases for which the public defender is unable to provide staff attorneys are assigned by the Supreme Court to attorneys to meet the state's mandatory *pro bono* rule (20 hours annually). This limits the availability of *pro bono* attorneys to take on other cases, including domestic violence cases. However, a large private law firm in Trenton was a resource for the Women's Law Project. The law firm provides *pro bono* services, upon assignment by the court, for victims seeking final protection orders where the abuser is represented.

New Orleans Legal Assistance Corporation (NOLAC) uses *pro bono* attorneys extensively but reported that they were seldom a resource for domestic violence victims served under the LAV grant project. Several interviewees commented on the reluctance of private attorneys in the region to take on domestic violence matters. This is unfortunate, because New Orleans has an active non-profit agency—the *Pro Bono* Project—that works closely with NOLAC and finds private attorneys to handle about 1,200 cases per year, with more than half of those cases involving family law matters. However, the cases almost never involve domestic violence. The *Pro Bono* Project does not take on cases in which there is active abuse or if the case involves an emergency situation.

¹⁰¹ Over 40 states have mandatory Continuing Legal Education (CLE) requirements for attorneys, but few states have a mandatory *pro bono* requirement. Some states *encourage pro bono* work with reporting requirements. A few states (Oregon, New York, and Tennessee) allow CLE credits for *pro bono* work.

Strategies for Encouraging *Pro Bono* Attorney Acceptance of Domestic Violence Cases

At the November 2003 NIJ/OVW workshop on promising practices under LAV, *pro bono* attorney recruitment and retention was one of several key topics discussed. The workshop included representatives of several LAV evaluation sites that had achieved success in this area (the Legal Project's LAV program in the Albany, New York, area; the Miami Dade Bar Association LAV project; Sanctuary for Families in New York City). In addition, a workshop presenter from the Arizona State Bar Association explained how that organization, with LAV support, had greatly expanded its *pro bono* attorney recruitment efforts statewide (see below, Arizona State Bar Association: *Pro Bono* Attorney Recruitment).

***Pro Bono* Attorney Recruitment Arizona Foundation for Legal Services and Education**

The Volunteer Lawyers Program (VLP) of the Arizona Foundation for Legal Services and Education (AFLSE) in Phoenix was one of the *pro bono* attorney recruitment efforts featured at the November 2003 "Workshop on Innovative Practices in the LAV Grant Programs" sponsored by OVW and NIJ.

A statewide recruiting effort in 2001 drew in more than 300 new volunteer lawyers. A repeat effort in 2003 brought in about 200 additional *pro bono* attorneys. The recruitment effort was for attorneys with all specialties, not just family law. Of the 386 lawyers in the eight counties of southern Arizona (the more rural part of the state), 120 now participate in the VLP, up from 60 before the vigorous recruitment effort began.

Successful strategies included selecting a *pro bono* coordinator with an assertive, persuasive personality, developing PowerPoint presentations tailored to each county, making presentations at bar association meetings, and sponsoring recognition events that featured prominent speakers, such as the governor and Chief Justice.

During the workshop, program directors and managers discussed strategies that had worked for them in recruiting *pro bono* attorneys. They emphasized the importance of recognizing that *pro bono* services are not really free—successful programs incur costs related to the recruiter's time, management and support of the *pro bono* attorneys, benefits such as insurance, advertising and publications, training, recognition events, etc. Successful strategies noted at the workshop included

- Selecting a recruiter who will be easily accepted by potential attorney volunteers (good personality, persistent but flexible, good follow up, networking skills).
- Offering Continuing Legal Education (CLE) credit for domestic violence training (however, opinions were mixed on whether CLE credits were an effective recruitment incentive)
- Appealing to new attorneys' desire to gain courtroom experience.
- Enlisting a variety of support with publicity from local and state bar associations
- Mentoring, supporting, and accommodating the schedules of the volunteer attorneys (e.g., providing them with practice manuals, delivering training at their offices, having experienced volunteer attorneys mentor new ones,)
- Calling on large law firms for assistance (e.g., developing a model *pro bono* policy, asking for assistance in sponsoring recognition events)
- Recognizing the efforts of the *pro bono* attorneys (e.g., state and local recognition events, media coverage of their efforts, thank you letters, etc.)

Other Objectives to Increase Legal Services Options

***Pro Se* Legal Clinics**

Several sites, particularly Utah Legal Services and Appalachian Legal Services, found it valuable to conduct *pro se* clinics—usually in collaboration with victim assistance programs, domestic violence shelters, and other partners in outlying rural areas—to reach a larger number of victims with some degree of legal service. In Utah, some communities were several hours from the nearest Utah Legal Services office (see below, Legal Clinics in Rural Areas).

Legal Clinics in Rural Areas

Utah Legal Services (ULS). Because of its large service area, ULS found that *pro se* clinics were an efficient way to deliver services to domestic violence victims and other potential clients. At the time of its initial LAV grant application, ULS regularly conducted at least five *pro se* clinics covering a variety of issues, including protective order, consumer, divorce, custody and landlord/tenant issues. (Some clinics were specifically for divorce and custody issues, although most of the clinics were not specialized). Some clinics also provided short, free individual consultations. Clinics were generally staffed by an attorney assisted by volunteers, scheduled in the evening, and held in locations such as YWCAs, local libraries, hospitals, and community centers. Clinics were the result of different collaborations, for example, a clinic held in Tooele was sponsored by ULS, the local District Court, and a University of Utah *pro bono* initiative. *Pro se* clinics were a successful use of LAV grant resources for ULS, which received positive feedback from clinic participants, court staff, and victim advocates. Court staff found that when victims had attended a clinic, it saved them time and made for smoother hearings, as paperwork was generally filled out more completely and participants understood the court process. Attendance at the clinics was usually at capacity (five to 12 participants each).

Appalachian Legal Services (ALS). Similarly, a particular strength of the ALS project was the outreach and educational programs conducted in collaboration with shelter partners. Successful approaches included co-location of ALS legal and shelter personnel in rural outreach offices, provision of ALS attorney intake services at shelter offices, and delivery of numerous *pro se* and other legal clinics.

Pro se clinics were used mostly in two ways: (1) to screen new potential clients in large groups, and (2) to offer limited legal service. For example, Appalachian Legal Services held sessions on Saturdays in one city in a local gymnasium. More than 50 domestic violence victims often attended. The attorneys would spend about 15-20 minutes interviewing each woman about her individual case. The outcome of the individual session would include such extremes as (a) the woman had a straightforward case, she was stable and confident, and could proceed *pro se* with some advice and pointers; or (b) the case was complex, child custody was at issue, and the woman lacked confidence at being able to represent herself in court—she would be referred for representation. For the majority of the cases, the women could then proceed *pro se*, but accompanied by a victim advocate (with instructions to ask for a continuance if the abuser was represented or if anything went wrong). While this legal triaging was the type of screening and

analysis that went on in most of the LAV program law offices, the *pro se* clinics could deliver the screening services in a more efficient manner to many more clients at once.

In discussions at the LAV best practices workshop sponsored by OVW and NIJ, we found general agreement that providing legal advice to *pro se* clients, especially in an *ex parte* stage of the protection order process, is a valuable and efficient use of attorney time. But we also heard resistance to the idea of directing limited LAV program funds into development of *pro se* clinics, resources, and materials if that meant hiring fewer attorneys to provide individual representation. This is certainly a practice that should be the subject of research in the future.

Products to Support Training and Improve *Pro Se* Representation

As noted earlier in this chapter, all of the 20 LAV projects placed great importance on the cross-training of attorneys (staff and *pro bono*) and victim advocacy personnel. They accomplished this through delivering structured training sessions and distributing related training curricula and materials, and through case consultations, task force meetings, and informal contacts and discussions. In addition, many projects conducted training and developed products (brochures, manuals, etc.) aimed at broader audiences. ILJ/NCVC attorney staff reviewed many of these law-related publications and found them to be useful tools for attorneys, judges, victim advocates, and victims. One project (Pine Tree Legal Assistance) devoted some of its LAV resources to publishing materials on its web site to assist victims with *pro se* representation (see below, Examples of Training and Products).

Examples of Training and Products

Pisgah Legal Services. As one of its three main objectives under the LAV grant, Pisgah Legal Services developed and sponsored training for law enforcement officers, the courts, *pro bono* attorneys, domestic violence victim services organizations, and others. It developed “Domestic Violence and the Law: Guide to Getting Civil Legal Protection in North Carolina Without an Attorney,” as well as domestic violence training manuals for court magistrates, law enforcement, and *pro bono* attorneys. The “Domestic Violence and the Law” guide has been distributed to other jurisdictions in North Carolina to assist in meeting domestic violence victims’ needs.

The Women’s Law Project (WLP), which served three counties in New Jersey and was based in Trenton, also had a specific LAV program objective to develop and disseminate *pro se* resources WLP published *The Family Court Experience: A Manual for Domestic Violence Victims* in English and Spanish. A second product is a training video for *pro bono* attorneys.

Pine Tree Legal Assistance developed (in collaboration with others) a Protection from Abuse (PFA) pamphlet and other materials for publication on its website. Pine Tree relies heavily on web technology to find out what kinds of domestic violence information is being sought.

New Orleans Legal Assistance Corporation developed a Louisiana domestic violence practice manual and had it published. No similar resource existed at the time.

SafePlace in Travis County, Texas, developed the training curriculum for volunteer attorneys, “What Every Lawyer Should Know About Domestic Violence,” which included content on domestic violence dynamics, impact on victims, how to screen for domestic violence, and impact of domestic violence on civil legal proceedings.

Objectives to Conduct Outreach and Marketing

Outreach and Marketing to the Broader Community

With respect to marketing the availability of LAV-supported services to the community as a whole, typical approaches included

- Distributing brochures at courthouses, police departments, shelters, etc.
- Making presentations before professional and community groups
- Asking personnel whose positions were not LAV-funded to incorporate information about the LAV project into their presentations and outreach work
- Conducting *pro se* clinics

Personnel at some projects expressed reservations about marketing LAV services beyond efforts such as those above, because they did not want to raise unrealistic expectations about service availability. Outreach at some of the other sites was more aggressive. For example, Utah Legal Services (ULS) received a 3-year VISTA grant for six full-time volunteers, who assisted with outreach to the courts, shelters, local coalitions, and others. By the end of the first full project year, ULS staff or volunteers had visited every courthouse in the state, increasing the number of requests for protective order assistance statewide, and in turn, increasing the demand for assistance in family relations cases.

For Philadelphia Legal Services, marketing the availability of legal services for domestic violence victims was one of its three main LAV project objectives. Outreach activities included

- Conducting training for community groups and social services organizations
- Taking active part in local bar activities
- Publishing brochures and other literature; working with its partner organizations to translate brochures into Spanish and Asian languages
- Maintaining an informative website in both English and Spanish
- Hiring bilingual staff and using the AT&T *Language Line* service

Outreach to Traditionally Underserved Populations

Many of the 20 LAV projects faced particular challenges in attempting to provide services to two broad categories of traditionally underserved victims: (1) those who live in rural areas—in some cases hundreds of miles from the nearest legal aid office, shelter, or other victim assistance program; and (2) victims who were members of diverse ethnic/cultural groups, were recent immigrants, and/or spoke little or no English.

Common Problems in Serving Rural Areas

Although there were significant geographic and demographic differences among the various rural areas served by the LAV projects (see Chapter 4), the attorneys and advocates interviewed cited a number of common problems related to providing civil legal services to domestic violence victims living there. The most frequently mentioned were these:

- Few attorneys live in these rural areas (and even fewer with family law and other needed specializations). In part because of this, private attorneys often cited conflict of interest as a reason for declining to represent LAV cases *pro bono*.

- Lack of appeal for new attorneys—isolation, low salaries, extensive travel—making it difficult to recruit and retain LAV (and other public interest) attorneys
- Staff attorneys’ need to accommodate and schedule around multiple court calendars and processes.
- Distance from non-legal services (shelter, advocacy, health care, counseling, etc.)
- Inability to provide in-person representation quickly in emergency situations (e.g., batterer unexpectedly appears in court with counsel)
- Little understanding or acceptance of domestic violence as a crime among some groups of residents and criminal justice personnel

Emerging and Unmet Needs of Ethnically/Culturally Diverse Populations

One of the more important and most difficult challenges facing many grantees was to reach out to racial and ethnic minority groups. A number of diverse populations were identified by the grantees as needing legal and advocacy services to gain freedom from domestic violence. As discussed earlier, several grantees established formal partnerships under LAV with organizations serving victims who represented Spanish-speaking and Asian countries, as well as organizations serving immigrants from other countries and cultures. In addition, various grantees noted emerging needs among specific immigrant groups. Examples include a growing Bosnian population in Eastern Missouri, Somali immigrants to Maine (e.g., “secondary” immigrants who had moved from Atlanta and other areas to Portland and Lewiston, Maine); and growing Vietnamese and Cambodian populations in the New Orleans area.

Most of the grantees that focused on this problem made what progress was possible with available resources and discussed remaining challenges. For example, several diligent efforts by the Miami Beach project to reach members of the Haitian community met with little success; and project personnel noted that available services were still under-used by victims who were elderly or gay, lesbian, bisexual, or transgendered. In Montana, the grantee’s efforts to coordinate with various Tribal organizations had not met with much success at the time of the site visit, although these efforts were continuing.

Solutions to Outreach Problems

None of the nine projects whose service areas included rural, isolated communities had the resources to position an LAV staff attorney full time in these areas, but LAV attorneys at several projects conducted *pro se* legal clinics (discussed earlier) or were able to maintain regular

hours part-time at rural outposts. This was feasible because of collaborations between LAV-funded legal services organizations and various partner organizations. One excellent example of this collaboration in a rural area was the work of the New Orleans Legal Assistance Corporation with a district attorney's office and victim services program (see below, NOLAC Collaboration with Plaquemines District Attorney's Office and St. Bernard's Shelter).

**NOLAC Collaboration with Plaquemines District Attorney's Office
and St. Bernard's Shelter.**

The Plaquemines Parish District Attorney's Office has a full-time domestic violence victim advocate (the Office is approximately 50 miles from the nearest legal services provider). This advocate receives from the Sheriff's Office daily reports of domestic violence calls. She then reaches out to victims to inform them about available services and resources. The advocate also helps facilitate NOLAC's outreach to rural Plaquemines Parish. On a weekly basis, she helps set up client meetings between NOLAC attorneys who have traveled to her office in Port Sulphur and local domestic violence victims seeking legal advice and representation. In addition, St. Bernard Battered Women's Program provides services to domestic violence victims in St. Bernard and Plaquemines Parishes. The program has a shelter that offers a residential program for abused women and their children (program capacity is 30 to 45). The program also offers counseling, education, safety planning, and referrals. With respect to legal services, the program helps victims fill out petitions for protective orders and provides court accompaniment. Finally, the program refers most of its clients to NOLAC for representation in protective order hearings and other civil legal matters.

Outreach and direct service delivery to diverse ethnic and cultural groups is an important issue that deserves much more in-depth discussion than is possible in this report. Although grantees had limited resources to expand on these goals, examples of successful strategies were seen at several of the case study projects where partnerships were formed with community based organizations and specialized victim assistance and legal programs. These strategies had to confront both language and cultural barriers. With respect to the challenge of helping victims who are not fluent in English, competent translators need to be engaged in adequate numbers, not only by various service providers but by the courts, as well. Several grantees reported that courts could not be relied upon to provide qualified interpreters for important court proceedings. In addition to having their own interpreters, a few service providers used a "Language Line" service to greatly expand the number of languages in which they communicate with clients.

However, the problem cannot be solved simply by hiring more interpreters or communicating in more languages. The cultural barriers to reaching out to and serving these clients are more complicated and challenging than the language differences. Service providers reported that battered women in many ethnic and racial minority groups were trapped by male-dominated cultures that still look upon domestic abuse as a private family matter in which the husband has the right to treat his wife as he sees fit. Although such views have been—and still are—present in mainstream American culture, they are so powerful in certain minority groups that many victims cannot even begin to think about finding a way out of their desperate situations. When planning how to help these victims, service providers must fully understand the cultural influences that make seeking help—from police, attorneys, shelters, social service and mental health organizations, and others—almost impossible.

At the November 2003 OVW/NIJ workshop on promising practices, the complexity of the challenge was illustrated by one upstate New York legal services agency¹⁰², which focused its outreach efforts on migrant farm workers who were victims of domestic violence. These women left the area for Florida when the growing season ended. Many spoke little English and had virtually no power (education, money, legal status) to break free from oppression and violence. Despite these challenges, the agency had some successes. Attorneys often made initial contacts through informal “kitchen table” chats. As this agency and other LAV grantees have learned, the most effective way to help victims in such circumstances is to reach out to them on their own turf and on their own terms; interact in settings that are comfortable for them and with the assistance of caring members of their own communities. Despite some progress overall, victims who are members of racial and ethnic minority groups still have huge unmet needs, and further attention must be paid to this problem.

Objective to Conduct Local Evaluation: Greater Hartford Legal Aid

Grantees maintained case management and monitoring systems but were not required to apply LAV funding toward conducting local evaluations.¹⁰³ Only one project, the Connecticut Partnership Initiative, administered by Greater Hartford Legal Aid (GHLA), set aside a small

¹⁰² Farmworker Legal Services of New York, Inc., Rochester, New York.

¹⁰³ About one-third of the 20 projects attempted to assess client satisfaction with services and outcomes through mail surveys. Survey results generally indicated high levels of satisfaction, but unfortunately, the return rate on these surveys typically was only 10-20 percent.

portion of LAV grant funds for a local evaluator to assess LAV grant implementation and effectiveness. The evaluator had worked with GHLS in the past and was part of the LAV project planning team in 1998.

The evaluator employed both qualitative and quantitative methods, including interviews with attorneys, advocates, and clients, and analysis of data on LAV and non-LAV family law clients, cases, and case outcomes. She provided several reports on interim findings to assist the project in fine-tuning its approach. For example, the project has been able to document increases in non-Caucasian clients served by LAV; changes in percentages of representation versus advice and counseling cases; age differences in LAV versus non-LAV clients (with LAV clients somewhat older than clients in other family law cases); differences in types of cases referred by various shelter programs; and others.

New Outcome Measures. The evaluator and project staff determined that existing outcome measures did not adequately document the complexity of either type of case, the multiple services provided and outcomes obtained, or the collaboration between attorneys and advocates. During 2000-2001, additional outcome measures were developed. Examples of new measures included whether law enforcement had been contacted regarding court orders, whether the attorneys had completed a safety planning discussions with clients, and whether guns were taken from the abusive party.

Each type of case is categorized with a single broad description at closing. These descriptions follow:

Representation Cases

Court decision—won
Negotiated settlement
Settlement with litigation
No resolution
Court decision
Settlement without litigation
Administrative agency decision

Advice and Counseling Cases

Brief counseling and advice
Counseling and advice
Brief service
Negotiated settlement
Extensive evaluation then advice
Case opened/closed without service
Referred to private bar
Document preparation/correspondence
Referred after assessment
Caller did not pursue
Other

Each client's record is also coded by attorneys for the primary case services/outcomes received. Listed below are the 16 services/outcomes for "representation" cases that were obtained by LAV grant clients in cases closed in the first six months of 2003, and the ten most common primary case services/outcomes for counseling and advice cases closed during the same period. At that time, about 76 percent of the project's LAV cases were "advice and counseling" cases; about 17 percent were representation cases; and about 7 percent were classified as "neither" (client withdrawals and others).¹⁰⁴

Representation Cases

- Completed discussion w/ client regarding risks and options to enhance safety plan
- Obtained realistic assessment of legal rights/counseling as to future course(s) of action
- Obtained tools and information to achieve access to legal system
- Obtained protection from domestic violence
- Obtained custody/visitation order to enhance safety of adult victim or children
- Obtained/maintained physical &/or legal custody of child(ren)
- Obtained/extended civil restraining order
- Other family-related benefit(s)
- Obtained adherence to procedural protections for client
- Obtained/modified visitation rights
- Obtained divorce
- Ensured case tried in appropriate state/court
- Completed extensive collaboration on case with DV shelter program advocate
- Obtained/maintained child support or health insurance
- Obtained spousal support
- Guns taken from abusive party or legal access to guns denied

Advice and Counseling Cases

- Obtained realistic assessment of legal rights/counseling as to future course(s) of action
- Completed discussion w/ client regarding risks and options to enhance safety plan
- Obtained tools and information to achieve access to legal system
- Other family-related benefit(s)
- Obtained/maintained physical &/or legal custody of child(ren)
- Obtained/modified visitation rights
- Obtained/maintained child support or health insurance
- Obtained adherence to procedural protections for client
- Obtained divorce
- Obtained custody/visitation order to enhance safety of adult victim or children

¹⁰⁴ As the evaluator points out, more than 17 percent of an attorney's open cases on any given day may be court representation cases. The percentage of representation cases closed during various reporting periods has ranged from about 17 percent to 28 percent.

The services/outcome data obtained have been valuable in documenting the complexity of the cases handled by LAV grant attorneys and the range of services they provide. For example, the project found that

- Representation clients averaged 8.3 services/outcomes each, and advice and counseling clients averaged 3.6 each.
- Attorneys spend time reviewing safety plans and options with nearly all clients, whether the clients are represented in court or receive counseling and advice services.

The evaluator points out that discussions among grant attorneys in periodic meetings often focus on clients' multiple needs, and that representation cases in particular commonly involve advocacy with multiple agencies and may include appearances in multiple courts. The new measures have enabled the project to provide statistical information documenting the multiple tasks performed/outcomes achieved, as well as the collaborative nature of the work. These data have been enhanced by the qualitative information the local evaluator has obtained. For example, interim evaluation reports have clarified the nature of various representation cases, which have involved issues of immigration status, termination of parental rights of an imprisoned batterer, placement of a client in a witness protection program, and other complex issues. The local evaluation reports have also discussed clients' appreciation for advice and consultation services, which some clients have described as life changing or life saving.

Demand for Legal Services versus Capacity to Provide Them

Based on this evaluation, including survey results, case study site examinations, and data analysis, it seems clear that even with the LAV funding provided by OVW, there is still a significant amount of unmet needs for civil legal assistance to domestic violence victims.

This evaluation employed several strategies to better understand the unmet needs for civil legal services among victims of domestic violence who cannot afford private attorneys services. The 2003 grantee survey results (Exhibit 3-6, Chapter 3) found continuing unmet needs despite LAV funding and projects' best efforts. Only 21.6 of LAV grantees surveyed (N=79) said they could meet all or nearly all requests for legal services from domestic violence victims (90-100 percent of requests). Similarly, interviews with LAV project personnel across the 20 sites that were visited suggest that only one in five—with LAV support—were able to handle nearly all of the requests they received for civil legal services. Even at those sites, areas of unmet need were

still identified, primarily with respect to serving victims in rural areas or those who were members of ethnic/cultural minority groups. Thus, at least 80 percent of the 20 case study sites noted to evaluators that even with LAV funding, they could not keep up with the growing demand for civil legal services.

“Triage” Approach to Client Intake

There is no question that LAV greatly increased all of the legal programs’ capacity to provide free or low cost civil legal services. Nevertheless, many projects reported that because they were unable to meet a significant number of requests for civil legal assistance and representation, they had to set limits on the number and types of cases they could accept.

For example, in San Mateo County, the three partner agencies developed informal criteria for selecting cases that would receive services under LAV. The Legal Aid Society generally gave priority to victims who were already in the legal process (e.g., had begun the separation process or had a protection order in place), and the Legal Aid attorney who worked with teen mothers gave priority to cases where there was a significant age difference between the parties. For assistance with protection orders, Sor Juana and CDVP gave priority to shelter residents and victims who had experienced a domestic violence incident or threat within the past two months.

The Loudoun County, Virginia, project (which had only one full-time attorney) also had restrictive criteria for the clients it agreed to represent. The caseload primarily involved protection orders, enforcement of those orders, custody, visitation, support, and modification of the orders it obtains for clients. LAWS Legal Services only represented clients who had been victims of physical violence and rarely handled contested divorces. LAWS staff reported that even though Virginia law does not require physical injury, local judges would not grant a protection order in the absence of it. Interviewees expressed concern that if a protection order was applied for but not granted, the home situation could become even more dangerous. LAWS attempted to refer cases that it did not have the capacity to handle to Northern Virginia Legal Services or private attorneys.

Montana Legal Services Association, because of staff shortages and vast distances to travel, rarely represented domestic violence victims in court for protection order hearings unless the batterer was represented. However, MLSA did organize and run *pro se* clinics for domestic violence victims to help them complete forms and prepare for court.

In Delaware County near Philadelphia, demand is such that Delaware County Legal Aid Association must cut off intake after interviewing 20 prospective clients per week. The non-legal services providers offer a whole spectrum of victim services, including advice and other assistance to victims who act *pro se* within the legal system. Nevertheless, court personnel report that in Philadelphia, victims are still *pro se* in about 90 percent of all order of protection cases, and about 80 percent of custody cases.

As discussed in Chapter 4, most petitions for a protection order in Bexar County (San Antonio), Texas, are filed by the District Attorney's Office. However, the District Attorney will not accept protection order cases where there has not been a police report filed within the past 30 days. The Office will also refuse cases where the complainant has dropped a request for a protection order three or more times. Often, however, these latter cases are referred to the LAV project (many ADAs are graduates of the St. Mary's law clinic program).

Impact of LAV Projects on Justice System

Influence on Judges and Court Procedures

The judges interviewed at nearly every case study site strongly stated their appreciation for the LAV attorneys. For example, several judges in Maine emphasized that the work of the LAV attorneys at Pine Tree Legal Assistance had resulted in more appropriate representation resulting in better agreements and a reduction in judicial time spent educating *pro se* plaintiffs (see below, Pine Tree Legal Assistance: Influence on the Courts). Judges in Travis County, Texas, reported improvements in attitudes of judges and prosecutors as a result of the SafePlace LAV project, especially in responding with more patience and understanding regarding petitions for emergency protective orders.

Pine Tree Legal Assistance: Influence on the Courts

Under the LAV grant, services provided by Pine Tree Legal Assistance included representation in the most complicated Protection From Abuse (PFA) cases; information and assistance in *pro se* filing of papers to obtain PFA orders; and where feasible, legal advocacy in court for additional victims who might not have retained Pine Tree legal assistance. Each of the four LAV attorneys worked closely with a partner victim services agency. The District Court judges interviewed consistently praised the professionalism and availability of the LAV attorneys. They credited the attorneys for knowing when and how to negotiate, resulting in more cases settled outside of hearings; providing more appropriate representation resulting in better agreements; reducing judicial time spent educating *pro se* plaintiffs; their availability in the courtroom to provide “on-the-spot” consultation with a *pro se* plaintiff; and “balancing the playing field” in many PFA cases in which defendants are were represented.

Another example of influence on court procedures can be seen in the Sanctuary for Families project. One problem the LAV-funded CAPS project was designed to address was limited assistance provided by court clerks to protection order petitioners. During site visit interviews, some court clerks and judges reported that changes have occurred in the way that the clerk’s staff reviews petitions for protection orders. It was reported that the clerks’ interviews with petitioners are more probing than before, a response to the clarity and detail that CAP advocate-prepared petitions demonstrate. CAP has also led an initiative with the Family Court Administrative Judge for New York City to revise the forms used by petitioners to ask for protection orders and make the forms consistent in all five boroughs.

Influence on Domestic Violence Laws and Policies

Domestic Violence and Child Custody. The LAV grant to SafePlace in Travis County, Texas, enabled the partners to speak with one voice on important policy issues. For example, they all pressured the state Attorney General’s Office to consider domestic violence issues when they were relevant to child custody determinations that became part of child support suits.

Advocacy to Remove Court Filing Fees. At the time of the site visit, one of the local courts rarely allowed domestic violence victims to file petitions with the court without the payment of a filing fee. It routinely denied motions to proceed *in forma pauperis* from domestic violence victims. At least partly in response to the efforts of local advocates, including the LAV

partners, the state legislature finally passed a law prohibiting courts from charging fees for protection orders. The NOLAC executive director commented:

“We like to think that our front page article in the local newspaper on the problems of a local court denying close to 100% of all domestic violence clients’ pauper applications had something to do with this.”¹⁰⁵

Training for Mexican Consulate Officials and Coordination with INS. At a training for legal service providers in Del Rio, a Mexican consulate official learned about the St. Mary’s University Law School civil legal assistance program. This resulted in a separate conference presentation for Mexican consulate officials in Texas, with about 45 attendees. On-site interviews also suggest that the LAV-funded law clinic has affected the way in which some Immigration and Naturalization Services (INS) agents deal with battered immigrant women. In several instances, INS agents who learned of the project in deportation proceedings have called on the project to accept referrals of immigrant women who have been victims of domestic violence and may be eligible for a federal exception to deportation proceedings.

Improved Police Response. LAV project personnel in Miami Beach reported a positive impact on the police department. Although court intake and the police department are not funded partners under the grant, they are, nonetheless, working in collaboration with the project. The Miami Beach Police Department, which previously did not emphasize domestic violence, has now fully embraced the Domestic Violence Collaborative.

Preparation for Public Interest Law Careers

The St. Mary’s University School of Law project, BICLAP, provides an excellent example of a training ground for public interest lawyers, as well as a vehicle for sensitizing law students to domestic violence victims’ needs. Law school graduates participating in similar opportunities may be more likely to, and better prepared to, take *pro bono* domestic violence cases when they join the bar, regardless of their ultimate legal specialization. BICLAP has trained law students specifically on needs and issues relating to domestic violence faced by immigrant women. It has provided a unique opportunity for many students to work for social justice. The BICLAP clinic gives students confidence that their professional skills will allow them to succeed both personally and professionally. In this way, the clinic has increased the pool

¹⁰⁵ Personal email communication with NOLAC Executive Director, October 2003.

of attorneys in the San Antonio area willing to accept cases involving domestic violence matters. In addition, 40 or so practicing attorneys have received training on representation in domestic violence cases.

Similarly, the new domestic violence clinic program at Tulane Law School—in which LAV attorneys are very involved—holds a similar potential for encouraging and preparing law students for careers in public interest and family law that may benefit domestic violence victims, as do other domestic violence law school clinics (e.g., in Travis County and Philadelphia) with which the LAV projects coordinated. The Sanctuary for Families CAPS program involves a different approach, where law students at many schools are recruited from the universities' volunteer victim advocacy organizations, rather than law school clinical programs; and where additional help is provided by summer associates working for private law firms.

Progress Toward a Coordinated Community Response

Local domestic violence coordinating councils, such as those in New Orleans and Travis County, Texas, were valuable resources for the LAV projects in their efforts to streamline the referral process for legal services. Another example is Loudoun County, Virginia, which made considerable progress toward strengthening its local coordinating council due in part to the participation of the LAWS attorney funded by LAV. Many projects also worked closely with state level domestic violence coalitions—for example, Appalachian Legal Services' efforts to assist the state coalition with *pro bono* attorney recruitment.

Continuing Court and Justice System Problems

During the site visits, representatives of various grant projects discussed court and other justice system problems that continued to affect domestic violence case processing and/or outcomes.

Judge rotation and lack of domestic violence training/sensitivity. Attorneys and advocates at two sites discussed judge rotation and the need for judicial training in domestic violence as problems, although some judges were described as well informed and sensitive to victims' needs. At one of these sites, several persons interviewed stated that law enforcement had significantly improved its response to domestic violence over the last several years, but that improvements in judicial response were lagging behind other sectors of the justice system. It

was suggested that because Circuit Court judges are rotated through Family Court and sit in that court for only one year, the judges there often lack not only experience in handling domestic violence cases but a commitment to improve Family Court processes. Several judges who were interviewed at that site agreed that judges sitting in Family Court should have domestic violence training to perform effectively, and one judge discussed a need for the Family Court to do a better job of monitoring compliance and enforcement of orders of protection.

Lack of resources available to the courts. In Orleans Parish and Jefferson Parish, the civil courts have no case screeners or social workers to help sort out the facts of the case. The Miami Beach LAV project was needed in part because the District Court was forced to close the Miami Beach intake office. A judge of St. Louis County Family Court said service of process was a problem and that more money was needed for special process servers. The judge noted that AWARE—a hospital-based program providing domestic violence services to patients and staff of Barnes-Jewish hospital—pays for special process servers for their clients when needed.

Scheduling issues. In one large city, delays were noted of up to 10 weeks in scheduling protection order hearings. As discussed earlier, court scheduling needs also presented problems in rural areas, where victims and attorneys had to travel considerable distances to get to court.

Interpreters. Some LAV projects had access to “language line” services to assist with clients whose primary language was not spoken by grantee or partner agency staff. However, difficulties in finding appropriate interpreters to assist in court was cited as an issue by several sites.

Success of LAV Service Models

As we noted earlier, key questions for the cross-site analysis of the 20 projects were (1) How did the grantee organizations collaborate to capitalize on their individual organizational strengths going in and compensate for their lack of capacity in other areas? (2) Did the grantees increase their capacity to provide more comprehensive services (safety/advocacy, family law, non-family law) to more victims of domestic violence? and (3) What was it like for victims to receive services through these collaborative projects? Were they likely to find the service delivery system well coordinated, so that referrals from place to place were kept to a minimum?

The LAV programs administered by legal services organizations increased attorney staff, and in some cases *pro bono* attorney resources, thereby increasing their capacity to represent domestic violence victims in protection order and other family law cases. They also took advantage of their capacity to link clients to in-house attorney specialists in other areas of the law that were essential for self-sufficiency and safety over the long term. And they ensured that attorneys received training in the dynamics of domestic violence and sensitivity to victims' non-legal needs. They reviewed safety planning concerns and other non-legal needs with victims during initial client interviews, especially when victims had not yet been assisted by a shelter or other domestic violence victim services program.

Legal programs administered by victim services providers also increased their capacity to provide direct legal assistance and representation with protection orders and family law cases. Several developed partnerships under the LAV grant with other legal programs to which they could confidently refer victims for assistance with additional legal needs related to the domestic violence, such as employment and immigration matters.

Several projects, administered by various types of grantee organizations, succeeded in greatly improving the referral systems in their jurisdictions for legal and advocacy services and in increasing law school involvement providing direct legal and advocacy services in their communities. Several focused on early intervention, by linking an attorney with hospital based advocacy programs, stationing an attorney at a one stop service center, or locating an attorney, at least part time, at shelters, courthouses, and rural outposts.

In short, all of the sites that we visited were concerned about providing holistic services to domestic violence victims, although they had different capacities at start up, operated in different environments, and had different ways of trying to achieve this goal. From the victim's point of view, the ideal model may be one where many legal and non-legal needs can be met by the same agency, or at least largely under one roof. Various projects came close to accomplishing this, but at some point and in varying degrees, they simply had to refer clients to others.

This is why the attorney-advocate collaboration and multiple partnerships fostered under LAV were so important. The underlying theme at all projects was that it should make no

difference whether the victim seeks legal or non-legal services first; both service components should be available, so that referrals are straightforward and the needed services are provided.

However, one key factor seems to weigh in favor of the law firm approach to providing efficient and effective free legal services to domestic violence victims—the immediate presence of other experienced attorneys to counsel the client. If a key goal is to truly provide “holistic” legal services, the presence of other multi-experienced attorneys—experienced in housing, benefits, education, and other legal areas tangential but critical to family law matters such as custody, support, divorce, protection orders, etc.—is critical to efficiently providing legal services that help make the victim “whole” again.

Cross-Site Analysis of Cases and Outcomes

A key component of the national evaluation was to assess the impact of LAV funding on agencies’ capacity to deliver quality civil legal services to more victims of domestic violence. To assist in this assessment, nine of the 20 case study projects (shown below) provided case management databases for analysis by ILJ staff.¹⁰⁶

Exhibit 5-1: Case Study Sites Providing Case Tracking Databases

Appalachian Legal Services	Montana Legal Services Association
Capital District Women’s Bar Association Legal Project	New Orleans Legal Assistance Corporation
Connecticut Partnership/Greater Hartford Legal Aid	Pine Tree Legal Assistance
Legal Services of Eastern Missouri	Pisgah Legal Services
Greater Boston Legal Services Corporation	

A master database was created by merging the nine databases and included more than 9,000 cases. The projects that contributed data continued to cooperate with the evaluators by responding to follow-up questions from ILJ/NCVC staff about their systems and coding schemes. This additional time and assistance was essential to help ensure the data was interpreted as accurately as possible. Overall, the process of merging, cleaning, and interpreting the case management data was complex and time consuming, although it was useful for

evaluation purposes. We found that three sites had data on a large enough number of LAV and non-LAV cases over a long enough period to conduct pre-post analyses (see the sections on data analysis for the Appalachian, Boston, and Montana projects).

As a first step, the cases were analyzed in terms of the following client characteristics: gender, age, race, marital status, number of children, and monthly income. In addition, data on types of cases and types of services/outcomes was analyzed. A brief summary of the results is provided below. The data are descriptive of clients assisted/represented and services rendered by the nine projects. The data are not necessarily representative of the 20 process evaluation sites or of all LAV grantees. Eight of the nine projects that contributed data were legal services agencies, and the ninth was a women's bar association legal program.

Gender. Of the 8,242 clients for whom gender was recorded, nearly all (97.8 percent) were female.¹⁰⁷ There was little variation among the sites. Eastern Missouri had the lowest percentage of female clients (94.5 percent); and the highest percentage was at Pisgah (99.4 percent).

Race/Ethnicity. Overall, 75.1 percent of the clients (N=8,938) were white, 8.4 percent were African American, 7.9 percent were Hispanic/Latina, 1.3 percent were Asian, and 7.3 percent were classified as "other." Again, the data are not necessarily representative of all clients served by LAV, since several sites contributing large numbers of cases operate in service areas with small minority group populations. For example, 86.2 percent of Appalachian's clients in West Virginia were white, as were 90.3 percent of the clients served by Pisgah in western North Carolina and 92.9 percent of Pine Tree's clients in Maine. Among the nine sites, Boston's clients were the most diverse with respect to race/ethnicity (25.2 percent white, 30.3 percent African American, 32.6 percent Hispanic/Latina).

Age. The average age of clients represented in the master database was 33.5 years. Capital District clients were older than the average (37.0 years), while Montana and Pisgah clients were slightly younger (31.8 years). Breakdowns by age are shown in Exhibit 5-2.

¹⁰⁶ Client names and other personal identifiers were stripped from the databases before they were provided to the evaluators.

¹⁰⁷ Two of the nine agencies did not record client gender.

Exhibit 5-2: Age of Clients

N=9,003

Age	Number	Percent
20 years or less	473	5.3
21-25	1,474	16.4
26-30	1,747	19.4
31-35	2,001	22.2
36-40	1,461	16.2
41-45	889	9.9
46-50	521	5.8
51 or older	437	4.9
Total	9,003	100

Marital Status. Clients' marital status is shown in Exhibit 5-3 below.¹⁰⁸ Overall, 40.7 percent of clients were recorded as separated, 30.6 percent were married, 18.8 percent were single, 9.5 percent were divorced, and .4 percent were widowed. There was considerable variation across the sites (for example, 54 percent of Pisgah clients were recorded as separated, compared to 27.9 percent in Montana).

Exhibit 5-3: Marital Status of Clients

N=4,169

Marital Status	Number	Percent
Separated	1,698	40.7
Married	1,275	30.6
Single	782	18.8
Divorced	398	9.5
Widowed	16	0.4
Total	4,169	100 %

Children. Overall, about 75 percent of clients had at least one child.¹⁰⁹ Breakdowns on numbers of children are shown in Exhibit 5-4 below. There was little variation among the sites with respect to children.

¹⁰⁸ Three of the nine agencies did not record client marital status.

¹⁰⁹ Three sites did not record the number of children.

Exhibit 5-4: Clients' Children

N=6,734

Status	Number of Clients	Percent
No Children	1,698	25.2
1 Child	1,802	26.8
2 Children	1,927	28.6
3 Children	912	13.5
4 or More Children	393	5.8
Total	6,734	100%

Monthly Income. Exhibit 5-5 below shows the available data on clients' monthly income. Overall, 43.3 percent of clients had monthly incomes of \$500 or less, with about one-fourth reported as having no income. Eastern Missouri was different from the others in that it had the highest percentage of clients with monthly incomes of \$1,000 or more (43 percent).

Exhibit 5-5: Monthly Income of Clients

N=4,442

Monthly Income	Number	Percent
None	1,093	24.6
Less than \$500	830	18.7
\$500 through \$999	1,438	32.4
\$1,000 or more	1,081	24.3
Total	4,442	100%

Types of Cases. As shown in Exhibit 5-6, overall, 42.9 percent of cases were classified as “spouse abuse,” 26.0 percent were divorce/separation, 17.9 percent were custody/visitation, and 9.5 percent were other types of cases.¹¹⁰ There was considerable variation among the sites. In particular, Montana stands out because 93.6 percent of its cases were classified as “spouse abuse.” In addition, the Capital District project had a higher than average percentage of cases involving support (18.8 percent) and “other” legal matters (18.8 percent).

¹¹⁰ Cases classified as “other family” constituted the largest percentage of cases in this category (313 cases). Other categories with relatively high numbers of cases were AFDC and other public benefits (67), paternity (32), guardianship (32), name change (25) bankruptcy/debt (19), and immigration (14). One site (Capital District) accounted for all of the cases classified as “sexual assault” (42 cases). From 1 to 7 cases were recorded in each of 15 additional categories.

Exhibit 5-6: Types of Cases

(N=9,489)

Case Types	Number	Percent
Spouse Abuse	4,072	42.9
Divorce/Separation	2,466	26.0
Custody/Visitation	1,698	17.9
Support	354	3.7
Other	899	9.5
Total	9,489	100%

Mode of Legal Service Delivery. Overall, the majority of cases were handled through counsel and advice (34.9 percent) or brief services (15.9 percent), with about one-fifth (20.4 percent) resolved through a court decision. In terms of “representation,” we might add the number of cases involving brief services and settlement with litigation, which brings the total for representation to nearly 43 percent. Two sites stand out as having considerably higher than average court decision cases—Eastern Missouri (46.1 percent) and Appalachian (39.5 percent). Only 0.3 percent of cases overall were deemed as having insufficient merit to proceed, and only 3.3 percent were referred to another agency after legal assessment. Overall, 7.7 percent of cases were closed because the client withdrew her request for service or did not return.

Exhibit 5-7: Mode of Service Delivery

N=8,264

Service Delivery Mode	Number	Percent
Counsel and Advice	2,886	34.9
Court Decision	1,684	20.4
Brief Services	1,311	15.9
Client Withdrew/Did Not Return	640	7.7
Negotiated Settlement w/Litigation	541	6.5
Referred After Legal Assessment	274	3.3
Negotiated Settlement w/o Litigation	163	2.0
Other	1,945	23.5
Total	8,264	100 %

Appalachian Legal Services Analysis

For the Appalachia Legal Services (ALS) project, the ILJ/NCVC staff was able to analyze it as a quasi-experiment with pre/post treatment/comparison areas. The treatment area consisted of the 12 counties in which the LAV project operated (Boone, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Mercer, Mingo, Putnam, Raleigh, and Wyoming). The rest of the state, consisting of 42 counties, served as the comparison area. The LAV project was active primarily during the 24-month period of February 2000 through January 2002, with the starting point selected because two attorneys were hired through the grant that month. The Appalachia project provided a database of cases that included all cases (LAV and non-LAV) for that 24-month period as well as all cases for the preceding 24-month period from February 1998 through January 2000.

Exhibit 5-8 shows the total number of cases assigned to staff during the complete period under review. During the 24-month period prior to the grant activities, ALS had 978 cases assigned to staff; case assignments more than doubled to 2,009 for the 24-month period after the grant project became fully operational. In the rest of the state, a decrease of 24.4 percent in case assignments occurred, from 3,951 cases in the pre-period to 3,179 cases in the post-period. The increase in cases for the ALS area can be attributed to the fact that more legal services were available as a result of the LAV grant project.

Exhibit 5-8: Appalachian Project—Cases Assigned to Staff

<u>Area</u>	<u>24-month Pre-period</u>	<u>24-month Post-period</u>
LAV area (12 counties)	978	2,009
Rest of state (42 counties)	3,951	3,179

Exhibit 5-9 shows the types of cases that the ALS staff handled during the pre- and post-periods. Custody and visitation cases increased from 499 cases in the pre-period to 881 cases in the post-period, an increase of 76.5 percent. Cases involving divorces, separations, and annulments more than doubled from 235 cases to 494 cases. A large increase in spouse abuse cases occurred, almost tripling from 150 cases in the pre-period to 411 cases in the post-period. Finally, other types of cases more than doubled from 94 cases in the pre-period to 223 cases in the post-period. These increases, especially in the categories of spouse abuse and

divorce/separation/annulment are in line with the stated objectives of the LAV project. Looking at the changes another way, spouse abuse cases became a higher percentage of the total staff workload, accounting for 20.5 percent in the post-period compared to 15.3 percent in the pre-period, while custody and visitation cases changed the other direction as a percent of total workload from 51.0 percent to 43.8 percent.

Exhibit 5-9: Appalachian Project—Types of Cases

<u>LAV Area</u>	<u>24-month Pre-period</u>	<u>24-month Post-period</u>	<u>Increases in Percent</u>
Custody/visitation	499 (51.0 %)	881 (43.8 %)	76.5%
Divorce/Separation/Annulment	235 (24.0 %)	494 (24.5 %)	105.9%
Spouse abuse	150 (15.3 %)	411 (20.5 %)	174.0%
Other	<u>94 (9.6 %)</u>	<u>223 (11.1 %)</u>	137.2%
Total	978 (100.0 %)	2,009 (100.0 %)	

As discussed in Chapter 4, ALS provides a variety of services on cases, and they track the reasons that cases are closed. Exhibit 5-10 summarizes the closures for the LAV and comparison areas during the two time periods. In the LAV area, the distribution of reasons for closures changed with a decrease in the percent of cases having court decisions (from 42.1 percent to 32.9 percent), and an increase in counsel and advise (from 18.9 percent to 29.2 percent). In the rest of the state, the reverse occurred with an increase in the percent of cases having court decisions (14.3 percent in the pre-period, up to 22.1 percent in the post-period), while counsel and advise percentages went down (57.2 percent to 48.8 percent).

However, the LAV attorneys’ time on “brief services” also increased by over 200 percent (from 109 to 366). Brief services can be considered as a more detailed and individualized legal intervention than just counsel and advise (i.e., the attorney is performing a specific legal service for the client—e.g., writing a memorandum to assist her case—versus advising her what to do on her own). Combining court decisions and brief services together to get a more complete picture of higher quality representation shows that the post LAV workload in these areas increased by one-third, while in the comparison area, court decisions and brief services combined only increased by only 8 percent.

Thus, even though the entire workload increased significantly under the LAV grant, the attorneys were still able to improve quality by handling a large volume of the caseload with court

representation and brief services versus counsel and advise. Also, we must keep in mind that the complexity of the cases also increased. Based on interviews and site observations, more of the cases were now involving multiple claims, which are more time-consuming per case.

Exhibit 5-10: Appalachian Project—Reasons for Closure

<u>Areas and Closure Reasons</u>	<u>24-month Pre-period</u>	<u>24-month Post-period</u>
<u>LAV area (12 counties)</u>		
Court decision	412 (42.1 %)	661 (32.9 %)
Counsel and advise	185 (18.9 %)	587 (29.2 %)
Brief services	109 (11.1 %)	366 (18.2 %)
Client withdrew/did not return	123 (12.6 %)	207 (10.3 %)
Other	<u>149 (15.3 %)</u>	<u>188 (9.4 %)</u>
Total	978 (100.0 %)	2,009 (100.0 %)
<u>Rest of state (42 counties)</u>		
Court decision	566 (14.3 %)	702 (22.1 %)
Counsel and advise	2,261 (57.2 %)	1,552 (48.8 %)
Brief services	365 (9.2 %)	307 (9.7 %)
Client withdrew/did not return	308 (7.8 %)	208 (6.5 %)
Other	<u>451 (11.5 %)</u>	<u>410 (12.9 %)</u>
Total	3,951 (100.0 %)	3,179 (100.0 %)

Positive trends were also found in case efficiency, in terms of the amount of time between the assignment of cases and their closures. Exhibit 5-11 summarizes the average elapsed times for the LAV area and the rest of state for both time periods. In the LAV area, the amount of time from initiation to closure decreased from an average of 146.2 days in the pre-period to 96.5 days in the post-period, which is about a 33 percent reduction. These changes are related to improvements in case processing efficiency and additional staffing. In the rest of the state, the average time to closure increased from 48.5 days to 76.7 days, or 58.1 percent.

Exhibit 5-11: Appalachian Project—Time to Closure (in days)

<u>Areas</u>	<u>24-month Pre-period</u>	<u>24-month Post-period</u>	<u>Percent Change</u>
LAV area (12 counties)	146.2	96.5	-33%
Rest of state (42 counties)	48.5	76.7	+58%

A further look at average times to closure is shown in Exhibit 5-12, which gives average times by case types for the two areas. The changes are consistent with the overall results from the previous exhibit. The average times to closures decreased for each type of case in the LAV area, while increasing in the rest of the state. For the LAV area, the most significant decrease was with spouse abuse cases, which decreased by half in the amount of time taken. Interestingly, spouse abuse cases had the greatest increase in the rest of the state, from 36.1 days to 120.4 days.

Exhibit 5-12: Appalachian Project—Time to Closure by Case Type (in days)

<u>Areas and Case Type</u>	<u>24-month Pre-period</u>	<u>24-month Post-period</u>
<u>LAV area (12 counties)</u>		
Custody/visitation	165.9	108.2
Divorce/Separation/Annulment	122.8	103.9
Spouse abuse	123.0	62.6
Other	150.0	88.5
<u>Rest of state (42 counties)</u>		
Custody/visitation	63.6	87.0
Divorce/Separation/Annulment	41.1	61.2
Spouse abuse	36.1	120.4
Other	27.8	68.6

Boston Analysis

For the analysis of the Boston LAV project, data for pre-post project time periods were available. One time period represents the pre-period for the entire jurisdiction with an 18-month period from July 1998 through December 1999. This dataset consists of 2,274 cases. The grant project was active for the following 18-month period from January 2000 through June 2002. For this post-period, data were provided for cases handled through the LAV project (929 cases) and for cases handled by other staff in the jurisdiction (3,882 cases). From a quasi-experimental viewpoint, these data provide for limited analysis because the project cannot logically be structured into treatment and comparison areas. Nevertheless, the results in the following paragraphs provide insight into the impact of the LAV project on cases handled.

For the Boston project, data were available on the age and ethnicity of clients. Exhibit 5-13 provides the results for ethnicity. The exhibit shows differences in the ethnicities of clients for LAV cases compared to clients that were not LAV cases. With LAV cases during the post-

period, Hispanics were the most frequent type of client (35.2 percent) followed by African-American clients at 30.3 percent. With non-LAV clients, the most frequent were white clients (41.1 percent) followed by Asian/Pacific clients (17.5 percent). Age differences were also found with clients from the LAV post-period having an average age of 28.3 years, compared to non-LAV clients in the post-period at 33.3 years of age. In the pre-period for all cases, the average age was 31.8 years.

Exhibit 5-13: Boston Project—Ethnicity

<u>Areas and Case Type</u>	<u>18-month</u> <u>Pre-period</u>	<u>18-month</u> <u>Post-period</u>	
	<u>Jurisdiction</u>	<u>LAV Project</u>	<u>Non-LAV</u>
White	630 (41.7 %)	154 (25.2 %)	1,066 (41.1 %)
Hispanic	309 (20.5 %)	215 (35.2 %)	654 (25.2 %)
Asian/Pacific	340 (22.5 %)	36 (5.9 %)	454 (17.5 %)
African-American	202 (13.4 %)	185 (30.3 %)	366 (14.1 %)
Other	29 (1.9 %)	20 (3.3 %)	53 (2.0 %)
Total	1,510 (100.0 %)	610 (100.0 %)	2,593 (100.0 %)

Exhibit 5-14 gives the types of cases for the three datasets under consideration. The exhibit makes clear that the Boston LAV project handled spouse abuse cases as a priority. In the post-period, spouse abuse cases accounted for 60.1 percent of the caseload. Of a lesser priority were custody/visitation cases and divorce/separation/annulment cases. Overall, the distributions of cases between the pre- and post-periods stayed about the same. Spouse abuse cases accounted for about one-third of the overall workload, followed by divorce/separation/annulment cases, and custody/visitation cases.

Exhibit 5-14: Boston Project—Types of Cases

<u>Areas and Case Type</u>	<u>18-month</u> <u>Pre-period</u>	<u>18-month</u> <u>Post-period</u>	
	<u>Jurisdiction</u>	<u>LAV Project</u>	<u>Non-LAV</u>
Custody/visitation	504 (22.2 %)	125 (13.5 %)	908 (23.4 %)
Divorce/Separation/Annulment	689 (30.3 %)	117 (12.6 %)	1,211 (31.2 %)
Spouse abuse	739 (32.5 %)	558 (60.1 %)	1,054 (27.2 %)
Other	342 (15.0 %)	129 (13.9 %)	709 (18.3 %)
Total	2,274 (100.0 %)	929 (100.0 %)	3,882 (100.0 %)

Exhibit 5-15 provides statistics on the types of services delivered and reasons for closure for the cases from Boston. The exhibit shows significant differences between how cases were closed under the LAV project and for other cases. For LAV cases, brief services were the most common reason for closure at 37.9 percent in the post-period, followed by counsel and advise (34.5 percent) and court decision (13.9 percent). Combining court decision with brief services, shows that the LAV attorneys devoted nearly 52 percent of caseload time to higher quality representation.

Court representation in the pre-LAV period amounted to about one-third of the workload; and about one-quarter of the workload in the comparison post-LAV areas. For non-LAV cases during the post-period, counsel and advise was the usual reason for case closure (38.9 percent).

Interestingly, the data provided on the Boston project shows no client withdrawals for the LAV cases during the post-period.

Exhibit 5-15: Boston Project—Reasons for Closure

<u>Areas and Closure Reasons</u>	<u>18-month</u>	<u>18-month</u>	
	<u>Pre-period</u>	<u>Post-period</u>	
	<u>Jurisdiction</u>	<u>LAV Project</u>	<u>Non-LAV</u>
Court decision	421 (19.3 %)	129 (13.9 %)	365 (11.5 %)
Counsel and advise	655 (30.0 %)	324 (34.5 %)	1,239 (38.9 %)
Brief services	292 (13.4 %)	352 (37.9 %)	470 (14.7 %)
Client withdrew/did not return	269 (12.3 %)	0 (0.0 %)	315 (9.9 %)
Referred to other agency	286 (13.1 %)	51 (5.5 %)	428 (13.4 %)
Other	<u>262 (12.0 %)</u>	<u>72 (7.8 %)</u>	<u>370 (11.6 %)</u>
Total	2,185 (100.0 %)	928 (100.0 %)	3,187 (100.0 %)

Data were also available on the amount of time that cases take to closure. The elapsed time was calculated from the records that showed the intake and closure dates. As seen in Exhibit 5-16, significant reductions took place from the pre-period for both the LAV and non-LAV cases. In the pre-period, the average time to closure was 156.1 days. That compared to the post-period with an average of 42.9 days for LAV cases and 76.5 days for non-LAV cases.

Exhibit 5-16: Boston Project—Time to Closure (in days)

<u>Cases and Time Period</u>	<u>Time to Closure (days)</u>
All cases, Pre-period	156.1
LAV Post-period	42.9
Non-LAV Cases, Post-period	76.5

Exhibit 5-17 provides more information on the times to closure by giving the averages for the types of cases. The results show the same pattern as the overall averages. For example, with divorce/separation/annulment cases, the average time to closure was 253.7 days during the pre-period. The average decreased in the post-period, with LAV cases of this type taking 55.5 days and non-LAV cases at 112.0 days.

Exhibit 5-17: Boston Project—Time to Closure by Case Type (in days)

<u>Areas and Case Type</u>	<u>Time to Closure (days)</u>
<u>All Cases, Pre-period</u>	
Custody/visitation	140.5
Divorce/Separation/Annulment	253.7
Spouse abuse	100.9
Other	108.7
<u>LAV Cases, Post-period</u>	
Custody/visitation	45.8
Divorce/Separation/Annulment	55.5
Spouse abuse	39.7
Other	41.9
<u>Non-LAV Cases, Post-period</u>	
Custody/visitation	60.6
Divorce/Separation/Annulment	112.0
Spouse abuse	61.2
Other	68.3

Montana Analysis

For the Montana project, the ILJ staff was provided data on all the cases handled by the offices in the state for time periods before and after the LAV grants. The LAV grant project was most active in the areas in which its offices were located (Billings, Great Falls, Helena, Kalispell,

Missoula, and Wolf Point). For analysis purposes, these areas served as the “treatment” areas. The rest of the state served as the “comparison group.” Case data from Montana started with the cases in July 1997 and extended into mid-2002. As a result, analysis could be formulated as a quasi-experimental design with non-LAV cases serving as the comparison group of cases. The time periods for the pre- and post-analysis have different lengths because of the comparatively long durations of the LAV grants. Specifically, the pre-period is 18 months, July 1997 through December 1998, while the post-period is 36 months, January 1999 through December 2001. While the differing lengths of time may make the results somewhat more difficult to interpret, the advantage is that all the cases handled through the LAV project have been included.

Exhibit 5-18 summarizes the total number of cases in the analysis. A total of 4,764 cases are shown for the offices in which the LAV project was located prior to their grants and 5,556 cases from other offices. Our database indicates a total of 1,123 cases handled by the LAV project during the course of their grants, and 12,887 non-LAV cases handled during the post-period. These latter cases were assigned to legal aid attorneys in other offices around the state or to other non-LAV funded attorneys in the offices where the LAV project was active.

Exhibit 5-18: Montana Project—Cases Assigned to Staff

<u>Area</u>	<u>18-month Pre-period</u>	<u>36-month Post-period</u>
LAV offices	4,764	1,123
Non-LAV cases	5,556	12,887

Exhibit 5-19 summarizes the types of cases handled in the LAV offices for the pre- and post-periods. The exhibit is important because it shows the emphasis that the LAV project

Exhibit 5-19: Montana Project—Types of Cases

<u>Area</u>	<u>24-month Pre-period</u>	<u>24-month Post-period</u>
<u>LAV Offices</u>		
Custody/visitation	773 (16.2 %)	14 (1.2 %)
Divorce/Separation/Annulment	505 (10.6 %)	26 (2.3 %)
Spouse abuse	106 (2.2 %)	1,051 (93.6 %)
Other	<u>3,380 (70.9 %)</u>	<u>32 (2.8 %)</u>
Total	4,764 (100.0 %)	1,123 (100.0 %)

Non-LAV Cases

Custody/visitation	750 (13.5 %)	1,001 (7.8 %)
Divorce/Separation/Annulment	659 (11.9 %)	1,067 (8.3 %)
Spouse abuse	305 (5.5 %)	708 (5.5 %)
Other	<u>3,842 (69.2 %)</u>	<u>10,111 (78.5 %)</u>
Total	5,556	12,887

placed on spouse abuse cases, which was one of their main objectives. During the grant period, 1,051 (93.6 percent) of their cases concerned spouse abuse. The exhibit shows that the preponderance of cases handled by the other offices in Montana are not directly related to violence against women. For example, during the pre-period, the offices handled a total of 4,764 cases, of which 3,380 cases are classified as “other” in the exhibit. They included cases involving landlord/tenant relations, bankruptcy/debtor relief, collections/repossessions, and many other types of cases. The point is that the LAV project clearly provided an opportunity for the state to focus on spouse abuse in the catchment areas.

Differences were found in the sex and age of clients handled through the LAV project. As shown in Exhibit 5-20, LAV clients were predominantly female (1,089 out of 1,123), while clients for non-LAV cases during the post-period were divided with 8,783 females (68.1 percent) and 4,104 males (31.8 percent). These differences were due to the types of cases that were brought by the clients. LAV clients tended to be younger with an average age of 31.8 years old, while non-LAV clients during the post-period averaged 37.9 years old. This age difference is reflected by the distribution of ages in the exhibit.

Exhibit 5-20: Montana Project—Sex and Age of Clients

<u>Area</u>	<u>18-month Pre-period</u>	<u>36-month Post-period</u>
<u>LAV Offices</u>		
Male	1,366 (28.7 %)	34 (3.0 %)
Female	<u>3,398 (71.3 %)</u>	<u>1,089 (97.0 %)</u>
Total	4,764 (100.0 %)	1,123 (100.0 %)
<u>Non-LAV Cases</u>		
Male	1,818 (32.7 %)	4,104 (31.8 %)
Female	<u>3,738 (67.3 %)</u>	<u>8,783 (68.1 %)</u>
Total	5,556 (100.0 %)	12,887 (100.0 %)

LAV Offices

Less than 20 years old	251 (5.3 %)	40 (3.6 %)
20 – 29 years old	1,135 (23.8 %)	450 (40.1 %)
30 – 39 years old	1,661 (34.9 %)	434 (38.6 %)
40 – 49 years old	965 (20.3 %)	155 (13.8 %)
50 – 59 years old	415 (8.7 %)	33 (2.9 %)
60 years or older	337 (7.1 %)	11 (1.0 %)
Total	4,764 (100.0 %)	1,123 (100.0 %)

Non-LAV Cases

Less than 20 years old	290 (5.2 %)	533 (4.1 %)
20 – 29 years old	1,287 (23.2 %)	3,120 (24.2 %)
30 – 39 years old	2,052 (36.9 %)	4,124 (32.0 %)
40 – 49 years old	1,055 (19.0 %)	2,817 (21.9 %)
50 – 59 years old	522 (9.4 %)	1,326 (10.3 %)
60 years or older	350 (6.3 %)	967 (7.5 %)
Total	5,556 (100.0 %)	12,887 (100.0 %)

Reasons for closure are shown in Exhibit 5-21. The significant result from the exhibit is that higher quality representation was provided in a greater percentage of LAV cases. In the LAV area, the percent of caseload given court decisions and brief services increased from 22.9 percent in the pre-grant period to 45.7 percent in the post-grant period. In the non-LAV areas, court decisions and brief services actually decreased from 43.1 percent in the pre-grant period to 28.6 percent in the post-period.

Exhibit 5-21: Montana Project—Reasons for Closure

<u>Areas and Closure Reasons</u>	<u>18-month Pre-period</u>	<u>36-month Post-period</u>
<u>LAV Offices</u>		
Court decision	159 (3.3 %)	192 (17.1 %)
Counsel and advise	2,008 (42.1 %)	460 (41.0 %)
Brief services	934 (19.6 %)	321 (28.6 %)
Client withdrew/did not return	453 (9.5 %)	35 (3.1 %)
Other	1,210 (25.4 %)	115 (10.2 %)
Total	4,764 (100.0 %)	1,123 (100.0 %)
<u>Non-LAV Cases</u>		
Court decision	331 (6.0 %)	516 (4.0 %)
Counsel and advise	1,679 (30.2 %)	7,217 (56.0 %)
Brief services	2,064 (37.1 %)	3,170 (24.6 %)
Client withdrew/did not return	382 (6.9 %)	242 (1.9 %)
Other	1,100 (19.8 %)	1,742 (13.5 %)
Total	5,556 (100.0 %)	12,887 (100.0 %)

As shown in Exhibit 5-22, the average elapsed time for taking all cases to closure was higher for LAV cases during the grant period. The exhibit shows an average of 177.1 days from opening the case to closure, compared for example to 119.9 days for non-LAV cases during the post-period. However, as shown in Exhibit 5-23, the elapsed time for spouse abuse cases decreased somewhat with LAV cases. The exhibit shows time to closure averaging 179.6 days for spouse abuse cases during the post-period, compared to 208.1 days during the pre-period. Time to closure also decreased in custody/visitation cases from 124 to 106 days.

Exhibit 5-22: Montana Project—Time to Closure (in days)

<u>Areas</u>	<u>18-month Pre-period</u>	<u>36-month Post-period</u>
LAV Offices	126.1	177.1
Non-LAV cases	135.8	119.9

Exhibit 5-23: Montana Project—Time to Closure by Case Type (in days)

<u>Areas and Case Type</u>	<u>18-month Pre-period</u>	<u>36-month Post-period</u>
<u>LAV Offices</u>		
Custody/visitation	124.0	106.6
Divorce/Separation/Annulment	190.7	189.3
Spouse abuse	208.1	179.6
Other	114.4	115.8
<u>Non-LAV Cases</u>		
Custody/visitation	113.6	109.2
Divorce/Separation/Annulment	175.6	162.0
Spouse abuse	193.3	182.0
Other	128.7	112.2

Pro Se Data

One question posed in ILJ/NCVC’s evaluation proposal of the LAV program was whether the program reduced the level of *pro se* appearances by domestic violence victims in protection order proceedings. The thinking was that if the LAV program provided enough funding for an ample amount of attorneys in a legal aid office or victim advocate program to

handle protection order applications for domestic violence victims, we would see a reduction in those victims proceeding *pro se*—without counsel.

One problem with attempting to assess LAV impact on *pro se* litigation is that a number of the case study grantees did not focus their efforts on protection order cases (hardly any focused on temporary protection order proceedings), deferring instead to the efforts of victim services agencies and the courts. A review of the 20 grantees showed that some of them handled few protection order cases because other agencies were providing this service. Other grantees also provided protection order services to plaintiffs with non-LAV funds. Hence, whatever impact LAV had on *pro se* representation, it would not be discernable from the services provided with non-LAV funds.

Even with the grantees that had sufficient LAV funded protection order caseloads, they frequently lacked data that could be analyzed. None of these grantees were able to provide us with their own caseload information. This is not necessarily an insurmountable barrier because information on *pro se* litigation comes from the court where protection order petitions are filed. However, we found that most of the courts also did not maintain data on *pro se* proceedings that was useful for our analysis. We did find one court that could provide us with *pro se* litigation data—Massachusetts Probate and Family Court for Suffolk County.

However, even this data provided by the Clerk of the Court, for protection order cases, was limited in its usefulness for our purposes.

Exhibit 5-24: Protection Order Filings for Suffolk County, MA, Family Court

Years	Number of PO Filings in Court	<i>Pro Se</i> cases
2001	413	Not available
2002	467	407
2003	416	345

While the data trend in 2003 shows a reduction in the percentage of protection order cases that are filed *pro se*, we simply don't have enough information or details to draw any conclusions. More research is needed on before-after comparisons assessing LAV impact on *pro se* representation.

Summary

The case study site examinations confirm the importance of LAV funding for increasing the grantees' and partners' capacities to serve low-income domestic violence victims well, and as a result, improve their immediate safety, the outcomes of their cases, and their prospects for self-sufficiency and freedom from future domestic violence.

Based on the process evaluation of the 20 LAV projects, the following general trends can be stated:

(1) Compared to the pre-LAV grant periods, most LAV grantees increased the amount of legal services devoted to low-income domestic violence victims and improved the quality of the representation. Prior to the LAV grants, most of the projects that provided legal services, especially the LSC-funded law firms, did not prioritize (or even recognize, in some cases) domestic violence. The LAV funding clearly caused a shift in priorities—to serve more domestic violence victims and to screen more for domestic violence.

LAV funding greatly increased all of the legal programs' capacities to provide free or low cost civil legal services to domestic violence victims. However, some projects still had to “triage” the domestic violence cases they could accept (e.g., limit representation in protection order cases to those where the defendant was represented by counsel; take custody, visitation, and support but not divorce cases), because they were still short on legal staff even with the LAV-supported staff attorneys on board.

This evaluation employed several strategies to better understand the continuing unmet needs for civil legal services among victims of domestic violence who cannot afford private attorneys services. The 2003 grantee survey results (Exhibit 3-6, Chapter 3) found continuing unmet needs despite LAV funding and projects' best efforts. Less than one-fourth of LAV grantees surveyed said they could meet all or nearly all requests for legal services from domestic violence victims (90-100 percent of requests). Similarly, interviews with LAV project personnel across the 20 sites that were visited suggest that only one in five—with LAV support—were able to handle nearly all of the requests they received for civil legal services. Even at those sites, areas of unmet need were still identified, primarily with respect to serving victims in rural areas or those who were members of ethnic/cultural minority groups. Thus, at least 80 percent of the

20 case study sites noted to evaluators that even with LAV funding, they could not keep up with the growing demand for civil legal services.

In addition, the quality of the representation improved. Pre-LAV, spouse abuse cases were as likely as any other cases to receive simple legal advice and limited counseling in busy offices. Post-LAV, more spouse abuse cases were provided with court representation and brief services. In the majority of our site interviews, attorneys noted that this resulted in better case outcomes, although this was difficult to document. Some case study sites also improved case efficiency by reducing the length of case time in delivering legal services to domestic violence victims.

(2) Legal services agencies significantly improved their capacities to provide victim advocacy services (safety planning and more) to low-income domestic violence clients. Legal services agencies had attorneys on staff with family law specializations and added domestic violence victim advocate positions (often as paralegals), but more frequently added victim advocacy agencies (shelters, etc.) as referral partners. Domestic violence victim services programs that were dedicated to and experienced in providing a full range of safety planning and advocacy services typically added attorneys to their staff. Bar associations and legal services organizations with volunteer lawyer programs became more adept at matching victims with *pro bono* attorneys willing to take on domestic violence cases. Law schools offered a great deal of legal expertise and were able to expand the numbers of cases they could handle with student lawyers.

In the majority of case study sites, victims were given detailed safety advice by *both* the legal services agencies' attorneys and their victim services partners. In projects where the attorneys didn't feel skilled providing this information to victims, they used paralegals who were often training and experienced as victim advocates. The victim safety planning process was enhanced by cross-training.

(3) In the 20 sites, only a small portion of the grant funds were used to pay for the time of administrators and supervising attorneys—as a show of commitment and dedication, often this time was donated by the grantees to make the projects work. Thus, the vast majority of the LAV funding at the case study sites was used for the direct delivery of legal services to domestic violence victims.

(4) All 20 grantees met or exceeded expectations for attorney-advocate collaboration and cross-training/mentoring. Pre-existing collaborative partnerships were beneficial to LAV grantees in (a) leveraging resources; and (b) providing specialized essential services such as outreach to underserved populations. In developing grant programs that require partnerships, it is most efficient to rely on programs that can demonstrate a prior history of effective working relationships. This history is demonstrated through joint memoranda of understanding, joint protocols for dealing with clients, etc.

Many successfully focused on early intervention in the provision of legal assistance through strategies such as collaborating with hospital advocates, stationing attorneys and law student advocates at court facilities to assist with protection orders, operating a one-stop center for domestic violence victims, assigning attorneys to work part time at shelters and rural offices, and others. Many projects also greatly improved the coordination of the case referral process among agencies in their jurisdictions.

All 20 LAV projects placed great importance on the cross-training of attorneys (staff and *pro bono*) and victim advocacy personnel. They accomplished this through delivering structured training sessions and distributing related training curricula and materials, and through case consultations, task force meetings, and informal contacts and discussions. In addition, many projects conducted training and developed products (brochures, manuals, etc.) aimed at broader audiences. ILJ/NCVC attorney staff reviewed many of these law-related publications and found them to be useful tools for attorneys, judges, victim advocates, and victims.

(5) All of the projects, some with more success than others, provided some degree of additional legal (and other) assistance for non-family, collateral law matters related to the domestic violence, such as immigration, housing, public benefits, education, employment, and other issues. Projects' capacity to address those issues directly varied, depending on the complexity of the matter and the availability of staff attorneys with specialized expertise in the areas of concern. The legal services agency grantees were usually in a position to provide this assistance directly through in-house (non-LAV funded) specialized attorneys, whereas attorneys working for domestic violence victim services programs referred such cases, if they were too specialized and complex, to their legal services agency partners, other legal aid programs, or *pro bono* attorneys.

(6) A number of the sites had success in recruiting *pro bono* attorneys or benefited from existing volunteer lawyer programs. The use of *pro bono* attorneys was extensive at several projects, moderate at some, and almost nonexistent at others.

(7) In site observations (and in discussions at the LAV best practices workshop sponsored by OVW and NIJ), we found general agreement that providing legal advice to *pro se* clients to prepare them for an *ex parte* stage of the protection order process is a valuable and efficient use of attorney time. But we also heard resistance to the idea of directing limited LAV program funds into development of *pro se* clinics and materials if that meant hiring fewer attorneys to provide individual representation. This is certainly a practice that should be the subject of research in the future.

(8) Low salaries, often combined with applicants' educational debt, represented a major recruiting challenge for a significant minority of the 20 LAV projects.

(9) All case study sites attempted outreach and marketing (e.g., distributing brochures at courthouses, shelters, police stations, etc.; making presentations; conducting *pro se* clinics) to advertise services to low-income domestic violence victims. Many of the sites faced particular challenges trying to market to two broad categories of traditionally underserved victims: (1) those who live in rural areas; in some cases hundreds of miles from the nearest legal aid office or victim services program; and (2) victims who are members of diverse ethnic/cultural groups and recent immigrants (especially those who speak no English).

(10) The 20 LAV projects had some positive influences on judges and court procedures. For example, a number of judges noted that the LAV attorneys' work with *pro se* domestic violence plaintiffs resulted in more efficient court proceedings (judges now devote less time to educating the domestic violence victims proceeding *pro se* in protection order cases).

The next chapter (Chapter 6) adds the perspectives of clients who were interviewed for this evaluation. It discusses the violence they experienced, the nature of their legal cases, the legal and advocacy services received, their satisfaction with their attorneys and case outcomes, and the changes they made in their lives after receiving civil legal services under LAV.

Chapter 6

Results of Interviews with LAV Clients

This evaluation used several methodologies to determine the effectiveness of the Legal Assistance for Victims Program. It was particularly important to include the perspective of the legal clients—the domestic violence victims. Examining the processes of these programs is much different than examining how victims view their experience. Asking clients directly about their experiences provides considerable insight as to how these programs have helped to improve their lives. Ultimately, client satisfaction with the services they received can be used as a measure for determining what services should be provided and how those services should be delivered.

As part of the overall evaluation design, ILJ/NCVC worked with the 20 process sites to conduct the client interviews. We developed an extensive and professionally reliable methodology to identify clients and obtain their cooperation in responding to survey questions. This methodology is described in detail in Chapter 2. Because of staff shortages and other administrative issues, only 12 of the 20 process sites were able to cooperate with producing clients for interviews.

The following 12 sites participated in the victim interviews.

- House of Ruth (Maryland)
- Loudon County Abused Women’s Shelter (Virginia)
- Legal Services of Eastern Missouri
- New Orleans Legal Assistance Corporation
- Greater Hartford Legal Aid (Connecticut)
- Philadelphia Legal Services
- Appalachian Legal Services (West Virginia)
- Pisgah Legal Services (Western North Carolina)
- Dade County Bar Association Legal Aid Society (Florida)
- Capital District Women’s Bar Association (New York)
- Women’s Law Project of the National Center for Protective Parents (New Jersey)
- St. Mary’s University Law School (Texas)

A total of 124 clients participated in interviews. ILJ had hoped to obtain a larger sample but the process was quite rigorous, especially because we were using only closed legal cases that had received services within the past 12 months. The overall numbers of cases were just not large enough to obtain a much bigger sample.

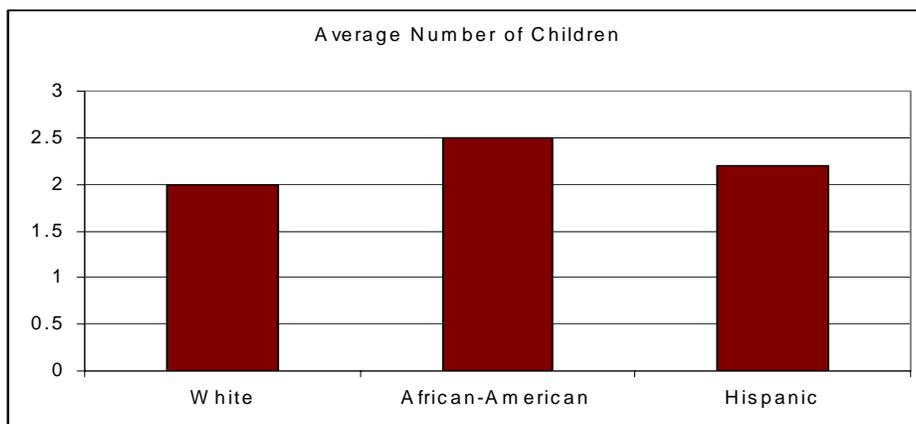
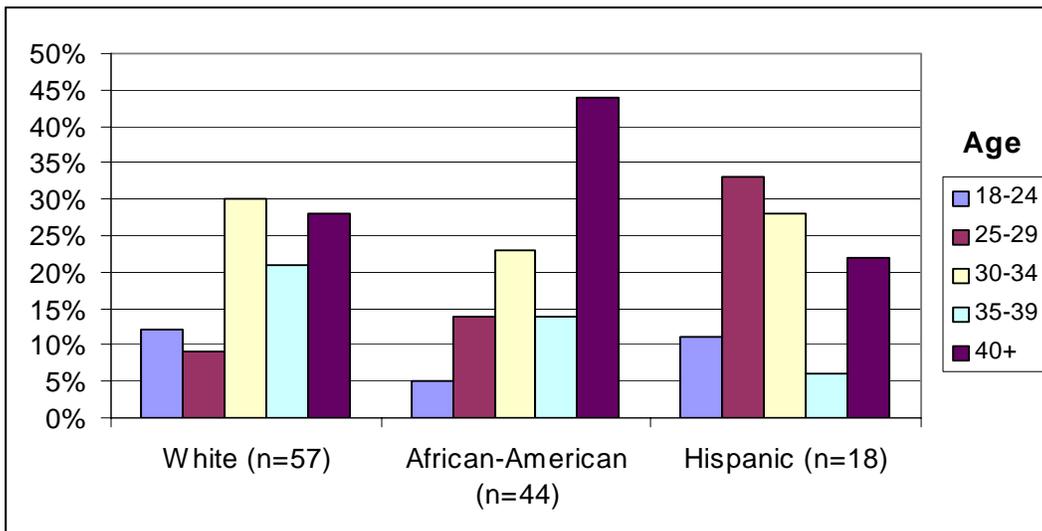
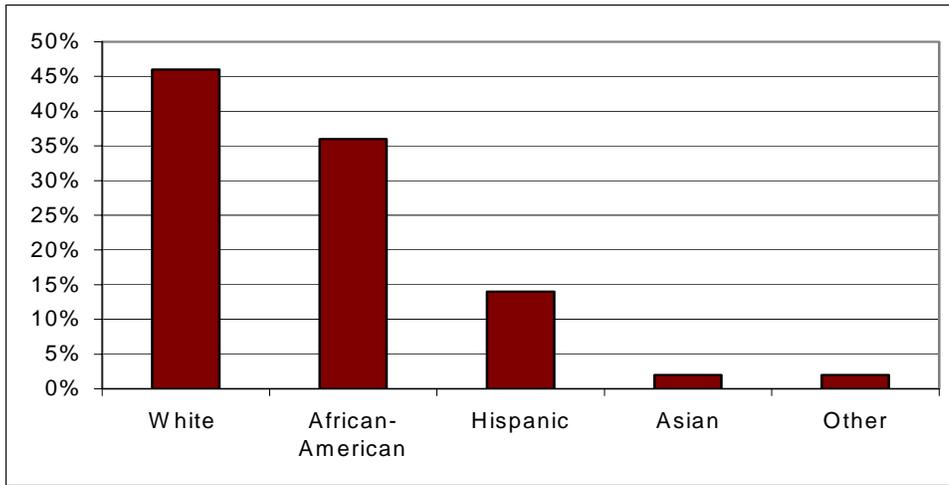
The number of interviews per site ranged from four to seventeen. Most of the interviews were conducted by phone with clients who received legal services that were made available with LAV funds. Each participant received \$25 for completing the interview.

This chapter provides an overview of the clients that participated in the survey, a snapshot of their history of victimization, reasons for seeking services, types of services provided, client satisfaction with services, and client well-being.

Client Characteristics

The sample consisted of 120 women and four men. Key characteristics of the sample are shown in Exhibit 6-1 below. Forty-six percent were White, 35 percent African-American, 14 percent Hispanic, and 2 percent Asian. The remaining 4 percent identified with some other racial/ethnic background. The majority (66 percent) were under 40 years of age with 25 percent between the ages of 30 and 34. About 10 percent were over 50 years of age. Seventy percent were married and others were either in an intimate relationship (11 percent), ex-relationship (11 percent), divorced (4 percent), or currently dating (4 percent). Three clients were involved in a same sex relationship. Thirty percent were living with their abusive partners when they sought legal assistance. Ninety percent had children, and over half (60 percent) had at least two children; 80 percent reported that their children lived with them.

Exhibit 6-1: Client Race, Age, and Average Number of Children (N=124)



History of Victimization

Participants were asked about the types of abuse they suffered during their relationships. Many participants suffered severe abuse by their partners. At least 40 percent reported forced sexual activity or having been threatened with a knife or gun. Some of the more common abuses reported included pushing, grabbing, slapping, or having something thrown at them.

Exhibit 6-2: History of Victimization

N=124	
Violent Acts During Relationship	Percent of Total
Push or shove you	92%
Grab you	88
Throw something at you	76
Slap you with an open hand	72
Beat you up	58
Choke or try to smother you	57
Hit you with a fist	56
Twist your arm or leg	54
Break you glasses or tear your clothing	49
Kick you	48
Threaten you with a knife or gun	47
Tie you up or physically restrain you in some way	43
Force sexual activity	40
Bite you	9

Half of the clients interviewed reported that the last incident of violence occurred within the past year, and the others indicated that the last incident was several years ago.

Seeking Legal Services

Clients said that they were motivated to seek legal services because they feared for their safety (48 percent) and the safety of their children (30 percent). A small number (7 percent) had financial concerns that motivated them to seek legal services and others just wanted peace of mind (4 percent).

Consequently, referrals to legal service providers came from a number of places. Battered women shelters (25 percent), courts (18 percent), a friend or family member (18

percent), and police (15 percent) were the most common referral sources. Others included advertisements and social services agencies.

Exhibit 6-3: Referrals Sources

N=124	
Referral Sources	Percent Referred
Victim services/shelter staff	25%
Court/Court services	19
Friend	19
Police	15
Newspaper or advertisement	4
Prosecutor's office	3
Presentation given by legal agency's staff	2
Hospital	1

Because 30 percent of clients were still living with their abusive partners when they first sought legal help, safety planning was a critical step to protect them. After seeking legal services, many clients (60 percent) received help with safety planning. A victim advocate assisted 54 percent of clients and attorneys helped about 30 percent. Some clients (15 percent) received help from family members or friends and at times help came from more than one source (20 percent). Because safety planning is not typically a function of police officers, less than 10 percent of clients were assisted with safety planning by the police. In most jurisdictions, the police serve primarily as referral sources.

As a result of talking with someone about safety planning, 88 percent took additional steps to improve their safety. More than 60 percent of clients did one or more of the following:

- Identified people they could invite to help secure their safety
- Developed strategies to leave their home quickly
- Increased safety precautions out of the home
- Organized items so they were easily accessible
- Increased safety measures around the house
- Increased their children's safety
- Prepared to enforce their protection orders.

More than half (54 percent) reported that they left the abuser, including some who reported living with the abuser at the time they sought legal services. Clients also made a list of

important contact numbers and were prepared to enforce protection orders if necessary (60 percent).

Services Provided

In addition to representing clients in court (80 percent), legal service providers were reported by the client to have given advice (89 percent), filed court forms (83 percent), provided a brief service (63 percent), and referred clients to other community resources (54 percent). The majority (70 percent) of clients received two or more legal services from their attorneys. Clients were represented in court for a variety of reasons. The exhibit below shows the types of services rendered.

Exhibit 6-4: Services Provided to LAV Clients

N=124	
Services Provided	Percent Receiving Service
Protection Order/Restraining Order	65%
Custody	58
Divorce	54
Visitation	40
Child Support	32
Separation	15
Spousal Support	15
Housing Assistance & Public Benefits	6
Employment Assistance & Immigration	2

The majority of clients (65 percent) felt that they needed a protection order to help keep them safe. However, most of them also required other services. Getting custody of the children (58 percent) and a divorce (54 percent) were also priorities for most clients. Understandably, visitation agreements (40 percent) and child support (32 percent) also had to be resolved. A smaller percentage of clients sought assistance with housing issues, public benefits, employment, and immigration.

Fewer than one out of four clients (23 percent) indicated that legal services providers were unable to meet some of their needs. Typically, these were social service-related or financial needs such as Section 8 housing matters, noncompliance with child support, and bill

payments. One woman said, “They got more child support for me than I thought possible, but enforcement is a problem.”

Satisfaction with Services

Over 90 percent of clients were very satisfied with the outcome of their protection order, custody, or divorce case. Outcomes for visitation cases also received a high satisfaction (88 percent). Satisfaction with child support cases was somewhat lower (41 percent). Fifty percent of those receiving help with child support cases were neither satisfied nor dissatisfied with the case outcome. Their mixed feelings were generally due to lack of effective enforcement with financial support payments. Despite being awarded child support by the court, some women reported difficulty in receiving payments.

Exhibit 6-5: Most Common Services Received

	N=124	
Services	Number Receiving Service	Percent Satisfied
Protection Order/Restraining Order	80	93%
Child Custody	72	95
Divorce	67	96
Visitation	50	88
Child Support	39	41

Almost all clients (94 percent) were extremely satisfied with their attorney. Those who were satisfied felt that their attorney kept them informed and was sensitive to their needs. Satisfied clients said, “She went above and beyond the call of duty” and “She was very confident, knowledgeable, and accessible.” Attorneys were praised for being good listeners and being a source of comfort. “She would listen to me and was very upfront,” said a client. Another said her attorney “...did a wonderful job. He let me know what was happening and answered all of my questions.”

In a few cases, dissatisfaction expressed by clients usually could not be directly attributed to the attorney. For example, one client said, “At the last minute, my attorney was switched. I wasn’t notified.” However, in the very few other cases where the client was dissatisfied, they

felt that the attorney was blaming her for what happened with her former partner. These clients said “[the attorney] continually reinforced that there were things that I was doing wrong.” Another said, “[the attorney] constantly told me I was my own worst enemy.”

Additionally, 40 percent of clients reported that their partners violated court orders while they were receiving services. The majority (80 percent) of them called the police, 12 percent called their attorney, and others either tried to talk to the abuser (3 percent) or did nothing (5 percent). The abuser was arrested 50 percent of the time.

Client Well-Being

Clients overwhelmingly reported a positive change in their lives as a result of receiving legal services. The biggest improvement was in their living situation—83 percent reported that their living situation was better. A significant number of respondents also reported they felt safer (77 percent) and that their self-esteem (66 percent) had improved. “I have my self-esteem back,” said one client.

Exhibit 6-6: Changes in Client Well-Being

	N=124	
Life Component	Better (percent)	Worse (percent)
Living situation	83%	1%
Personal safety	77	1
Self-worth/self-image	66	1
Relationship with family and friends	60	6
Finances	49	12
Employment	32	6

However, a few clients reported that some aspects of their lives were better prior to receiving legal services, which included relationships with family and friends (6 percent), employment status (6 percent), and their financial situation (12 percent). The latter is consistent with the number of clients who had mixed feelings about the outcome of their child support claims. Noncompliance with child support orders results in a financial hardship for many women. In addition, one client reported being in debt because her ex-husband left bills behind and she was responsible for them. Also, at one site, clients were required to pay a portion of the

legal fees and at least two of them indicated that their financial affairs suffered. However, the majority of clients did receive free legal assistance.

Over forty percent of clients reported that they currently have some kind of contact with their abuser. However, none reported that they were still living with their partner or still in a relationship with them. Almost all contact was by phone (67 percent) and related to child custody exchanges and support (64 percent). Other communication was by mail or through the courts for noncompliance in child support cases.

Exhibit 6-7: Current Contact with Abuser

N=124

Type of Contact	Percent
Phone contact	67%
Custody visit exchanges	64
Other	14

Although no clients had ongoing relationships with their former abusers, about half of the clients continued to be afraid of them to some degree. Almost 10 percent were still very afraid, 18 percent were somewhat afraid, and 23 percent were a little afraid. According to survey comments, their abusers had unstable lives and were angry with them. Clients who were still afraid said, “He has some mental problems because of drugs. He has a bad temper.” And, “If I ever see him again, I would fear for my life.”

Overall, however, most clients were empowered by their civil legal experiences. One client said, “He knows I will not stay quiet anymore. He knows [that] I know where to find help.” Others said, “I feel better about myself” and “I’ve been through too much and I have confidence now.”

Unfortunately, 15 percent reported that their former partners had been abusive toward them to some degree since receiving legal services. Most clients reported verbal abuse, but in a few cases the abuse was physical. One woman said, “He grabbed me and started slamming me into doors and the neighbors stopped him.” The violence reported usually occurred only one time.

Of those who had not experienced violence since receiving legal services, 27 percent did not feel their former partners would be violent in the future, 18 percent felt that they would, and others did not know. One woman who felt safe said, “He’s gone on with his life.” Another said, “We are actually friends.” Some were just unsure about what their former partners would do.

The LAV funded programs were clearly successful at making positive changes in the lives of most women surveyed. Without the programs, many of these women believe that they would still be in the same situation. Several clients said, “I don’t know what I would have done without them” and “They saved my life.”

During interviews, clients inquired about whether or not the legal assistance programs would be continued. Some said, “It (the program) is so needed. I know other women who could use their services.” And, “I hope other women will be able to get these services.”

Summary

The interviews conducted with 124 victims of domestic violence were important for assessing clients’ satisfaction with the LAV attorneys, satisfaction with case outcomes, and the effects of the legal services provided on their safety and well being. Nearly all clients interviewed (92 percent) had been subjected to physical abuse. The vast majority of clients reported satisfaction both with their attorneys and the outcomes of their cases.

In addition, clients overwhelmingly reported a positive change in their lives as a result of receiving legal services—83 percent reported that their living situation was better, 77 percent said they felt safer, and 66 percent reported that their self-esteem had improved.

Chapter 7

Summary of Findings and Recommendations

This chapter summarizes key findings from the LAV program evaluation, drawing on the results of all major evaluation activities including grantee surveys, process evaluation site visits, cross-site analysis, surveys of clients, and literature review. The chapter also contains recommendations that ILJ/NCVC felt would improve the LAV program in the future and contribute to additional research opportunities.

The LAV funding allowed many legal services and victim services agencies to provide more and better legal services to low-income domestic violence victims over the past five years. The program helped to strengthen existing partnerships among legal services firms and victim advocate services and also fostered the development of new relationships.

The LAV program succeeded in creating a paradigm in the legal services of providing “holistic” approaches to serving domestic violence clients and being more concerned with the victim’s safety and well-being. Rather than just representing clients on the immediate need—protection orders—the LAV attorneys sought to handle more of the victims’ claims (custody, child support, divorce) and also dealt with problems outside the family law area such as immigration issues, housing, education needs, social security matters, and others.

A summary of LAV program evaluation findings is presented below.

Increases in Direct Legal Assistance and Representation

Compared to the pre-LAV grant periods, most LAV grantees increased the amount of legal services devoted to low-income domestic violence victims and improved the quality of the representation. Prior to the LAV grants, most of the projects that provided legal services, especially the LSC-funded law firms, did not prioritize (or even recognize, in some cases) domestic violence. The LAV funding clearly caused a shift in priorities—to serve more domestic violence victims and to screen more for domestic violence.

One of the important findings from the follow-up survey of LAV sites was that most grantees reported increasing the number of domestic violence civil cases handled for low-income clients over the years of LAV funding with respect to nearly all types of cases.

In addition, the quality of the representation improved. Pre-LAV, spouse abuse cases were as likely as any other cases to receive simple legal advice and limited counseling in busy offices. Post-LAV, more spouse abuse cases were provided with court representation and brief services. In the majority of our site interviews, attorneys noted that this resulted in better case outcomes, although this was difficult to document. Some case study sites also improved case efficiency by reducing the length of case time in delivering legal services to domestic violence victims.

Victim Safety Counseling

Legal services agencies significantly improved their capacities to provide victim advocacy services (safety planning and more) to low-income domestic violence clients. Legal services agencies had attorneys on staff with family law specializations, and some added domestic violence victim advocate positions (often as paralegals); but more frequently they added victim advocacy agencies (shelters, etc.) as referral partners. Shelter programs that were dedicated to and experienced in providing a full range of safety planning and advocacy services typically added attorneys to their staff.

In the majority of case study sites, victims were given detailed safety advice by *both* the legal services agencies' attorneys and their victim services partners. In projects where the attorneys didn't feel skilled providing this information to victims, they used paralegals who were often trained and experienced as victim advocates. The victim safety planning process was enhanced by cross-training.

Findings from the follow-up survey showed that a full range of victim and advocacy support services (e.g., safety planning, counseling) were provided to nearly all LAV clients. The exception was help with victim compensation claims, which about one-third did not provide (generally referring victims to the state services).

Collaboration Models for a Comprehensive Approach to Service Delivery

The LAV grant program has fostered a collaborative approach to service delivery through attorney-victim advocate partnerships. For example:

- Among the 20 case study sites, 18 developed formal partnerships (documented by memoranda of understanding) with other organizations. All projects coordinated with other organizations and also had many informal partners.
- Findings from the follow-up survey showed that 83 percent of grantees maintained their LAV project partners or added new partners (38 percent) over the years of the project.

All 20 grantees met or exceeded expectations for attorney-advocate collaboration and cross-training/mentoring. Pre-existing collaborative partnerships were beneficial to LAV grantees in (a) leveraging resources; and (b) providing specialized essential services such as outreach to underserved populations. In developing grant programs that require partnerships, it is most efficient to rely on programs that can demonstrate a prior history of effective working relationships. This history is demonstrated through joint memoranda of understanding, joint protocols for dealing with clients, etc.

Many grantees successfully focused on early intervention in the provision of legal assistance through strategies such as collaborating with hospital advocates, stationing attorneys and law student advocates at court facilities to assist with protection orders, operating a one-stop center for domestic violence victims, assigning attorneys to work part time at shelters and rural offices, and others. Many projects also greatly improved the coordination of the case referral process among agencies in their jurisdictions.

All 20 LAV projects placed great importance on the cross-training of attorneys (staff and *pro bono*) and victim advocacy personnel. They accomplished this through delivering structured training sessions and distributing related training curricula and materials, and through case consultations, task force meetings, and informal contacts and discussions. In addition, many projects conducted training and developed products (brochures, manuals, etc.) aimed at broader audiences. ILJ/NCVC attorney staff reviewed many of these law-related publications and found them to be useful tools for attorneys, judges, victim advocates, and victims.

Holistic Services

All of the projects, some with more success than others, provided some degree of additional legal (and other) assistance for non-family, collateral law matters related to the domestic violence, such as immigration, housing, public benefits, education, employment, and other issues. Projects' capacity to address those issues directly varied, depending on the complexity of the matter and the availability of staff attorneys with specialized expertise in the areas of concern. The legal services agency grantees were usually in a better position to provide this assistance directly through in-house (non-LAV funded) specialized attorneys, whereas attorneys working for victim services programs referred such cases, if they were too specialized and complex, to their legal services agency partners, other legal aid programs, or *pro bono* attorneys.

Staff Attorney Recruitment and Retention

A majority of LAV grantees were able to overcome obstacles to attorney recruitment and retention. However, for a sizeable minority, this represented a continuing struggle. When attorney positions were vacant, the projects had to call on other legal staff and/or other legal services organizations to carry part of the workload of assisting clients who were victims of domestic violence and/or limit the number of new cases they could accept.

Approximately 40 percent of respondents to the 2003 grantee survey and about one-third of the case study sites reported that attorney recruitment and retention were significant problems. Among the 20 projects visited, those that had the fewest problems with this had longstanding partnerships with shelters and other victim advocacy organizations in their service areas; were in a position to transfer existing employees with domestic violence legal experience into the new LAV positions; or were able to identify new attorneys largely through their involvement in statewide domestic violence coalitions.

Low salaries combined with a need to pay back educational loan debt was at the heart of many of the staff attorney recruitment and retention problems identified in this study. Other significant factors were uncertainty about whether grant-funded positions would be continued, as well as isolation associated with living and working in sparsely populated rural areas. The intense, emotionally draining nature of the work contributed more toward retention problems.

OVW has attempted to address staff retention difficulties related to gaps in LAV funding cycles by extending the grant period for LAV grants from 18 to 24 months. In FY 2000 and FY 2001, the LAV award period was 18 months; since FY 2002, the award period has been 24 months.

In developing the 2003 survey of LAV grantees, we thought that attorney staff recruitment problems might be related to a general unwillingness of attorneys to work in the domestic violence field, but from the employers' perspective, that did not appear to be the case. Only 16 percent of survey respondents in 2003 considered such unwillingness to be a significant factor in attorney staff recruitment/retention (another 24 percent indicated it was a minor factor). Instead, low salaries and uncertainty of grant funding were reported as the most significant barriers to successful LAV attorney recruitment and retention (cited by about 60 percent and 50 percent of respondents, respectively).

***Pro Bono* Attorney Recruitment and Support**

Results of the 2003 follow-up survey suggest that LAV projects' use of *pro bono* attorneys has increased over the past two years. On the second survey, 62 percent of grantees reported using *pro bono* attorneys under their LAV grants, compared to about 50 percent on the first survey. In addition, nearly 40 percent of grantees indicated that their use of *pro bono* attorneys had increased over the years of funding. However, nearly half felt that the amount of free legal work was still not adequate. Overall, the grantees were very satisfied with the quality of the *pro bono* work provided.

Partnerships between state and local bar associations and domestic violence coalitions often made the difference in whether members of *pro bono* panels were willing to take on domestic violence cases, and whether or not those attorneys received appropriate training in domestic violence, other support, and recognition for their work. We found excellent models as well as projects that had not been able to make strides in this area. The importance of expanding *pro bono* attorney involvement in domestic violence cases and strategies for achieving this were topics of considerable discussion at an OVW/NIJ meeting in November 2003 on LAV promising practices.

Services to Assist Victims with *Pro Se* Cases

Pro se clinics were a valuable approach for several grantees serving sparsely populated areas. Most grantees developed products such as manuals, brochures, forms, and checklists; the level of LAV support for these efforts varied from site to site. Typically, the products were disseminated both within and outside of the grantees' LAV project service areas (e.g., by distributing them statewide or publishing them on the web).¹¹¹

During site visit interviews and observations (and in discussions at the LAV best practices workshop sponsored by OVW and NIJ), we found general agreement that providing legal advice to *pro se* clients to prepare them for an *ex parte* stage of the protection order process is a valuable and efficient use of attorney time. But we also heard resistance to the idea of directing limited LAV program funds into development of *pro se* clinics and materials if that meant hiring fewer attorneys to provide individual representation. This is certainly a practice that should be the subject of research in the future.

Outreach to Underserved Populations

All case study sites attempted outreach and marketing (e.g., distributing brochures at courthouses, shelters, police stations, etc.; making presentations; conducting *pro se* clinics) to advertise services to low-income domestic violence victims. Many of the sites faced particular challenges trying to market to two broad categories of traditionally underserved victims: (1) those who live in rural areas, in some cases hundreds of miles from the nearest legal aid office or victim services program; and (2) victims who are members of diverse ethnic/cultural groups and recent immigrants (especially those who speak no English).

Unmet Needs for Legal Assistance and Representation

LAV funding greatly increased all of the legal programs' capacities to provide free or low cost civil legal services to domestic violence victims. However, some projects still had to "triage" the domestic violence cases they could accept (e.g., limit representation in protection order cases to those where the defendant was represented by counsel; take custody, visitation,

¹¹¹ The National Center for State Courts, with funding from the State Justice Institute, has just started an online resource for *pro se* litigants---www.SelfHelpSupport.org.

and support but not divorce cases), because they were still short on legal staff even with the LAV-supported staff attorneys on board.

This evaluation employed several strategies to better understand the continuing unmet needs for civil legal services among victims of domestic violence who cannot afford private attorney services. The 2003 grantee survey results (Exhibit 3-6, Chapter 3) found continuing unmet needs despite LAV funding and projects' best efforts. Less than one-fourth of LAV grantees surveyed said they could meet all or nearly all requests for legal services from domestic violence victims (90-100 percent of requests). Similarly, interviews with LAV project personnel across the 20 sites that were visited suggest that only one in five—with LAV support—were able to handle nearly all of the requests they received for civil legal services. Even at those sites, areas of unmet need were still identified, primarily with respect to serving victims in rural areas or those who were members of ethnic/cultural minority groups. Thus, at least 80 percent of the 20 case study sites noted to evaluators that even with LAV funding, they could not keep up with the growing demand for civil legal services.

Enforcement of Orders

LAV attorneys and advocates encouraged victims to report violations of court orders to the police and assured clients of their own availability to assist. Similarly, victim advocates (and attorneys) made sure that safety planning advice included what to do with the protection order documents and what to do if the batterer violated an order. In general, this evaluation did not develop enough data and information to study the issue of protection order enforcement in the LAV programs. This is an area that needs more work in the future.

In the personal interviews with clients, a number of clients expressed lack of satisfaction with follow through on court orders that generally required the abuser to pay money for spouse and child support, rent, and other court-ordered payments.

Client Needs and Satisfaction with Services

A large majority of clients interviewed for this evaluation were very satisfied both with the services provided by their attorneys and the outcomes of their cases. Most had experienced

multiple incidents of domestic violence before seeking legal assistance/representation, and most received two or more legal services.

Characteristics of Victims and Cases

Based on interviews with 124 clients, we found that

- A large majority (92 percent) had experienced physical abuse
- Approximately 57 percent experienced severe physical abuse such as having been beaten up, choked or smothered, and/or hit with a fist
- Approximately 40 percent reported that the domestic violence included forced sexual activity
- Most clients received 2 or more legal services. Victims were least happy with visitation outcomes, and assistance was still needed with housing, benefits, et al.

Satisfaction with Attorneys and Case Outcomes

- Client satisfaction with LAV attorneys was overwhelmingly positive. Approximately 94 percent of clients interviewed said they were satisfied with their attorneys.
- Client satisfaction with case outcomes was also high.

Positive Changes in Victim Safety and Well Being After Case Closure

- A large majority of clients reported positive changes in their lives as a result of receiving legal services—83 percent reported that their living situation was better, 77 percent said they felt safer, and 66 percent reported that their self-esteem had improved.

Effect of LAV Projects on Courts and Other Justice System Components

The LAV projects had some positive influences on judges and court procedures. For example, a number of judges at the case study sites noted that the LAV attorneys' work with *pro se* domestic violence plaintiffs resulted in more efficient court proceedings (judges said they now devote less time to educating domestic violence victims who proceed *pro se* in protection order cases).

In addition, the law school clinics helped “groom” law students to work in the public interest law field. This is critical to developing an energized legal labor force to represent low-

income domestic violence victims in the future. Many graduates from such programs will be more qualified and more willing to work for legal services agencies upon graduation.

Summary

The LAV program has been a success. It has provided resources that have greatly improved the quantity and the quality of legal services that are available to low-income domestic violence victims. Every site that we visited said that the LAV program has been a powerful response to a pervasive unmet need. Prior to LAV, an overwhelming number of domestic violence victims were unable to obtain the legal help they needed in order to protect themselves and secure justice in the civil court system. Whether they were of limited financial means to begin with, or whether their attempt to flee a violent relationship left them without access to financial resources, most victims simply could not pay for the help they needed. The free legal help that is available from LAV-funded agencies has changed all of that for many victims.

Researchers have speculated that the 30-year trend in “no fault” divorce laws, where one spouse can end the marriage without the others’ consent, has contributed to the decline in domestic violence. As well, we might find based on future research that free legal representation for women seeking civil protection orders has resulted in a reduction in domestic violence.

Recommendations

In the section that follows, key recommendations based on this evaluation are presented, followed by brief discussions.

1. Congress should continue to authorize the LAV program and increase funding to support more legal representation for domestic violence victims who cannot afford private attorneys.

Despite the fact that the LAV program has greatly increased the number of domestic violence victims who now have access to civil legal services, there are still many more victims who are not getting the legal help they need.¹¹² A significant number of LAV project directors explained that their agencies had to “triage” cases—for example, turn down cases where physical battering was not present or recent—because staffing was insufficient. Even projects able to

¹¹² Several members of the project advisory board also emphasized the need for more legal representation for victims of sexual assault and stalking.

serve most eligible victims who requested legal services expressed reluctance to expand the agency's outreach efforts; they did not want to have to turn away an influx of new potential clients because they lacked attorney staff to serve them.

Unserved low-income domestic violence victims can be seen as falling into two general categories: (1) victims who are not being served because there is still a significant shortage in the amount of free legal help that is available, and (2) victims who have traditionally been underserved, including those living in sparsely populated areas and those who are members of diverse ethnic/cultural groups and do not typically seek help through existing service systems.

Most of the projects we visited were aware of underserved populations within their service areas, but not all of the service providers were able to adequately help these populations. The underserved populations that we observed included racial and ethnic minorities (particularly victims from cultures that are reluctant to acknowledge and address the problem of domestic violence) and victims from rural areas. The inadequate help for these victims was usually not the result of a lack of desire, but again it was a lack of resources. There are admirable efforts being made to help underserved populations, including the outreach to the Asian communities in Philadelphia and to the domestic violence victims in rural Plaquemines Parish near New Orleans. More such efforts are necessary, and they would be possible with increased resources.

2. OVW should sponsor training for all LAV grantees on reaching and serving domestic violence victims who are members of diverse ethnic/cultural groups.

At the November 2003 NIJ/OVW meeting on LAV promising practices, there was a high level of interest in this issue. We recommend that OVW sponsor a larger forum for all LAV grantees to promote successful strategies for providing legal and advocacy services to diverse ethnic/cultural groups. Opportunities for discussion and interaction are needed. This is one area where publications, although helpful, would not be sufficient. All indications are that such a forum would be well attended and productive. The effectiveness of the training forum should be measured (i.e., Did the training translate into improved practices and new partnerships in the field? More referrals from community based organizations? The provision of more responsive, legal services to domestic violence victims who are members of diverse groups?).

3. Another justification for increasing the LAV funding is to pay the public interest attorneys higher salaries.

Beginning public interest attorneys often make one-fourth the salaries of new law school graduates working for private firms. In addition, law school tuition debt might average \$75,000-\$85,000 at the end of three years. A study by the National Association for Law Placement (NALP) found that, nationally, law school tuition doubled between 1991 and 2001. As the Pisgah LAV project director pointed out, a new lawyer working for a public interest law firm in Appalachia earns roughly the same salary as a beginning administrative assistant in the city of Charlotte, North Carolina, and many new corporate lawyers make three times as much.

The most recent Associate Salary Survey by NALP confirms this.¹¹³ In April 1, 2003, NALP found that the median salary for first-year associates at private law firms ranged from \$59,500 in firms of 2-25 attorneys to \$113,000 in firms of 500 attorneys or more, with a first-year median salary for all participating firms of \$93,190. The prevailing salary in some large cities, such as Los Angeles, New York City, Chicago, Boston, and cities in the Silicon Valley area of California, was \$125,000 for first-year associates in large firms.

Another LAV project director emphasized that even public defenders make substantially more than LAV and other legal aid attorneys.

We just had a surprise visit this morning from a former staff attorney who worked on our LAV project. She left our program in June to work at a Public Defender's Office in a small city in [the northern part of this state], earning \$12,000 more than we were able to pay her! She was a terrific young attorney . . . but there is no way we could come close to bridging that salary gap.¹¹⁴

Similarly, a 2003 *Denver Post* article notes that new lawyers at the state public defender's office make \$43, 536, compared to Colorado Legal Services' starting salaries of less than \$32,000 in Denver and less than \$25,000 elsewhere in the state, with private law firms in the state paying salaries ranging from \$80,000 to \$125,000 for new attorneys.¹¹⁵

¹¹³ "Entry-Level Associate Salaries Again Remain Stable in Large Firms: NALP Survey Details Private Practice Compensation Ranges," National Association for Law Placement, August 8, 2003, www.nalp.org/press/asro3.htm

¹¹⁴ Personal email communication from an LAV grantee survey respondent (not a process evaluation site), December 2003

¹¹⁵ Tom McGhee, "Law School Grads Balking at Low-Pay Jobs: Enormous College Loans Behind Legal Aid Snub," *Denver Post*, January 8, 2003.

It is also important to address the LAV attorney “burn out” that often comes from handling domestic violence cases. Many attorneys experience stress not only because of their clients’ volatile and hazardous situations, but also because of insecurity about funding and, in some jurisdictions, difficult court environments.

4. OVW should actively encourage development of loan repayment assistance, scholarships, and debt forgiveness programs that enable more attorneys to serve victims of domestic violence who cannot afford legal fees.

A NALP survey of law students indicated that more law students and new attorneys might consider public interest work if it were not for the low salaries and their heavy student loan debt. Two-thirds of law students surveyed in 2002 said debt kept them from considering legal aid jobs, and 68 percent of public interest employers reported difficulty recruiting attorneys.

State legislators, bar associations, law schools, and victim advocacy organizations should consider forming legal education assistance foundations to develop law student low-interest loans and grants or develop similar programs to help address this pervasive problem. One model—a collaborative effort of law schools and bar organizations in North Carolina—is the North Carolina Legal Education Assistance Foundation (NC LEAF), formed in 1989.¹¹⁶ The NC LEAF web site notes that approximately \$1 million in assistance has been provided to 150 attorneys since NC LEAF’s first funding cycle in 1991. Qualifying employment for NC LEAF assistance includes public defenders’ and district attorneys’ offices; federal, state and local government; and organizations providing legal services to the poor. Attorneys must have an income below a certain level (e.g., \$37,000 in the first year of practice). NC LEAF explains the loan repayment process as follows:

Each participant contributes a percentage of his/her income towards debt repayment, and NC LEAF pays the remainder, up to \$6,000 per year per participant when sufficient funds are available. Money provided during the first three years of eligible employment is an interest-free loan that must be paid back over time if the participant leaves eligible employment. If he/she remains in eligible employment through the end of the third year, the loans extended under the program will begin to be forgiven. Participants may continue to receive forgivable loans for up to 10 years

¹¹⁶ Funding sources for NC LEAF include IOLTA, the state of North Carolina, the law schools of North Carolina, foundations, North Carolina law firms, and individual donors.

after graduation from law school, so long as they remain in eligible employment.¹¹⁷

A survey by Equal Justice Works found that 81 ABA-accredited law schools in 2004 had loan repayment assistance programs (LRAPs), up from 47 in 2000; 22 law schools were in the process of creating LRAPs; and 31 law schools had public interest scholarship programs, compared to 14 in 2000.¹¹⁸ While this is encouraging, LRAPs vary greatly in the amount of assistance they are able to provide,¹¹⁹ and keeping the programs properly funded is an ongoing challenge.¹²⁰ Equal Justice Works also provides information and assistance on LRAPs that are not law school based; and the final report of the ABA Commission on Loan Repayment and Forgiveness provides recommendations for increased federal, state, IOLTA, private bar and other sponsorship of LRAPs.¹²¹

OVW should actively encourage loan repayment assistance, scholarships, and similar programs to enable more qualified attorneys to work for legal services and non-profit organizations that serve domestic violence victims.

5. The LAV program’s funding criteria should encourage applications from partner organizations that have a track record of successful collaboration and should provide technical assistance on collaboration to organizations that wish to form new formal partnerships under LAV.

Most of the legal services agencies, victim services programs, bar associations, law school clinics, and tribal groups in our surveys and site visits made effective use of LAV funds. Collaboration among service providers is absolutely vital for achieving the comprehensive approaches envisioned under LAV. As administrator of the LAV grant program, OVW should be commended for the emphasis it has placed on attorney-advocate collaboration since the beginning of LAV, and for strengthening its requirements for collaboration and performance measurement as it gained experience with the LAV grant program.

¹¹⁷ www.ncleaf.org

¹¹⁸ *Financing the Future: The Equal Justice Works Report on Law School Loan Repayment Assistance & Public Interest Scholarship Programs*, Washington, D.C.: Equal Justice Works, 2004. Available at <http://www.equaljusticeworks.org>

¹¹⁹ *Financing the Future*, 2004. “Less than half of the 187 ABA-accredited schools offer an LRAP and many programs that do exist are small and grossly under-funded.” (p.33).

¹²⁰ Tresa Baldas, “Paying the Way,” *National Law Journal Online*, July 5, 2004. Available at <http://www.nlj.com>

Pre-existing collaborative partnerships were beneficial to LAV grantees in (a) leveraging resources; and (b) providing specialized, essential services such as outreach to underserved populations. In developing grant programs that require partnerships, it is most efficient to rely on programs that can demonstrate a prior history of effective working relationships. This history is demonstrated through memoranda of understanding, joint protocols for dealing with clients, and other collaborative efforts. The intent of this recommendation is not to discourage innovation. For example, several LAV projects we visited were able to formalize their working relationships with community based organizations or hospital-based victim advocacy programs (e.g., Boston Legal Services), thus reaching ethnic and cultural minorities who had been reluctant to seek legal help in the past or were unaware of available legal services. Generally, however, organizations with informal partnerships but little experience administering a joint project often need—and are requesting—support for the process of collaboration. OVW should give this need full attention in developing its technical assistance and training services. In addition, greater efforts should be made to help grantee programs address the issue of sustainability—securing the funds needed to continue the program if and when LAV funds are phased out.

6. OVW should support the development of more resources to help low-income domestic violence victims who must represent themselves in obtaining protection orders.

Most domestic abuse victims who want to file an *ex parte* petition for a civil emergency or temporary protection order must learn to navigate the civil litigation system well enough to do this *pro se* (on their own). There is a continuing need for accurate information about legal options, court processes, protection order enforcement, and service resources at this early stage. Only a few of the LAV projects visited for this evaluation were able to provide attorney assistance with temporary orders, although trained, experienced advocates (non-attorneys) can and do successfully assist victims in filing these petitions.

We simply don't know how many low-income domestic violence victims are unwilling to or feel intimidated about *pro se* and never pursue their protection order claims. Would more victims proceed *pro se* if they received even minimal training and education from an attorney?

¹²¹ *Lifting the Burden: Law Student Debt as a Barrier to Public Service: The Final Report of the ABA Commission on Loan Repayment and Forgiveness*, American Bar Association, 2003. Available at www.abanet.org/legalservices/downloads/lrap/lrapfinalreport.pdf

Some of the LAV grantees devoted attorney time to *pro se* clinics, but more need to provide these services. Court personnel in one large city reported that in 80-90 percent of domestic violence cases, victims are still representing themselves, even in divorce cases. Moreover, looking beyond LAV, many domestic violence victims are ineligible for LAV or legal aid because their incomes are too “high,” but they cannot begin to afford \$200 an hour for a private family law attorney. Most judges interviewed for this study praised the improvements they saw in *pro se* cases when the plaintiffs proceeding *pro se* had received some legal advice from LAV attorneys.¹²²

Several projects we visited put LAV funding to effective use for *pro se* clinics, particularly in rural areas of Utah and Appalachia. In those examples, the legal services organizations partnered with others (e.g., victim advocacy agencies, district court, *pro bono* attorneys) to convene clinics, generally for the purposes of screening for potential clients and providing limited legal services. There are other examples throughout the country for providing similar *pro se* assistance, whether or not clinics are convened. Common elements are outreach, collaboration with advocacy organizations, provision of limited legal services, initial case screening, and follow-up—in contrast to simply providing a list of attorneys, sample pleading, reference to a web site, etc.

Also, a bad experience at the temporary protection order stage may discourage victims from seeking permanent orders. It is difficult to know how many domestic violence victims who obtain temporary protection orders go on to file for permanent orders of protection; estimates range from about one-fourth to one-half. At this next stage—the hearing on a petition for a permanent protection order (usually held about 10 days after issuance of a temporary order)—attorney representation for the victim becomes much more critical. This is because matters such as custody and visitation are considered and likely to be contested by the batterer, who may be represented by counsel.

We are not recommending that LAV funds slated for attorney hiring be diverted to support *pro se* clinics, materials, web sites, etc. But whether supported through LAV or another

¹²² Related to this is the fact that courts vary widely in their handling of domestic violence cases and the extent and quality of court services in this area. While funding sources other than LAV should be used for court reform and judicial training, a continuing need to address these issues was emphasized by several members of our project advisory board.

funding stream, resources to help victims proceed on their own are needed. There are just too many victims who have no choice except to file *pro se* for permanent as well as temporary orders.

6. While some effective *pro bono* attorney program models exist among LAV grantees, much more needs to be done to improve access to *pro bono* attorney resources for low-income domestic violence victims. State and local bar associations need to work together more effectively with OVW and LAV programs to develop more *pro bono* attorney resources for low-income domestic violence victims.

One of the most notable differences among the various LAV projects was the way they made use of *pro bono* representation by the local private bar. In some sites, *pro bono* work by private lawyers is an integral part of the way that the legal needs of domestic violence victims are met, with hundreds of lawyers taking on *pro bono* cases. In other sites, there is little or no *pro bono* work on domestic violence cases. The most common explanation that we heard in sites that do not have an active *pro bono* program is that private lawyers simply do not want to take on domestic violence cases. (The cases are too involved. The clients are too needy. Lawyers are afraid of the cases.) And yet, somehow, in other sites (for example, St. Louis, Miami Dade County, Maine, the Capital District area of New York around Albany), there are many lawyers who are willing to take on these cases.

Some method needs to be found of taking what works in these sites and importing it to the sites without viable *pro bono* programs. A forthcoming publication based on the November 2003 NIJ/OVW workshop on LAV innovations will include strategies for encouraging, supporting, mentoring, and training private attorneys to handle domestic violence cases.¹²³ Just as training is recommended for outreach to underserved populations, LAV grantees would also benefit from training on strategies for enlisting *pro bono* attorneys' assistance in domestic violence cases, supporting their work, monitoring the services provided, and more.¹²⁴ In addition, more bar and court leaders need to speak out about the need for *pro bono* representation in domestic violence cases.

¹²³ Reviewers of this evaluation report consistently noted the need for publications on "LAV best practices" in providing legal services to victims of domestic violence, sexual assault, and stalking.

¹²⁴ For example, although under LAV, an attorney cannot take an appeal unless he or she represented the client at trial, a segment of the bar does not want to take cases at trial but is willing to accept appeals cases.

7. OVW should evaluate its technical assistance services.

Technical assistance (TA) provided by OVW and its contractors/grantees should be evaluated to ensure that these services are addressing the needs of the LAV grantees, being delivered efficiently and effectively, and producing the desired results. This study identified several areas in which technical assistance and/or training would be valuable to LAV grantees, including outreach to ethnic/cultural minorities, development of *pro bono* attorney programs, collaboration, and program sustainability. In addition, many grantees would benefit from TA in data collection to better support future evaluations of the LAV program and for their own use. It is important to continually assess whether TA/training resources are being directed toward the areas of greatest need.

8. OVW and the Legal Services Corporation (LSC) at the national level should make every effort to coordinate their resources.

As we have discussed throughout this report, OVW administration of the LAV program has produced many benefits for victims of domestic violence because of OVW's attention to collaboration between local/regional legal services programs (many of which have LSC funding) and victim advocacy organizations. OVW and LSC should explore how additional coordination at the national level with respect to TA/training, data collection/analysis, and programming might extend the limited resources of both agencies.

Recommendations for Future Research

OVW and NIJ should conduct research on the following issues related to the effectiveness of the LAV program:

9. Research is needed on the effectiveness of LAV attorneys in monitoring and enforcing civil court orders related to domestic violence victims.

In the civil court cases involved in the LAV program, judges issue a range of orders with a variety of conditions, e.g., protection orders with conditions related to the defendant paying spousal and child support, paying rent, and more. Some of the victims interviewed for this evaluation were dissatisfied because their court orders were not being enforced. The protection orders were being violated—the abuser was trespassing on the victim's property or contacting her at work, or he was not making timely financial payments in violation of the orders. The victims were being denied the relief that they had been awarded.

The American Bar Association standard on Specific Representation Functions states that “when a favorable judgment, settlement, or order is obtained, necessary steps should be taken to ensure that the client receives the benefit thus conferred.” (Standard 5.3-6). The LAV program needs to be more carefully examined to determine to what extent this ABA standard is being effectively met by LAV grantees. OVW should consider holding a discussion forum on these issues with LAV grantees, judges, and court personnel.

Many grantees were understandably more focused on delivering legal services to new clients than in tracking and monitoring prior clients. In fact, the evaluation and follow up of clients at LAV programs needs extensive improvement. While some sites mailed client satisfaction forms after cases were closed, few sites devoted any staff resources to the effort.

Research needs to specifically examine the extent to which LAV projects track and monitor clients in an effective manner and determine if their court orders are being followed: Are protection orders being violated? Is so, are the defendants being arrested? Are defendants meeting financial obligations in a timely manner? If not, are they being held in contempt of court? Is additional funding needed (through LAV or another funding stream) that is specifically dedicated to order enforcement efforts?

10. Research is needed on the cost-benefits of spending LAV attorney resources on training, educating, and advising *pro se* low-income domestic violence litigants.

During the evaluation, we found general agreement that providing legal advice to *pro se* clients to prepare them for an *ex parte* stage of the protection order process is a valuable and efficient use of attorney time. But we also heard resistance to the idea of directing limited LAV program funds into development of *pro se* clinics and materials if that meant hiring fewer attorneys to provide individual representation. The costs and benefits of these two practices should be the subject of research in the future.

We don’t really know all of the true costs of abuse victims proceeding *pro se*. Do they lack the initiative (and legal understanding and knowledge) to follow through with seeking permanent protection orders after they have obtained a temporary order on their own? When abuse victims obtain a protection order, it usually means that the abuser must stay away from the victim. What kind of difficulties does this create if the victim wants to seek (negotiate) changes in any of the conditions of the court order, e.g., change child visitation privileges, increase

financial payments, pay for car repairs that just came up, etc. How does the victim get the court orders enforced? Without legal support and representation, are victims who have proceeded alone more likely to return to their abusers and stay dependent than abuse victims who have been represented by LAV attorneys?

We need to compare the costs and benefits of attorney time spent on *pro se* victims (advice at a clinic), where the attorney can reach many victims, versus individual representation that can only help a limited number at a time. We should compare the case outcomes and quality of court orders. In addition, we might be able to compare to a sample of *pro se* victims who received no legal advice in a clinic.

11. NIJ and OVW should play a lead role in clarifying VAWA program expectations for improving victim outcomes over the long term (e.g., financial self sufficiency, safety, health, etc.)

This recommendation is based on past evaluations, conducted by various organizations in addition to ILJ, of VAWA-funded programs. All of these evaluations have been concerned about measuring the impact of program interventions (civil legal services, but also arrest policies, campus-based initiatives, and others) on victim' long-term well being. In addition to measuring health and safety outcomes researchers are interested in economic outcomes (e.g., employment, credit repair, safe and affordable housing, because these are also safety issues. Despite best efforts, however, needed data are often lacking and results are inconclusive. NIJ and OVW should consider convening a forum of research and practitioner experts to focus on this particular aspect of VAWA program evaluation. For example:

- What are the most meaningful outcome measures?
- How do clients of legal services under LAV define successful outcomes? (OVW/NIJ might consider sponsoring a focus group with former clients two or more years after services were provided to better understand outcomes/benefits and continuing needs over the longer term.)
- What new outcome measures are needed?
- How should differing economic and social conditions in various jurisdictions be taken into consideration when measuring outcomes?
- What are the most productive evaluation strategies for obtaining the needed data?

Evaluations of program interventions seem incomplete if they do not include follow-up interviews with victims, yet most evaluators experience difficulties locating domestic violence

victims after they have been served by a program. Despite best efforts, they rarely achieve a representative sample, and thus are very limited in the extent to which they can generalize the findings. Methodologies that promise to overcome these obstacles (e.g., assigning evaluators to spend intensive time at multiple sites) are often prohibitively expensive. A “meeting of the minds” on this important issue is needed and could produce guidelines for helping local jurisdictions evaluate the long-term outcomes of their efforts and pinpoint areas in which improvements can be made.



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National Evaluation of the Legal Assistance for Victims Program

Appendixes to Final Report

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Submitted to
National Institute of Justice

Prepared by
Institute for Law and Justice
National Center for Victims of Crime

Appendix A

Background on Methodology

Background on Project Methodology

The limits of this evaluation in conclusively demonstrating impact, as well as the strengths of the evaluation design, have been discussed with NIJ since the project's inception.¹ The most significant adjustments in methodology were made through three processes: (1) a review early in the evaluation (including a project advisory board meeting) of the methodology that was outlined in the original proposal, and agreed upon adjustments that stemmed from that review; (2) a review of a General Accounting Office (GAO) report critiquing six NIJ-sponsored evaluations of the impact of various programs, and a GAO inquiry to NIJ regarding this LAV evaluation (this occurred in March 2002, approximately 15 months into the evaluation); and (3) additional considerations and further adjustments required in the final third of the evaluation period.

Meeting with Project Advisory Board

The project advisory board (including NIJ and OVW officials) was convened in early 2001 to (1) review the methodology that had been proposed, (2) exchange information about the LAV program that had become available after the proposal was written, and (3) refine the methodology to best meet the needs of diverse groups with an interest in the results. The ILJ/NCVC team proposed that after conducting a process evaluation involving 20 LAV projects, impact evaluations would be conducted at eight of the 20 sites. The impact evaluation design, which was approved by NIJ, OVW, and the project advisory board, proposed the following methods:

- Interviews with 240 domestic violence victims (approximately 30 per site) served by the LAV programs to examine whether they had access to any other legal services; whether LAV-funded attorneys provided necessary legal services in a professional manner; whether LAV services helped them live safely, separate and apart from their abuser; and more.
- Focus groups with victim services providers on the same issues concerning domestic violence victims.
- Examination of court data at each site to determine if there has been a change in *pro se* representation on protective orders in domestic violence cases.

¹ Written and telephone communication between the NIJ project monitor and ILJ/NCVC project director has been consistent throughout the evaluation, occurring weekly and even daily during some phases of the project and covering both relatively minor and more significant adjustments to project methodology.

- Examining and tracking LAV clients' cases in detail to determine case outcome.

Some of the key impact questions included the following:

- Are civil legal services for domestic violence victims being provided where none were previously delivered?
- Are legal representations occurring in more cases? For example, previously, many attorneys gave only advice and counseling because they had limited funds to appear in court.
- Are the LAV programs meeting the legal needs of the targeted domestic violence victims (including traditionally underserved populations)?
- Have the programs enhanced domestic violence victims' safety and well being?
- What are the unintended consequences?

The main design of the impact evaluation as modified and approved at that time was a "before-after" assessment of case tracking data and responses from a sample of victims/clients to structured questions as part of a focus group.

Adjustments Considered in Light of General Accounting Office Report and Inquiry

In March 2002, the General Accounting Office (GAO) published a report² based on its review of six evaluations sponsored by NIJ and other Office of Justice Programs agencies, including this evaluation of the LAV program. The six evaluations were in various stages of completion at the time of the GAO review. In addition, also in March 2002, GAO raised specific questions with NIJ about the LAV evaluation. Some of the questions were routine requests for clarification of language used in the proposal or progress reports, but several questions, as well as the GAO report as a whole, prompted NIJ to again review the LAV impact evaluation design.

The GAO in its report discussed the criteria for impact evaluations. That criteria included: (1) high response rates on surveys, (2) some degree of local program homogeneity, (3) selection of representative sites (purposeful sample) so results can be generalized, (4) use of comparison groups, (5) use of local automated data, and (6) sufficient funding.

The GAO report identified the evaluation of the Children at Risk (CAR) program as a rigorous impact evaluation. ILJ participated in the CAR project as subcontractors to the Center on Addiction and Substance Abuse (CASA), which had the grant to provide TA, training, and

² The General Accounting Office's (GAO) report to Congress on Justice Impact Evaluations (GAO-02-309, March 2002)

administrative support to the local sites. At the start of the CAR initiative, the local prospective sites met with the funding agency staff (BJA), the evaluation funding agency (NIJ) and evaluators, and the program management team and contractors. At this initial meeting and based on subsequent memos laying out project design in more detail, all parties, especially the sites, agreed to the evaluation design and agreed to cooperate with data collection and making youth and families available for surveys and interviews. Each site also had local consultants who helped with program management and the evaluation. In this program, the evaluation was seen as integral and key to the success of the programs. Each site had a program coordinator whose job clearly involved helping in the evaluation. Everyone cooperated with the evaluation, including the program management and administration contractors; and the evaluation began with baseline data collection at the start of program implementation.

While the GAO report showed that the CAR evaluation was funded at just over \$1 million, in reality, at least two to three times that amount was spent to support the evaluation. As OJP acknowledges in its response to the GAO report, the evaluation of the LAV program did not have the timing, support, and resources of the CAR evaluation.

On March 27, 2002, NIJ discussed with ILJ/NCVC the feasibility of revisiting the LAV impact evaluation, with a view toward introducing comparison groups (not originally proposed) without an increase in grant funding. At that point in the evaluation (which had been ongoing for about 15 months), we had conducted an extensive literature review and prepared an annotated bibliography; conducted a national survey of grantees and reported on the results; visited four sites; selected 20 process evaluation sites; interviewed the 20 sites by phone; collected extensive information on the sites; and were preparing for more observation visits.

ILJ/NCVC reported to NIJ how we could revise the impact evaluation of the LAV program to attempt to meet the criteria set out by GAO for NIJ impact evaluations.

Survey response rates: Our project met this first point. There were 179 LAV programs funded by VAWO in 1998-2000. Based on extensive efforts by staff and numerous follow up phone calls and emails, we were able to obtain a return of 156 completed surveys. This was a response rate of 87 percent, which we believed should satisfy GAO.

Some degree of homogeneity in program sites and representative selection: The breakdown of the 179 LAV grantees and 20 process evaluation sites in terms of type of grantee organization was noted earlier in Exhibit 2-1.

In general, even selecting 12 of 116 legal services organization programs would not pass the GAO's definition of a truly representative sample, since 12 organizations is only 10 percent of the 116. Even if we were to devote all 20 site visits to the 116 legal services organization grants, that would only be 17 percent. While we could argue that we have a purposeful sample, we still might not be able to generalize the findings to the whole of the 116 grant programs.

However, in light of the GAO report and inquiry, we advised NIJ and OVW that they could decide if they wanted us to restrict the process evaluation to only the main, more homogeneous programs, or whether they wanted us to include Tribal and “other” programs. In April 2002, NIJ and OVW determined, and the evaluators concurred, that the sample of 20 process sites for the process evaluation should remain the same.

Use of automated data: The evaluation team built this criteria into site selection. Our staff called each of the prospective sites to make certain that they tracked LAV cases from intake through completion with an automated computer program. All of the process evaluation sites and potential impact sites met this criteria. In fact, most of the Legal Services Corporation-funded sites use the same software—Kemps Caseworks, an Access-based data structure.

Use of comparison groups: The ILJ/NCVC evaluation design did not propose comparison groups for obvious reasons: because the groups were not matched at program inception, we would not be able to overcome the selection bias and other problems of comparability. However, as this point seemed critical to GAO, we proposed some comparisons that we believed should be acceptable as an evaluation of program impact.

First, we explained to NIJ that we could compare:

Cases of DV (domestic violence) clients/victims receiving LAV services
(Group I)

to

DV cases handled by the same legal services organization without any LAV funding
(Group II).

Group II should include low-income women who received legal assistance to file for domestic relations types of legal actions (e.g., divorce, child support, etc.). The groups would be similar except for the factor of violence associated with Group I. However, this comparison would likely only be available for the legal services organizations.

The comparative analysis would be done by using the case tracking statistics of both groups. We suggested that we might find differences in the amount of time spent by attorneys, the use of protection orders, and the enforcement of protection orders. Because of the known presence of domestic violence, the Group I victims should be receiving much more legal support at the early stages of their cases than Group II.

Second, we explained to NIJ that we could compare:

Cases of DV clients/victims receiving LAV services (**Group I**)
to
Cases of DV victims who did not have counsel (**Group III**)

The key tenets of the LAV program are that it provides civil legal services to domestic violence victims where no services previously existed and the victims are helped to become more self-reliant and live apart from their abusers. We could compare this by looking at differences in case outcomes between Group I and Group III. We could also include comparisons between the two groups in focus groups with victim services providers. In addition, we could conduct interviews, via focus group, with a sample of Group III to compare to a sample of Group I focus group interviews. We could also ask the groups to complete structured questionnaires, at the beginning of each session, to obtain data on such issues as whether they were now living apart from abuser, whether they felt their lives were better off, etc.

In obtaining volunteers from Group I for interviews, we proposed that we would rely on the assistance from the LAV grantees. To obtain interview volunteers from Group III, we would need help from the LAV grantees' MOU partner shelters and service providers. It is likely that these partners would have served victims who wanted civil legal help but did not receive it for a variety of reasons (e.g., did not follow up on the referral, were not eligible, were not accepted because law firm was overbooked, etc.).

As NIJ and OVW realize, conducting face-to-face victim focus groups is difficult and complicated. Interviewing victims who are also legal clients adds legal complications. We

noted that we would have to begin the process prospectively as new clients appear for services in order to give them information about the research effort and need for volunteers. This would require the cooperation of the LAV grantee to reach Group I and the shelter or victim service provider to reach Group III. We noted that 100 percent of all clients would have to receive the information to participate in interview groups versus any type of random selection because the volume will be low. The clients/victims will self-select on participation, which will be out of our control.

We also needed to select a fairly short timeframe to ask the client/victims to come in for the focus groups, maybe six to eight months, because of the problems with tracking location of these client/victims—they move often and do not leave forwarding address or phone information. We also have to take all necessary precautions to ensure the safety of these victims.

Since neither of the above-described comparison group efforts was planned, we would have to take resources from another part of the evaluation to pay for the added costs of spending much more time on site to conduct focus groups with Group III subjects and collect the data and conduct the analysis between Groups I and II.

The evaluation team provided all this information to NIJ and estimated that in order to afford the above comparison groups, we would have to reduce our proposal from 20 process sites and eight impact sites to working intensively with only six to eight process/impact sites. If we did reduce the number of sites to six or eight, then we should restrict the choice of sites to the main types—legal services organizations and victim services organizations with an attorney, dropping the projects in the law school, Tribal, and other categories. The next step would be to bring the six or eight selected LAV grantees (and main victim services provider partner) in for a meeting to review the evaluation design and obtain their firm commitment for the data collection and domestic violence victim interviews.

On April 5, 2002, NIJ advised ILJ/NCVC that so large a reduction in sites, with loss of the process evaluation reports and cross-site analysis of the 20 sites, would be too high a price to pay for 6-8 comparison sites, and that accordingly we would remain with the previously agreed upon design.

Court Data on *Pro Se* Cases. In our proposal, we raised the possibility that the relevant courts at some sites might be able to provide data indicating decreases in *pro se* domestic

violence protection order cases. We thought that this, in turn, might enable us to explore some linkages between provision of civil legal assistance by LAV grantees and such decreases. At each site, we explored whether various courts generate the needed data but found their capacity to do this to be quite limited.

Other Considerations

Grantee surveys. Originally, as reflected in the proposal, we envisioned administering the grantee survey annually (3 surveys over the course of the evaluation). The first survey, administered in 2001, obtained detailed information about grantee activities and provided opportunities to identify key issues in project implementation. For two main reasons, we decided not to administer a second annual survey that repeated the questions from the first survey, but instead, to send only one, more focused follow-up questionnaire. First, it was unlikely that the LAV projects (funded for 18 or 24 months) would have changed their activities substantially from one year to the next. Second, the results of the first survey, as well as information gained through the 20 sites visits and other research, pointed to several critical issues that would need to be addressed in the final evaluation report. These included both successes and difficulties in meeting the demand for services, working with *pro bono* attorneys, assisting clients with protection order enforcement, and others. The follow-up survey was constructed to explore in greater detail the grantees' experiences in these areas. It was also clear that OVW did not feel the need for three surveys.

Process evaluation site visits. The site visits were essential to obtain a hands-on view of the projects and the key personnel involved with them, including judges and domestic violence coalition members as well as grantee and partner agency staff. Although only one visit could be made to each of the 20 sites, a considerable amount of information was gleaned from the visits because of the excellent cooperation that ILJ/NCVC staff received from the grantees and their project partners. Each visit typically lasted three to five days during which 20-25 interviews took place. The sites provided extensive program documentation; 10 sites provided copies of their case management databases (names and other identifiers were stripped).

Second, the approach benefited greatly from the detailed protocols developed to mold the process evaluation and guide the interviews and other work on site. The development of the

protocols aided in determining what areas should be examined in detail, provided for consistency in data collection, and enhanced our ability to compare and analyze findings across the 20 sites.

Finally, the preparation of site reports provided an opportunity to document the results of each site visit. The site reports were prepared as soon after the trips as possible and were then sent to the sites for their review. For the most part, review comments were excellent and provided a means of improving the site reports by clarifying issues and including more details in selected areas.

In short, while it might have proved beneficial to examine the progress of sites over time with follow-up, on-site visits, that was not possible with 20 sites. Instead, the evaluation team opted for a more expansive examination of LAV sites (20) with a single visit. We used the final mail survey as a follow up on the progress of the sites regarding specific issue areas.

Victim interviews. The original proposal did not specify whether interviews with victims would be conducted by telephone or in person. The advantages and disadvantages of each approach, as well as the possibility of conducting focus groups of victims/clients, were carefully weighed by the evaluators and were discussed with the NIJ project monitor. We determined that focus groups of victims would not produce the type of specific quantitative data needed to help assess the effects of the legal services provided on victims' safety and well being over the longer term.

We at first favored the approach of administering the victim questionnaire in person, because this approach offered the advantage of capturing both quantitative data and potentially more detailed personal accounts of victimization and legal services experiences. We conducted 14 in-person interviews at two sites (House of Ruth and Loudoun County). Many of these did yield rich anecdotal information, and the process had the additional advantage of allowing the interviewers to observe victims/clients reactions, comfort levels, etc. However, we also found that the in-person process was costly not only in terms of staff time (even at nearby project sites) but in terms of victim/client time and convenience (e.g., some clients could not keep the appointments they had scheduled). In effect, it appeared that the in-person approach was unnecessarily screening out potential interviewees who could safely participate in telephone interviews, but who had difficulties (because of complications including transportation, child care, and work schedules) in meeting with an interviewer. Further, the project budget could not

support extensive staff time at distant sites unless there was a strong promise of obtaining multiple interviews; most sites, while they were willing to cooperate to the extent they could, did not believe it was realistic to make such a promise.

Discussions with the cooperating sites and other expert project advisors confirmed that telephone interviews were feasible in terms of victim/client safety, and in fact were preferable for a number of the sites. Further, the victim/client questionnaire required almost no modification for successful administration by telephone (minor changes in the manner of asking several questions, since cards listing response sets could not be shown).

For these reasons, we decided to conduct the majority of victim/client interviews by telephone.

Sample size. The number of victims/clients participating in the interviews was smaller than we had originally hoped; the proposal was ambitious with respect to the number of interviews that could be conducted with the time and resources allotted. The original estimate in the proposal was based on experiences in our prior national evaluations of domestic violence programs, where it had been possible to arrange 30 interviews at some sites.

However, not every LAV site could produce this number of victims/clients for interviews, despite concerted efforts to do so. In one situation, an extremely cooperative LAV project that had contacted more than 15 clients learned it had not been awarded a continuation grant for 2003 and was forced to terminate its assistance with case selection because staff was lost. As noted earlier, victim relocation has been a constant issue for many domestic violence researchers and difficulties in this area were anticipated; however, it may be that victims/clients served by legal programs—where separation or divorce are often key objectives for clients—are even more difficult to locate over time than victims identified through other sources. Finally (as discussed later in the report), at least two-thirds of LAV programs do not have the staff needed to provide direct legal services to all eligible victims requesting those services; the staff time they could devote to assisting the evaluation was limited.

Focus groups of victim services providers. We were not able to conduct as many formal focus groups of victim services providers at the process evaluation sites as we had planned. We often opted to conduct individual and group interviews with as many victim services providers as possible during the visits. This decision was in part a matter of

convenience for the participating sites. Many were statewide or multi-county projects with staff and/or partners working great distances from the grantees' main offices. The 3-5 day site visit interview schedules were full, and the evaluation budget did not permit a second visit to sites not within reasonable distance of the Washington, D.C. metropolitan area. We also felt comparable information could be gained through skillful on-site interviews (and at one site with widely disbursed service providers, teleconferences conducted on site), follow-up telephone calls, and email communications.

Other techniques were also employed during the evaluation to include victim service providers' perceptions. Wherever feasible, the evaluators observed task force and other meetings that included victim service providers. Each site had an opportunity to review and share with victim services partners the draft site reports prepared on their projects. In addition, victim services providers (including our NCVC partners) were involved on the project advisory board, in developing the questionnaire and conducting interviews with victims of domestic violence, and in the review of the final report.

Appendix B

Project Advisory Board

Evaluation of the Legal Assistance for Victims Grant Program

Advisory Board Members

Professor Kimberle Crenshaw, University of Columbia School of Law, NY

Dr Mary Ann Dutton, Georgetown University, School of Medicine, Department of Psychiatry, Washington DC

Barbara J. Hart, Esq., Legal Director, Pennsylvania Coalition Against Domestic Violence, PA

Janice Kagayutan, Attorney, Immigrant Women Program, NOW Legal Defense and Education Fund, Washington DC

Laura Martinez, Staff Attorney, Legal Aid of Central Texas, TX

Professor Joan Meier, George Washington University Law School, Washington DC

Robin H. Thompson, President, Robin H. Thompson & Associates, FL

Appendix C

LAV Grantee Survey

2001

Legal Assistance for Victims

Project Activities

*While most agencies provide a number of services to their clients, this section summarizes **only** those activities carried out under the Legal Assistance for Victims (LAV) grant. These activities include legal services as well as victim services. We are also interested in project staff, use of pro bono attorneys, and training efforts.*

1. What is the level of effort expended on the following **legal services areas under your Legal Assistance for Victims grant**? Please circle the number in the appropriate box. There should be only **one** number circled per service area.

Legal Services Areas	<i>Service is NOT Provided Under the Grant</i>	<i>Service is a MINOR Part of Our Grant Activities</i>	<i>Service is a MAJOR Part of Our Grant Activities</i>
a. Temporary/ <i>ex parte</i> protection order cases	1	2	3
b. Permanent protection order cases	1	2	3
c. Protection order enforcement	1	2	3
d. Separations	1	2	3
e. Divorces	1	2	3
f. Paternity cases	1	2	3
g. Custody cases	1	2	3
h. Spousal support	1	2	3
i. Child support	1	2	3
j. Housing (e.g., landlord/tenant, Section 8)	1	2	3
k. Employment cases	1	2	3
l. Public benefits cases	1	2	3
m. Name and Social Security number changes	1	2	3
n. Other (e.g., small claims, wills, etc.): _____ _____		2	3

2. What is the level of effort expended on the following **victim services areas under your Legal Assistance for Victims grant**? Please circle the number in the appropriate box. There should be only **one** number circled per service area.

Victim Services Areas	<i>Service is <u>NOT</u> Provided Under the Grant</i>	<i>Service is a <u>MINOR</u> Part of Our Grant Activities</i>	<i>Service is a <u>MAJOR</u> Part of Our Grant Activities</i>
a. Crisis intervention	1	2	3
b. Safety planning	1	2	3
c. General support and options counseling	1	2	3
d. Court accompaniment	1	2	3
e. Assistance to <i>pro se</i> victims	1	2	3
f. Crime victim compensation claims	1	2	3
g. Information and referral to community resources (e.g., housing, welfare, transportation)	1	2	3
h. Other: _____ _____		2	3

3. How many staff are currently funded under your Legal Assistance for Victims grant (including lead agency's and project partner agency's staff)?

Position/Title	Number of Full-Time Equivalent (e.g., Count two 1/2 time employees as one FTE)
a. Attorney	_____
b. Paralegal	_____
c. Victim Advocate	_____
d. Supervisor	_____
e. Admin/Support Personnel	_____
f. Other: _____ _____	_____

4. Do you use *pro bono* attorneys under your Legal Assistance for Victims grant?
 Yes No (*If no, go to question 5.*)

IF YES,

A. What, if any, problems have you encountered in using *pro bono* attorneys for your project?
(Check all that apply.)

- 1. Recruitment
- 2. **Turnover/retention**
- 3. Training
- 4. Quality monitoring
- 5. Conflicts of interest
- 6. **Unwillingness to handle complex cases**
- 7. Liability concerns
- 8. Language barriers
- 9. **Other:** _____
- 10. No problems

B. In the year 2000, how many *pro bono* attorneys **actively accepted cases** under your grant?

C. What is the total number of **cases** that were handled by *pro bono* attorneys under your grant in the year 2000?

D. Please provide any additional comments concerning your agency's relationship with local *pro bono* attorneys under the Legal Assistance for Victims grant.

5. How **often** does your agency provide the following modes of **legal services under your Legal Assistance for Victims grant**? Please circle the number in the appropriate box. There should be only **one** number circled per service area.

Modes of Service Delivery	<i>Service is NOT Provided Under the Grant</i>	<i>Service is Provided Occasionally Under the Grant</i>	<i>Service is Provided Frequently Under the Grant</i>
a. General legal advice (no formal case representation)	1	2	3
b. General legal advice with a referral to legal services provider	1	2	3
c. Preparation of legal briefs/filing of motions	1	2	3
d. Legal representation (including litigation, settlements, etc.)	1	2	3
e. Appellate representation	1	2	3
f. Referrals (with no other services offered)	1	2	3
g. Other: _____ _____ _____		2	3

6. Have you or your project partners delivered training under your LAV grant?

_____ Yes _____ No (*If no, go to question 7.*)

IF YES,

A. Please identify which of the following groups you delivered (or are delivering) training to under the Legal Assistance for Victims grant. (*Check all that apply.*)

- _____ 1. Legal services providers (*either lead agency staff or grant partners*)
- _____ 2. **Non-project partner** legal services providers
- _____ 3. *Pro bono* attorneys
- _____ 4. Victim services providers (*either lead agency staff or grant partners*)
- _____ 5. **Non-project partner** victim services providers
- _____ 6. Judges, police, or other criminal justice agencies
- _____ 7. Law students
- _____ 8. Other non-legal professionals (e.g., medical staff)
- _____ 9. Community groups
- _____ 10. *Pro se* litigants
- _____ 11. Agencies primarily serving underserved populations (e.g., immigrants, racial minorities). *Specify targeted group(s) that the agency(ies) serve:*

- _____ 12. **Other:** _____

7. Are you using **non-LAV grant resources** to provide domestic violence-related civil legal services to domestic violence victims?

_____ Yes _____ No (**If no, go to question 8.**)

IF YES,

A. With what other resources are you providing domestic violence-related civil legal assistance to domestic violence victims? (*Check all that apply.*)

- _____ 1. Legal Services Corporation funding
- _____ 2. Local or State Bar Association funding
- _____ 3. IOLTA funds
- _____ 4. Local or county government grant
- _____ 5. **State grant**
- _____ 6. Federal grant other than LAV
Specify: _____
- _____ 7. Foundation grant
- _____ 8. Volunteer services
- _____ 9. In-kind contributions (e.g., space, computers)
- _____ 10. *Pro bono* services
- _____ 11. Faith-based funds or services
- _____ 12. University funds or services
- _____ 13. Other: _____

Victims/Clients

This section includes questions about your efforts to reach out to traditionally underserved populations. Accessibility of services and referral processes are also addressed.

8. Which of the following underserved populations is your Legal Assistance for Victims project designed to **specifically** target? (*Check all that apply.*)

- | | |
|---------------------------|---|
| _____ 1. None | _____ 8. Immigrants/Refugees |
| _____ 2. African American | _____ 9. Gay/lesbian/bisexual/transgender |
| _____ 3. Native American | _____ 10. Disabled |
| _____ 4. Southeast Asian | _____ 11. Elderly |
| _____ 5. Other Asian | _____ 12. Rural |
| _____ 6. Pacific Islander | _____ 13. Non-English speaking |
| _____ 7. Hispanic | _____ 14. Other: _____ |
| | _____ |
| | _____ |

A. What outreach activities are you undertaking to reach the above populations? *(Check all that apply.)*

- 1. Staff that is culturally and/or racially representative of the local population
- 2. Brochures
- 3. Public service announcements (e.g., on television, radio, billboards, etc.)
- 4. Attendance at community meetings or other gatherings
- 5. Presentations to community groups or other local service providers
- 6. Designated liaison with underserved community leaders or agencies
- 7. Other: _____

B. Which of the above groups have you had the most difficulty reaching?

C. Please explain, if possible, why these populations are not accessing your services.

9. Do you have interpreters on staff?

- Yes *Specify languages:* _____
- No

A. Do you use interpreter services from sources outside your own agency?

- Yes No

10. Do you have income eligibility criteria for victims seeking services under the Legal Assistance for Victims grant?

- Yes No *(If no, go to question 11.)*

IF YES,

A. For income eligibility, which of the following is taken into consideration? *(Check all that apply.)*

- 1. Victim's income and/or assets
- 2. Family's income and/or assets
- 3. Other: _____

B. Is the income eligibility criteria based on Legal Services Corporation standards or some other standard(s)?

- 1. Legal Services Corporation
- 2. Other: _____

11. Are court fees for domestic violence victims seeking protection orders waived in your jurisdiction?

_____ Yes _____ No

12. Do any of your grant-funded cases require a financial contribution from the victim (apart from court fees)?

_____ Yes _____ No

13. Do you refer any victims who **may** meet your grant eligibility criteria to other **non-project partner** civil legal services agencies in the local area (e.g., due to time constraints, staffing, or other reasons)?

_____ Yes _____ No (*If no, go to question 14.*)

IF YES,

A. Why are eligible victims being referred to non-project partners?

14. From which sources do you **receive** domestic violence-related civil legal **referrals**?

Please circle the number in the appropriate box for each referral source listed below.

Referral Sources	<i>Do NOT Receive Referrals for Grant- funded Services</i>	<i>Receive Referrals Occasionally for Grant- funded Services</i>	<i>Receive Referrals Frequently for Grant- funded Services</i>
a. Courts	1	2	3
b. Prosecutors	1	2	3
c. Law enforcement	1	2	3
d. Other legal services providers (grant project partners)	1	2	3
e. Other legal services providers (non-grant project partners)	1	2	3
f. Victim services providers (grant project partners)	1	2	3
g. Victim services providers (non-grant project partners)	1	2	3
h. Public social services agencies	1	2	3
i. Private social services agencies	1	2	3
j. Hospitals	1	2	3
k. Faith-based or community organizations	1	2	3
l. Agencies serving primarily underserved populations <i>Specify populations:</i> _____	1	2	3
m. Other: _____		2	3

15. What, if any, difficulties or unexpected obstacles has your agency experienced in serving or reaching out to domestic violence victims? *If necessary, attach additional comments.*

Data Collection

The purpose of this section is to gather baseline data on basic client information across all Legal Assistance for Victims grantees. We are also interested in understanding how you collect data for your Legal Assistance for Victims project.

16. Can you distinguish between your Legal Assistance for Victims cases and those cases that are handled with non-grant funds?

_____ Yes _____ No

A. Describe any problems you may have in this area: _____

If unable to distinguish cases, go to question 18.

17. Please provide the following information for victims served under the Legal Assistance for Victims grant for the year **2000**.

- _____ a. Number receiving referrals with no other services (i.e., a case was opened, but no other services were provided)
- _____ b. Number receiving legal counseling **only**
- _____ c. Number receiving legal counseling and a referral
- _____ d. Number receiving legal representation (e.g., trial, settlements)
- _____ e. Number receiving appellate representation
- _____ f. Number receiving other services
- _____ g. Total number of victims receiving services under your grant (i.e., new cases opened)
- _____ h. Number of victims seeking services who could not be helped under your grant

A. If these services were also delivered in **1999**, please provide that information as well.

- _____ 1. Number receiving referrals with no other services (i.e., a case was opened, but no other services were provided)
- _____ 2. Number receiving legal counseling **only**
- _____ 3. Number receiving legal counseling and a referral
- _____ 4. Number receiving legal representation (e.g., trial, settlements)
- _____ 5. Number receiving appellate representation
- _____ 6. Number receiving other services
- _____ 7. Total number of victims receiving services under your grant (i.e., new cases opened)
- _____ 8. Number of victims seeking services who could not be helped under your grant

18. Do you collect the following information about domestic violence victims served under the Legal Assistance for Victims grant? (*Check all that apply.*)

- | | |
|--|--|
| _____ 1. Age | _____ 6. Income (individual or family) |
| _____ 2. Race | _____ 7. Immigration status |
| _____ 3. Gender | _____ 8. Employment status |
| _____ 4. Marital status | _____ 9. None of the above |
| _____ 5. Status of concurrent criminal cases | |

A. Is any of the above information kept in a computerized database?

_____ Yes _____ No

19. Do you compile any of the above information in an Annual Report? (*This does **not** include grant progress reports sent to VAWO.*)

_____ Yes **Include a copy of your most recent Annual Report with this survey.**
_____ No

20. Do you conduct victim satisfaction surveys?

_____ Yes _____ No

21. If you **do not** currently keep data about the victims you serve under your LAV grant, would you be willing to begin collecting this information for the purposes of this national evaluation?

_____ Yes _____ No

22. List any products that have been developed under you Legal Assistance for Victims grant (e.g., brochures, manuals, etc.).

IV. Grantee Profile

The purpose of these questions is to better define for us your agency's funding, size, and jurisdiction.

23. What is your agency's total annual funding? \$_____

24. What is the geographic area served by your Legal Assistance for Victims project? (*Check only one.*)

- | | | | |
|-------|-----------------|-------|-------------------------|
| _____ | 1. Statewide | _____ | 4. Local (city or town) |
| _____ | 2. Multi-county | _____ | 5. Tribal jurisdiction |
| _____ | 3. County | _____ | 6. Other: _____ |

25. What kind of area **best** characterizes the jurisdiction that you serve? (*Check only one.*)

- | | |
|-------|-----------------|
| _____ | 1. Rural |
| _____ | 2. Suburban |
| _____ | 3. Urban |
| _____ | 4. Tribal |
| _____ | 5. Other: _____ |

26. If available, please provide the general population size of the jurisdiction that you serve.

27. In what areas, if any, did you experience difficulty during the implementation of the project? (*Check all that apply.*)

- | | |
|-------|--|
| _____ | 1. Establishing relationships with partner agencies |
| _____ | 2. Establishing relationships with non-project partner agencies in the area |
| _____ | 3. Establishing a pool of clientele |
| _____ | 4. Hiring staff |
| _____ | 5. Developing written policies and procedures |
| _____ | 6. Developing a practice manual or other materials |
| _____ | 7. Acquiring or expanding facilities (e.g., office space) |
| _____ | 8. Acquiring equipment |
| _____ | 9. Acquiring training for project staff |
| _____ | 10. Other: _____ |

A. Please comment on your most serious difficulties listed above. ***Attach additional information to this survey if necessary.***

28. Any additional comments: _____

Thank you for your time and effort in completing this survey. Please return the completed survey along with your Annual Report, if available, and any other attachments in the enclosed postage paid envelope to

Institute for Law and Justice
1018 Duke Street
Alexandria, Virginia 22314
703-684-5300
FAX: 703-739-5533

Appendix D

Follow-Up LAV Grantee Survey

2003

Legal Assistance for Victims Program Follow-Up Survey of Grantees

Introduction

The Institute for Law and Justice (ILJ) in partnership with the National Center for Victims of Crime (NCVC) is conducting an evaluation of the Legal Assistance for Victims Program. This evaluation is being administered by the National Institute of Justice (NIJ) with funding from the Office on Violence Against Women (OVW). Information obtained from this evaluation will inform Congress, the field, and the nation about successes, challenges, and policy issues related to the Legal Assistance for Victims (LAV) program.

As part of this evaluation, LAV grantees who completed an initial survey in 2001 are being asked to participate in the follow-up survey. The attached questionnaire asks about key issues identified in the first LAV grantee survey, as well as issues identified through other evaluation activities, including site visits to 20 LAV programs.

Your completion of this follow-up survey is extremely important. The information you provide will be treated in a confidential manner. Names and other identifying information will not be used in any way. The information will be used only for research purposes. All respondents will receive summaries of the survey results.

If you have any questions about this survey, please contact Barbara Webster via email at barbara@ilj.org or at 703-684-5300. Please return the completed survey by **August 25, 2003**.

We sincerely appreciate your participation in this important project.

Please provide the contact information requested below. The information may be used to clarify responses or to request additional information on some of the topics.

Name of person who completed the survey: _____

Agency: _____

Position: _____

Email Address: _____

Telephone Number: _____

Legal Assistance for Victims Follow-Up Questionnaire for Grantees

This is the second survey of Legal Assistance for Victims grantees. It explores in greater detail some of the key issues identified in the first survey of grantees. Most background questions from the first survey are not repeated; however, the questionnaire does ask you to provide some specific data (Questions 1 and 4), which will be very important for the evaluation in helping to document resources, trends, and unmet needs.

Resources and Expenditures

The purpose of this section is to gather up-to-date information about your Legal Assistance for Victims project resources and expenditures, and to update our information about other sources of funding to support provision of civil legal services to domestic violence victims.

1. Please check the calendar years in which you have operated your Legal Assistance for Victims (LAV) program with OVW funds and provide your expenditures on the LAV program for those years.

Year	LAV Program Annual Expenditures
<input type="checkbox"/> 1998	\$ _____
<input type="checkbox"/> 1999	\$ _____
<input type="checkbox"/> 2000	\$ _____
<input type="checkbox"/> 2001	\$ _____
<input type="checkbox"/> 2002	\$ _____

2. With what other resources are you providing **domestic violence-related civil legal assistance** to domestic violence victims? (*Check all that apply.*)

- | | |
|---|---|
| <input type="checkbox"/> Legal Services Corporation funding | <input type="checkbox"/> No other funds |
| <input type="checkbox"/> IOLTA funds | |
| <input type="checkbox"/> Federal grant other than LAV | |
| <input type="checkbox"/> State grant | |
| <input type="checkbox"/> Local or State Bar Association funding | |
| <input type="checkbox"/> Foundation grant | |
| <input type="checkbox"/> University funds or services | |
| <input type="checkbox"/> Other: _____ | |

2a. Have any of those funds decreased in the past year? No Yes

If so, which funds? _____

3. Have your partners in the LAV project changed since you received your first LAV grant?

No. We continue to work with the same partner(s).

Yes. If yes:

We have **added a new partner(s)**.

We **no longer work with a former partner(s)**.

Comments:

Legal Services

*This section asks about numbers and types of cases **for which civil legal services were provided to domestic violence victims under the LAV grant program**. This information is very important for the LAV program evaluation, as it will assist in identifying trends and unmet needs.*

4. Please indicate the number of cases your agency handled **under your LAV grant project** in each of the legal services areas listed below. In the first column, specify the number of domestic violence cases handled in the **first full year in which you operated your LAV grant project**. In the second column, specify the number of domestic violence cases handled in the **most recent full year in which you operated your LAV grant project**.

Legal Services Areas	Number of LAV cases, first full year of LAV funding	Number of LAV cases, most recent full year of LAV funding
a. Temporary/ <i>ex parte</i> protection order cases		
b. Permanent protection order cases		
c. Divorces		
d. Custody cases		
e. Spousal support		
f. Child support		
g. Other areas (e.g., housing, employment, public benefits, name changes)		

4.a. With respect to the data provided above, please comment on any significant changes in numbers or types of cases handled by your LAV project.

Pro Bono Attorneys

5. Do you use *pro bono* attorneys under your Legal Assistance for Victims grant?

No. Please explain why *pro bono* attorneys are not used.

Go to Question 6.

Yes. If yes:

5.a. From 2000 through 2002, has your agency's use of *pro bono* attorneys (*Check one.*)

Decreased Stayed about the same Increased

5.b. How would you describe the amount of free legal work your LAV project receives from *pro bono* attorneys? (*Check one.*)

Very adequate Adequate Inadequate Very inadequate

5.c. How would you describe the quality of the *pro bono* work?

N/A. Do not monitor quality of *pro bono* work .

Excellent Good Fair Poor

5.d. Please describe any techniques you have found to be successful in **recruiting** *pro bono* attorneys to provide legal services to victims of domestic violence.

5.e. Please indicate which of the following techniques or incentives you have used successfully to encourage *pro bono* attorneys to handle complex cases (e.g., custody, contested divorce, support cases). (*Check all that apply.*)

- Partial payment
- Free training
- Continuing legal education (CLE) credit
- Mentoring
- Other:

Victim Assistance Services

The purpose of this section is to gather up-to-date information about the various types of victim assistance services provided under your Legal Assistance for Victims grant project.

6. Please indicate the **victim services areas** in which clients served under your LAV grant project currently receive services.

Victim Services Areas	<i>Service is NOT Provided</i>	<i>Service is Provided using OTHER (non- LAV) Funds</i>	<i>Service is Provided using LAV Grant Funds</i>
a. Crisis intervention			
b. Safety planning			
c. General support and options counseling			
d. Court accompaniment			
e. Assistance to <i>pro se</i> victims			
f. Crime victim compensation claims			
g. Information and referral to community resources (e.g., housing, welfare, transportation)			
h. Other: _____ _____			

Staffing, Recruiting, and Retention

7. Please indicate how many staff are currently funded under your Legal Assistance for Victims grant (including lead agency's and project partner agency's staff), and how many additional staff, if any, would be needed to meet the demand for services?

Position/Title	Number of Full-Time Equivalents (e.g., count two half-time employees as one FTE)	Number of Additional Full-Time Equivalents Needed to Meet Demand for Services
a. Attorney		
b. Paralegal		
c. Victim advocate		

8. Please indicate the extent to which the following factors affect your ability to recruit or retain staff attorneys.

Recruitment/Retention Factors	Not a Problem	Minor Problem	Significant Problem
a. Low salaries			
b. Rural, isolated service areas			
c. Attorneys unwilling to work in domestic violence field			
d. Uncertain duration of grant-funded positions			
e. Lack of multi-lingual attorneys			
f. Lack of public interest law school clinics			
g. Other _____ _____			

9. Please briefly describe any solutions you have developed that have successfully addressed problems with recruiting or retaining staff attorneys.

Protection Order Enforcement

The purpose of this question is to obtain more detailed information about how protection order enforcement is being addressed under your Legal Assistance for Victims grant.

10. Please comment on the assistance provided by your attorneys to domestic violence victims whose batterers have **violated a protection order**.

- 10.a. To what extent do LAV attorneys counsel their clients to contact them if the batterer violates a protection order?

Never Occasionally Often Always

- 10.b. To what extent do victims call on LAV attorneys for legal assistance when their batterer has violated a protection order?

Never Occasionally Often Always

- 10.c. What are some examples of actions you have found successful with respect to protection order enforcement (e.g., warning letter to police chief, filing of contempt of court charges against officers who fail to enforce)?

Demand for Services

11. Approximately what percentage of **eligible** requests for civil legal services in domestic violence cases are you currently able to handle? (*Check the most appropriate response.*)

- | | |
|---|--|
| <input type="checkbox"/> 90-100 percent | <input type="checkbox"/> 40-50 percent |
| <input type="checkbox"/> 80-90 percent | <input type="checkbox"/> 30-40 percent |
| <input type="checkbox"/> 70-80 percent | <input type="checkbox"/> 20-30 percent |
| <input type="checkbox"/> 60-70 percent | <input type="checkbox"/> 10-20 percent |
| <input type="checkbox"/> 50-60 percent | <input type="checkbox"/> 0-10 percent |

12. In 2002, approximately how many domestic violence victims requesting civil legal services did you refer to other legal resources because high LAV attorney workloads did not permit them to accept new cases?

13. Please indicate the extent to which the following factors affect your ability to meet demands for civil legal services to domestic violence victims.

	Not a Problem	Minor Problem	Significant Problem
a. Eligibility requirements			
b. Staff shortages			
c. Lack of attorneys taking <i>pro bono</i> family law cases			
d. Language barriers			
e. Other: _____ _____			

14. In 2000, the LAV program expanded to include provision of civil legal services to victims of sexual assault and stalking.

14a. Has your agency changed any of its procedures because of this expansion (e.g., agency began accepting referrals from programs serving sexual assault victims)?

- No
- Yes. Comments: _____

14b. Please comment on any changes in your agency's workload **in the past year** related to the inclusion of sexual assault and stalking victims among LAV-eligible clients.

15. We would welcome any additional comments you would like to provide.

Thank you for your time and effort in completing this survey. Please mail your completed questionnaire to the Institute for Law and Justice (ILJ) in the envelope provided, or FAX to ILJ at 703-739-5533. If you have questions about the survey, please contact Barbara Webster at ILJ (email Barbara@ilj.org or phone at 703-684-5300).

Appendix E

Non-LAV Regions/States



MEMORANDUM

TO: Jim Ferguson

FROM: Bobby J. Brown, Jr.

DATE: July 2, 2001

SUBJECT: Target Areas for Non-Funded Regions Survey

Below is a table of recommended target areas for the non-funded regions survey. To our knowledge, none of the following areas is within the service area of a legal services provider that receives the Legal Assistance for Victims Grant.

The areas were chosen based on a number of factors, including population size, land area size, contiguity, natural regional divisions, geographic diversity, and demographic diversity. Fifteen areas were chosen, with the expectation that at least ten will complete the survey.

State	Region	Counties	Population	Area (sq. mi.)
Alabama	Northeastern	Cullman, Jackson, Limestone, Madison, Morgan	584,849	3,772
Arkansas	Southern	Ashley, Bradley, Calhoun, Columbia, Dallas, Nevada, Ouachita, Union	151,785	6,024
California	Sacramento	Sacramento	1,233,449	966
Indiana	Indianapolis Metro	Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby	1,474,938	3,079
Louisiana	Baton Rouge	Parishes of Assumption, East Baton Rouge, East Feliciana, Iberville, Lafourche, Pointe Coupee, St. Charles, St. John the Baptist, Terrebonne, West Baton Rouge, West Feliciana	835,900	5,863
Maryland	Southern	Anne Arundel, Calvert, Charles,	770,976	1,453

State	Region	Counties	Population	Area (sq. mi.)
		St. Mary's		
Massachusetts	Cape Cod	Barnstable, Dukes, Nantucket, Plymouth	719,559	1,209
Michigan	Southern	Branch, Calhoun, Hillsdale, Jackson, Lenawee, Monroe, Washtenaw	956,451	4,534
Mississippi	Northeastern	Alcorn, Chickasaw, Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tippah, Tishomingo, Union	308,170	4,857
Nebraska	North Central	Blaine, Brown, Boyd, Cherry, Holt, Keya Paha, Rock	33,243	13,314
Ohio	Cincinnati Metro	Brown, Bulter, Clermont, Hamilton, Warren	1,556,755	2,218
Oregon	Portland Metro	Clackamas, Columbia, Multnomah, Washington, Yamhill	1,572,711	4,400
Virginia	Northern	Arlington, Fairfax, Prince William, Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park	1,645,598	794
Washington	South Central	Yakima, Kittitas	255,943	6,593
Wisconsin	Southwestern	Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, La Crosse, Lafayette, Monroe, Richland, Sauk, Trempealeau, Vernon	439,183	9,864

Appendix F

LAV Project Summaries

20 Case Study Sites

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LAV Project Summaries

Appalachian Legal Services (ALS)

Need for Services

Appalachian Legal Services (ALS) was the only public interest law firm providing civil legal services to domestic violence victims in a 12-county service area. Before LAV funding, ALS attorneys rarely attended final protective order hearings except in emergency or grievous cases; divorce work was limited to cases where victims had sought refuge in a domestic violence shelter; and ALS did not have the resources to meet domestic violence victims' legal needs in such areas as housing, public benefits, and employment. The agency was unable to serve domestic violence victims whose incomes exceeded 125 percent of federal poverty guidelines.

Goals/Objectives

- To represent domestic violence victims in more protection order cases

- To take on divorce and custody cases (as well as protection order cases) for domestic violence victims

ALS also hoped to provide more assistance to victims/clients with other legal problems (e.g., income maintenance, housing) related to the domestic violence they had experienced.

Approach and Results

LAV attorneys and PAS (paralegal/advocate/secretary) staff members worked very closely with 4 of the state's 13 certified shelter programs. With LAV grant support, ALS increased its capacity to provide representation and other legal services to domestic violence victims/clients.

Highlights of Accomplishments

Legal Clinics and Other Outreach with Shelter Partners

A particular strength of the ALS project was the outreach and educational programs conducted in collaboration with shelter partners. Successful approaches included co-location of ALS legal and shelter personnel in rural outreach offices, provision of ALS attorney intake services at shelter offices, and delivery of numerous *pro se* and other legal clinics.

Efforts with State Domestic Violence Coalition to Recruit Pro Bono Attorneys

ALS also worked closely with the state domestic violence coalition's LAV grant project to increase the pool of *pro bono* attorneys. The most successful recruitment techniques included direct calls to private attorneys regarding specific cases, offers of reduced fee cases in exchange for accepting 2-3 cases *pro bono*; and (for new attorneys) emphasizing that the work presented opportunities to gain courtroom experience.

Challenges

Attorney Recruitment and Retention

The main challenge for this project was in recruiting and retaining attorneys. Reasons cited were that few attorneys want to do domestic violence work, few young attorneys want to live in West Virginia, low salaries, and uncertain tenure associated with grant-funded positions. The same reasons were cited for the significant turnover in project staff. These difficulties severely restricted the number of cases that ALS could accept. Other staff attorneys handled open LAV cases as well as their regular caseloads while various LAV attorney positions were vacant (in some instances, for nearly a year). Also, some of the recent law school graduates hired could not accept cases pending bar exam results.

Agency Reorganization

ALS was established in January 2000 following the merger of the Appalachian Research and Defense Fund and the Legal Aid Society of Charleston. After that merger, indigent clients in West Virginia were served either by ALS (12 counties in the southern part of the state) or by one other agency, the West Virginia Legal Services Plan (the Plan) (which served the other 43 counties in the state). ALS and the Plan merged in January 2002, with the goal of providing more consistent and better resourced civil legal services throughout the state.

Greater Boston Legal Services

Need for Services

The Greater Boston Legal Services (GBLS) LAV project was specifically targeted toward the following groups of individuals who have been traditionally underserved. African

Americans; Asians; Hispanics; immigrants and refugees; gay, lesbian, bisexual, and transgender people; non-English-speaking people.

Objectives

Staff a domestic violence intake and advocacy center at the Suffolk County Probate and Family Court;

Hire an attorney to train and supervise law students from the Northeastern University School of Law to provide civil legal assistance at the Dorchester District Court;

Provide an additional attorney position at Casa Myrna Vazquez, the largest shelter for domestic violence victims in the state; and

Use a GBLs staff attorney to coordinate legal services for domestic violence victims who enter the system through one of six hospital advocacy programs

Approach and Results

At the Suffolk Probate and Family Court, an attorney and a law student help victims file restraining order petitions; and they represent some clients in court that day and at the subsequent hearing. Services at the Dorchester District Court are similar, but there are more students (working as advocates) available as well as three full-time advocates from community agencies. One of two attorneys assigned to the Dorchester Court is funded under LAV. Both attorneys may take on cases for representation; the LAV-funded attorney/fellow primarily supervises and trains student and community advocates.

One full-time GBLs, LAV-funded attorney was assigned to the 6 hospital advocacy projects. The attorney's responsibilities include cross-training, providing advice to hospital advocates and victims, making referrals for legal assistance, and taking on full representation cases when possible. The attorney assigned to this position is also experienced in immigration law. Products developed under the grant were a domestic violence curriculum and a practice manual for civil advocates, for the Dorchester District Court project.

During a 33-month period (October 1999 through June 2002), GBLs's LAV project handled 929 cases. Of those, 554 (60%) were cases involving domestic/partner abuse, 117 (13%) involved divorces or separations, 90 (10%) were custody/visitation cases, and 56 (6%) were support and paternity cases. The vast majority of cases involved brief service (38%) and counsel/advice (35%). Representation was provided in 129 cases (14%). Of these 129 cases,

125 resulted in a completely favorable outcome and 4 in a partially favorable outcome for the clients. Only slightly more than 50 cases (about 6%) were referred to other agencies.

Highlights of Accomplishments

Outreach to Underserved Communities, Hospitals

GBLS hired staff that was racially and culturally diverse, and attended and presented at meetings in underserved communities. In addition, GBLS also nurtured their relationship with court staff at both the Probate and Family and Dorchester District Courts. Attorneys and others participating in the LAV grant proactively sought out potential clients and made themselves visible to court staff. GBLS also worked closely with the hospital advocacy programs to establish and enhance their relationships. This helped provide hospitals with a direct referral for clients who perhaps would otherwise not have received legal services.

Partnership Model: Law Firm, Law School, Hospital-Based and Other Advocacy Services

Active partners with and referral sources for GBLS in this project included a law school; victim services organizations, including those that target underserved populations; other legal services organizations in the Boston area; and 6 hospital-based victim advocacy programs. Most were well-established organizations that had worked well together prior to receiving the LAV grant.

Challenges

Need for Additional Attorneys, Especially for Long-Term Family Cases

Many persons interviewed emphasized the need for more attorneys, especially those able to take on long-term family law cases. The availability of an attorney to assist advocates at the hospitals was seen as an excellent means of early intervention, but the workload was such that the majority of contacts with advocates and victims had to be conducted by telephone.

Connecticut Domestic Violence Partnership Initiative/ Greater Hartford Legal Assistance

Need for Services

Cutbacks in funding in the 1990s left Connecticut's public interest law firms with insufficient staff to meet the needs of domestic violence victims for civil legal services. At the time of the first LAV grant application, the three law firm partners in this project (Greater Hartford Legal Assistance, Connecticut Legal Services, and New Haven Legal Assistance Association) had only 8.5 full time equivalent attorneys among them who focused on providing legal services to domestic violence victims. The state's 18 shelter programs assisted approximately 42,000 victims annually.

Objectives

An overarching goal for this project was to implement, statewide, a woman-directed model of delivering legal and advocacy services. Key objectives were to

- Implement formal referral protocols with the 18 shelter programs
- Deliver legal advocacy, assistance, and representation services
- Strengthen law firm-shelter relationships and improve both advocacy and legal services through case consultations and cross-training
- Conduct a local evaluation of the LAV project.

The continuation grant included additional objectives for outreach to Spanish speaking women and to victims with legal problems related to housing, debt, public benefits, health reimbursement, and other issues.

Approach and Results

LAV funding supported five attorneys. Referral protocols with all shelters were established quickly, and nearly all client referrals for LAV-funded legal services came from the shelter programs. Nearly three-fourths of LAV cases were resolved through legal counseling and brief service; many housing, benefits, debt and other matters were resolved out of court. Representation cases included matters of custody, visitation, support and (to a lesser extent) divorce and other non-family law matters (e.g., immigration). As shelter staff gained experience and knowledge of legal issues, cases referred to the law firms became increasingly complex.

Highlights of Accomplishments

Collaboration Among Experienced Attorneys and Advocates

This project benefited significantly from the grant partners' many years of experience and history of collaboration prior to receiving LAV funding. For example, the three law firms were able to establish formal client referral protocols with 18 shelter programs within a very short time after grant award. There was significant turnover in only one of the five LAV staff attorney positions. The LAV attorneys had from four to more than 15 years experience with domestic violence and other family law cases.

Woman Centered Advocacy Model

Increased interaction through case consultations and cross-training helped the partners fully implement their woman-defined legal advocacy model, which became the Partnership Initiative's standard approach to providing legal and advocacy services.

Local Evaluation

The Partnership Initiative contracted with a local evaluator to assist with both planning and assessment of its LAV-funded project. The evaluator provided regular feedback, including analyses of quantitative data (obtained from the partner agencies on clients, cases, and outcomes) and qualitative information (from interviews with advocates, attorneys, and victims/clients and participation in attorney meetings, planning groups, etc.). The evaluator also assisted in developing new case outcome measures, including measures related to restraining orders, safety planning, and limits on/denial of gun possession by batterers.

Challenges

Unmet Needs for Representation in Complex Cases

Like a number of other sites, the Partnership Initiative estimates it has been able to serve perhaps only 20 percent of eligible domestic violence victims needing civil legal assistance (2003 LAV grantee survey). As shelter advocates gained experience with relatively straightforward legal processes (e.g., applications for restraining orders), some began referring only the most difficult, complex cases to project attorneys. Representation cases handled over the course of the LAV project increased from 17 percent to almost 30 percent).

Court-related Issues

Some victim advocates noted congestion in the court system (sometimes resulting from manipulation of the court process by the batterer), which could “re-victimize” the victim; difficulties associated with cases being heard in multiple courts and/or by several different judges; and institutional bias on the part of some court personnel (for example, assumptions that battered women will be manipulative in their use of restraining orders).

House of Ruth, Baltimore, MD

Need for Services

House of Ruth (HR), founded in 1977, is one of the country’s largest domestic violence centers. House of Ruth established a legal clinic in 1983; and with the Women’s Law Center (WLC), it has operated the court-based POARP project (Protective Order Advocacy and Representation Project) since 1996. However, this did not address the critical need for legal assistance with custody, visitation, child and spousal support, divorce, and other legal matters.

Objectives

- Establish a courthouse-based collaboration between HR and WLC to provide domestic violence victims with skilled representation in family law cases

- Develop a network of referrals and information about other legal and social service providers to complement the direct legal services provided

Approach and Results

Two attorneys and a paralegal were hired with LAV funding to provide court-based civil legal services in Baltimore City, Montgomery County, and Prince George’s County, Maryland. Most victims/clients assisted by this project are referred by the POARP attorneys, who were already established at the courts in those jurisdictions.

The number of domestic violence victims assisted by LAV attorneys increased from 219 in 1999 to 279 in 2000, with 238 of those receiving representation services.

Highlights of Accomplishments

Holistic Approach through Victim Services/Law Firm Collaboration

A strength of this project is its ability to address all of domestic violence victims' legal and other needs, including shelter; safety planning; a full range of advocacy services; and legal assistance with protective orders, custody, visitation, child and spousal support, divorce, and other legal needs.

Challenges

Staffing of Attorney Positions

There has been some turnover in the attorney positions, with the Montgomery County position particularly difficult to fill. Better success was achieved after OVW approved changing this position from 30 hours a week to full time. House of Ruth estimates that several hundred victims needing legal services are not receiving them because there were not enough attorneys to handle their cases.

Lack of Pro Bono Attorneys

House of Ruth has found that few private attorneys are willing to take divorce and custody cases, particularly those involving domestic violence. Private attorneys in the state are not required to provide *pro bono* services (they must report the number of pro bono hours provided, but that number can be zero).

Funding Concerns

These include likelihood of cutbacks in Maryland Legal Services Corporation funding (which supports 25 percent of HR's legal clinics), uncertainty with regard to IOLTA funding, and difficulties filling grant funded positions, both because tenure is uncertain and because of gaps between funding cycles.

Utah Legal Services (ULS)

Need for Services

Neither Utah Legal Services (ULS), a statewide law firm, nor its LAV grant partner, Legal Aid Society of Salt Lake (LAS) had sufficient resources to help domestic violence victims

pursue such remedies as child custody, child and spousal support, and property distribution that accompany protective orders. Victim access to civil legal services was particularly difficult in 10 rural counties, which were targeted as part of the LAV grant. Most ULS offices cover a large service area; for example, the Provo office covers Vernal and Roosevelt (3 hours away), Blanding (4.5 hours away), and Price (1.5 hours away). LAS operated a court-based program in Salt Lake City that provided assistance with *ex parte* protective orders and represents victims in protective order hearings, and its family law attorneys represented both domestic violence victims and other clients in divorce and custody cases.

Objectives

The primary goals of this project were to

- Increase the capacity to represent domestic violence victims in family law cases (custody, support, divorce).

- Increase protective order assistance to victims, particularly those with custody issues and those living in rural counties

- Assist more domestic violence victims/clients with legal issues such as housing, health, and public benefits

ULS and LAS had always divided responsibilities for services within Salt Lake County and cross-referred clients. They also shared a long-term goal to operate a centralized intake unit (creation of such a unit was not an LAV project objective). The project also sought to recruit and train *pro bono* attorneys in both rural areas and in Salt Lake County. Objectives for the statewide domestic violence commission (UDVAC) on this project included informing victim advocates of the expanded legal services available under the LAV project; providing training for *pro bono* attorneys and legal services staff, and providing advice on LAV project implementation.

The continuation application specified two additional target areas, increasing the counties served from 10 to 12. The continuation grant also proposed a new (reduced) list of products to work on. It emphasized delivery of *pro se* clinics, building on those developed during the initial grant period, and proposed additional clinics.

Approach and Results

The initial LAV grant application did not name specific rural counties that would receive increased services. ULS wanted to target areas that had not used or heard of ULS services but

that had a domestic violence program through which ULS could conduct outreach and offer legal services. ULS searched court filings to identify counties with low numbers of protective orders petitioned in and granted by courts, and ULS and LAS decided that LAV-funded services would focus particularly on 10 counties identified as in need of legal services in the UDVAC survey: Box Elder, Cache, Rich, Morgan, Summit, Juab, Piute, Garfield, Kane, and San Juan.

LAV funding was used by ULS in support of a project director (based in the Salt Lake City office), client services coordinator, four attorneys (two in the Provo office, one in Ogden and one in Monticello), and five paralegals. It also funded one-half of a LAS attorney position. Some of these positions (e.g., project director and Ogden office attorney) were new positions created with LAV funds; some were existing positions previously funded by another source; and others (e.g., the Monticello office attorney) were existing positions whose hours were increased with LAV funding. Because ULS has a large service area, attorneys accepted a varied caseload of both LAV and non-LAV cases so that they could maximize their resources when traveling to rural areas on circuit. Attorneys who increased their hours with receipt of the LAV grant were able to cover a wider geographic area, reaching more victims in rural, under-served areas. Other ULS attorneys handling family relations and related matters (e.g., housing, health, public benefits matters) for domestic violence victims billed cases to the LAV grant. LAV-funded paralegals generally assisted both LAV and non-LAV funded attorneys with domestic violence related cases.

Highlights of Accomplishments

Pro se Clinics

Because of its large service area, ULS found that *pro se* clinics were an efficient way to deliver services to domestic violence victims and other clients. At the time of the initial LAV grant application, ULS regularly conducted at least five *pro se* clinics covering a variety of issues, including protective order, consumer, divorce, and landlord/tenant issues. Some clinics also provided short, free consultations to individuals. Some clinics were specifically for divorce and custody issues, although the majority of clinics were non-specialized. Clinics were generally staffed by an attorney assisted by volunteers, scheduled in the evening, and held in locations such as YWCAs, local libraries, hospitals, and community centers. Clinics were the result of

different collaborations, for example, the Tooele clinic was sponsored by ULS, the local District Court, and a University of Utah *pro bono* initiative.

ULS' *pro se* clinics were a successful use of LAV grant resources. ULS received positive feedback from clinic participants and court and victim advocate staff. Court staff found that when victims had attended a clinic, it saved them time and made for smoother hearings, as paperwork was generally filled out more completely and participants understood the court process. Attendance at the clinics was generally at capacity (five to 12 participants).

Use of VISTA Volunteers for Outreach

ULS received a 3-year VISTA grant for six full-time volunteers, who assisted with outreach to the courts, shelters, local coalitions, and others. By the end of the first full project year, ULS staff or volunteers had visited every courthouse in the state, increasing the number of requests for protective order assistance statewide, and in turn, increasing the demand for assistance in family relations cases.

Challenges

Staff Turnover

In mid-2000, ULS experienced significant attrition of both LAV and non-LAV funded staff, which made it difficult for the agency to meet the demand for services. Much of the attrition was due to a gap of several months in LAV funding between the first and second grant cycles. Attrition came at a time when demand for services and caseloads were increasing as a result of successful LAV-funded outreach activities and referrals. The remaining staff attorneys did not have the resources to accept many family relations cases.

Demand for Family Relations Assistance Exceeds Capacity

ULS was not able to meet the family law needs of all domestic violence victims who sought its services. In 2000, the ULS intake line turned away more than 700 over-income clients. ULS was able to meet most protective order needs of domestic violence victims who sought its services.

Legal Aid Society of San Mateo: Stop Abuse Legal Collaborative

Need for Services

For this project, the Legal Aid Society of San Mateo partnered with two victim services agencies, the Center for Domestic Violence Prevention (CDVP) and Sor Juana Ines Services for Abused Women (Sor Juana). The Legal Aid Society was the only agency in the county that offered family law *representation* to low-income residents. It had only one staff attorney position dedicated to family law work. In January 2000, the Legal Aid Society moved away completely from LSC funding. Without an LAV grant, it would have had to reduce its family law and domestic violence work. CDVP had one attorney who supervised the CDVP legal program, which provided advice and some representation to restraining order petitioners and telephone advice on other issues. Sor Juana had no staff attorney or legal program; two counselors provided legal information and assisted Spanish-speaking domestic violence victims with petitions for restraining orders.

All three agencies were routinely forced to turn away needy clients. In addition, legal services were poorly coordinated, and victims were sometimes referred back and forth to different agencies without receiving the assistance they needed.

Objectives

In this project—the Stop Abuse Legal Collaborative, or SALC—each of the three organizations took the lead on a separate activity to create a continuum of services. Key objectives were to

- Continue providing legal representation in family law cases (Legal Aid Society, two attorneys)
- Develop a *pro bono* attorney program (one attorney-coordinator position, Sor Juana)
- Provide assistance with restraining orders; supervise hotline and enhance hotline protocols (CDVP, one attorney position)

Approach and Results

The two LAV-funded attorneys at the Legal Aid Society continued the type of cases they handled prior to the grant; that is, one attorney primarily handled dissolution cases (including associated custody provisions). The other worked mainly with pregnant and newly parenting

teens on restraining order cases and also helped them address public benefits, housing, advocacy and other needs. The three SALC agencies frequently referred clients to each other. This was a core activity of their LAV-funded project because each agency was responsible for a discrete project activity.

Highlights of Accomplishments

Coordination of Services

The project clarified distribution of responsibility for domestic violence-related legal services in the county among the three partner agencies. While the Legal Aid Society focused on representing clients, the two victim services agencies did some representation and otherwise focused on helping *pro se* victims, especially with their restraining order cases. In this way, the agencies maximized the number of victims they helped. The CDVP LAV-funded attorney was a vital part of the one-stop shop for restraining orders established at the Superior Court. Her presence in court helped increase the efficiency of the calendar, collaboration with court staff, and monitoring of the needs of victims.

Advocacy for System Change

The SALC partners used the county's Domestic Violence Council and its Legal Process Committee to work for systemic improvements. These included a judges' bench card, the shifting of the Superior Court away from using *pro tem* judges for family law and domestic violence cases, establishment of a protocol for providing interpreters (where needed) to victims seeking restraining orders, and indirectly, the establishment of the domestic violence calendar.

Challenges

Recruitment of Spanish-Speaking Attorney and Paralegal

The Legal Aid Society already had the LAV-funded family law attorneys in place but was unable to recruit a Spanish-speaking paralegal as intended. Sor Juana had trouble recruiting a Spanish-speaking attorney to fill its *pro bono* coordinator position, primarily because of the low salary being offered (it took six months to fill the position). Sor Juana began recruiting *pro bono* attorneys while attempting to fill the coordinator's position.

High Demand for Services Required “Triage” Approach to Client Intake

Because more victims sought services from the SALC agencies than they could handle, the agencies developed informal criteria for selecting cases that would receive LAV-funded services. For example, the Legal Aid Society generally prioritized victims who were already in the legal process (e.g., had begun the separation process or had a restraining order in place), and the attorney working with teen mothers gave priority to cases where there was a significant age difference between the parties. For assistance with protection orders, Sor Juana and CDVP gave priority to shelter residents and victims who had experienced a domestic violence incident or threat within the past two months.

Loudoun Abused Women’s Shelter (LAWS) Legal Services

Need for Services

Prior to the LAV grant, the staff attorney at Loudoun Abused Women’s Shelter (LAWS) Legal Services worked only three days a week. Created in 1985, LAWS (formally Loudoun Citizens for Social Justice) is the only domestic violence program in Loudoun County, Virginia, a fast-growing jurisdiction whose population is expected to reach 300,000 by 2010. Before LAWS began operation, there was no domestic violence shelter in the entire county. If there is no room in the LAWS emergency shelter, then the agency may pay to have victims stay in a motel or refer them to a shelter in a different county. LAWS began its legal services program in 1993.

Objectives

The overall goal of the project was to continue and strengthen the LAWS Legal Services program so that the unmet civil legal needs of victims of domestic violence in the county could be more effectively addressed. Unlike most other LAV projects studied, this project had no formal grant partners; rather, the grant more fully funded and staffed an existing program, permitting an attorney to work five days a week rather than three.

The caseload primarily involves protection orders, enforcement of those orders, custody, visitation, support, and modification of the orders it obtains for clients.

Approach and Results

The LAV funding covers a full-time attorney, a full-time paralegal, and a part-time victim advocate. LAWS Legal Services is an integrated part of the larger LAWS domestic violence program, and almost all legal services clients receive assistance from LAWS licensed counselors, victim advocates, and other staff and resources.

LAWS Legal Services reported that it served a total of 1,247 clients from July 1, 1999 through June 30, 2002. Included in this total were 305 consultations about protective orders, and 209 court appearances on behalf of clients seeking protective orders. In all of the emergency, preliminary, and permanent protective orders that LAWS applied for during this period, the court granted a total of 304 and denied only 14 (additional outcome information available). The LAWS LAV project was targeted to African Americans, Hispanics, Immigrants/Refugees, Disabled, Elderly and other Non-English speaking clients.

Highlights of Accomplishments

Civil Legal and Advocacy Services Provided “Under One Roof”

Because of the comprehensive nature of the LAWS agency, many of a domestic violence victim’s most pressing needs can be served under one roof (or two, including the emergency shelter). A client of the legal services program is really a client of the agency as a whole. LAWS finds that it is sometimes easier for a domestic violence victim to call a lawyer rather than an emergency shelter. Once a client comes in through the legal services program, the entire agency’s resources are made available to her. Similarly, women who come to LAWS through one of its other programs are often able to access the legal services. Client assessments of services received consistently have been very high.

Training for Shelter Program Volunteers

During the grant period, LAWS hosted at least 5 lengthy (approximately 30 hours) trainings for agency volunteers. The LAWS attorney presented on domestic violence legal issues during these trainings.

Progress Toward Coordinated Community Response

LAWS works with other social services, church, and government agencies. The victim witness program in the Commonwealth Attorney’s Office provides important assistance, as does

child protective services, the county mental health agency, and other entities. For the past two years, representatives of many of these agencies have been meeting monthly as part of a county domestic violence coordinating council. The efforts of this council have shown some initial promise toward establishing a coordinated community response to domestic violence, and the availability of a full-time LAWS attorney has clearly helped advance the domestic violence movement in Loudoun County.

Challenges

Limits on Number and Type of Cases Accepted for Representation

Because of its limited resources, LAWS Legal Services has somewhat restrictive criteria for the clients it agrees to represent. For example, it only represents clients who have been victims of physical violence and rarely handles contested divorces. It attempts to refer cases that it does not have the capacity to handle to Northern Virginia Legal Services or private attorneys.

Need for Law Enforcement Improvements

Although the Leesburg Police Department has a detective who specializes in sexual assault and domestic violence cases and participates on the local domestic violence coordinating council, other local law enforcement agencies appear to have done less in terms of organizational responses to domestic violence. While some interviewees indicated satisfaction with law enforcement's response on individual domestic violence cases, others suggested that there have been many instances when officers have not responded appropriately. Several interviewees advocated for increased domestic violence training for local officers.

Court Reluctance to Grant POs Absent Physical Injury

LAWS staff report that even though Virginia law does not require a physical injury, the local judges will not grant a protective order in the absence of one. Interviewees expressed concern that if a protective order is applied for but not granted, the home situation can become even more dangerous.

Montana Legal Services Association

Need for Services

Montana has 56 counties and seven tribal reservations³ spanning more than 145,000 square miles. In 2000, population density in the state averaged 6 persons per square mile. Montana Legal Services Association (MLSA) is the only civil legal services provider for low-income residents of Montana. While MLSA has been helping victims of domestic violence since 1968, by the early 1980s it began limiting its family law cases to only those cases involving domestic abuse. MLSA sought LAV funding so that it could assist more domestic violence victims with their civil legal needs.

Objectives

MLSA's long-term goals for the LAV project were to

Coordinate civil legal services delivery to domestic violence victims and

Improve access to the civil legal system for low-income domestic violence victims.

MLSA planned to achieve these goals through community education and outreach (including educating law students); pro bono attorney recruitment, training, and support; and direct representation of clients through a newly-created Domestic Violence Unit with 11 offices located across the state.

Approach and Results

LAV attorneys spent the majority of their time on contested divorce, custody, and support cases that involved domestic violence. In many instances, efforts to provide services to clients with multiple legal issues was tempered by a shortage of staffing, time, and other resources. While representation was a primary mode of service delivery, MLSA relied heavily on providing services through brief advice and preparation of legal briefs and forms, and on referrals to victim services providers. MLSA very rarely represented domestic violence victims in court for an order of protection hearing (attorneys assisted with this in special circumstances, e.g., when the batterer is represented). However, MLSA did organize and run pro se clinics for victims of domestic violence to help complete forms and prepare for court.

³ Blackfeet, Rocky Boys, Flathead, Fort Belknap, Fort Peck, Crow, and Northern Cheyenne.

Highlights of Accomplishments

Case Management System

MLSA was able to make a significant contribution to the evaluators' data analysis efforts because of the detail contained in its case management database; these data had been maintained for a number of years, permitting analysis of family law cases pre- and post-LAV.

Challenges

Staff Recruiting and Financial Issues

Project implementation proved difficult for MLSA because of problems in recruiting new attorneys to staff the Domestic Violence Unit. After cutbacks from LSC, which reduced MLSA's staffing resources by 48 percent,⁴ agency staff felt they were already starting from a deficit. MLSA planned to hire five attorneys for the project with LAV funding. They were successful in hiring three. Reasons reported for the difficulties were low pay, lack of assistance in helping attorneys pay back student loans, and the locations of some of the offices (e.g., sparsely populated, rural areas). MLSA fostered a relationship with the state bar association to help increase pro bono coverage, but private attorney involvement did not increase as much as MLSA would have liked.

Relationships with Advocacy Services and Tribal Organizations

MLSA had little contact with victim services providers throughout the state prior to the LAV grant. MLSA was challenged to help victim services providers understand the limitations of its services. MLSA targeted some of its outreach to tribal reservations but encountered considerable reluctance to the idea of non-tribal attorneys providing services. High staff turnover of tribal services providers made it difficult to establish solid, long-term relationships; however, MLSA continued to explore ways to support a tribal coalition.

Women's Law Project (New Jersey)

Need for Services

The Women's Law Project (WLP) is currently the only active program of its parent organization, the National Center for Protective Parents, which was founded in 1992 to train

attorneys about child sexual abuse and battery of women. Before the LAV grant, the only other source of legal assistance for low-income domestic violence victims was the LSC grantee, which has only limited resources for handling protection order matters. WLP is the only legal services agency assisting battered women seeking divorce and related remedies. Assistance was particularly needed with orders of protection, such as changes in visitation or child support.

Objectives

- Provide legal services to victims of domestic violence

- Provide training to *pro bono* attorneys willing to provide civil legal assistance to victims of domestic violence

- Support and train legal advocates associated with other agencies providing services to victims of domestic violence

- Develop and distribute a Family Court Manual designed to assist *pro se* plaintiffs.

Approach and Results

WLP serves Mercer, Burlington, and Ocean counties. The LAV grant allowed WLP to increase staff by hiring an executive director; a full-time attorney for Mercer County, two part-time attorneys for Burlington and Ocean Counties; and an administrative support position. A portion of grant funds was also used to pay court filing fees. Partners include two victim advocacy organizations serving the three counties; a program serving battered immigrant women threatened with deportation; and the state domestic violence coalition. Unlike most other LAV grantees, WLP charges for its services on a sliding scale

Highlights of Accomplishments

Legal Assistance with Divorce, Support, Custody, and Other Issues

Although some assistance is available with protective orders from court clerks, victim advocates, the LSC grantee, and other sources, WLP is virtually the only source of assistance with support, custody, divorce, and related matters.

⁴ Figure provided by MLSA.

Publication and Training Video

WLP published in English and Spanish and distributed *The Family Court Experience: A Manual for Domestic Violence Victims*. A second product is a training video for *pro bono* attorneys.

Challenges

Lack of Pro Bono Attorneys to Take Domestic Violence Cases

Cases for which the public defender is unable to provide staff attorneys are assigned by the Supreme Court to attorneys to meet the state's mandatory *pro bono* rule (20 hours annually). This limits the availability of *pro bono* attorneys to take on other cases, including domestic violence cases. However, a large private law firm in Trenton provides *pro bono* services, upon assignment by the court, for victims seeking final protection orders where the abuser is represented.

Need for Additional Legal Staff to Meet Demand

WLP turned away approximately 175 victims requesting legal services during the grant period. About half were referred to other legal resources and half to social services.

Pine Tree Legal Assistance, Inc.

Need for Services

In Maine, funding for legal services on a per capita basis is among the lowest in the Northeast. Although private attorneys are actively involved in *pro bono* work, the need simply outweighs the level of *pro bono* counsel available. While victim assistance organizations provide many direct services, they do not have attorneys on staff to meet legal needs. Victim advocacy staff and trained volunteers help clients obtain protection from abuse (PFA) orders, but they are not able to assist victims in court with other matters, such as those related to divorce, custody, and child and spousal support. Maine's court system ranks 46th in funding nationally; thus, financial resources for court assistance for victims in *pro se* actions is not readily available.

Objectives

Provide high quality, free representation in contested PFA and family law proceedings.

Strengthen direct legal services programs and legal advocacy programs operated under the auspices of domestic violence victim advocacy organizations.

Establish collaboration between legal advocacy organizations and local agencies to provide on-site legal assistance in places battered women are likely to access.

Strengthen *pro bono* civil legal assistance.

Provide access to free, high quality legal education about Maine's legal procedures and rights of victims in family law cases, and to a lesser extent PFA proceedings, and support victims in obtaining court orders on a *pro se* basis

Approach and Results

Under the LAV grant, Pine Tree provides representation in the most complicated PFA cases; information and assistance in *pro se* filing of papers to obtain PFA orders; and where feasible (some courts do not have fixed schedules), legal advocacy in court for additional victims who might not have retained Pine Tree legal assistance. Each of the four LAV attorneys works closely with a partner victim services agency. Two are assigned to central Maine, one is assigned to York County, and one serves as the statewide *pro se* coordinator.

Highlights of Accomplishments

Attorney Availability at Court/Impact on the Courts

The District Court judges interviewed consistently praised the professionalism and availability of the LAV attorneys. They credited the attorneys for knowing when and how to negotiate, resulting in more cases settled outside of hearings; providing more appropriate representation resulting in better agreements; reducing judicial time spent educating *pro se* plaintiffs; their availability in the courtroom to provide “on-the-spot” consultation with a *pro se* plaintiff; and “balancing the playing field” in many PFA cases in which defendants are much more likely to be represented.

Attorney Commitment to Domestic Violence Legal Practice and Advocacy

Unlike a number of other projects, Pine Tree did not have problems recruiting and retaining attorneys. The attorneys hired for the LAV project either had worked with Pine Tree in the past or were experienced in domestic violence cases. In addition, the attorneys' dedication (for example, 24-hour availability, work with community groups and state coalitions) was noted by many persons interviewed during the site visit.

Challenges

Serving Remote Areas

One LAV attorney had a particularly difficult workload because of various factors in the rural areas the attorney served (dealing with several courts/court schedules, travel time to court and client meetings, lack of available private attorneys to take cases *pro bono*).

St. Mary's University School of Law (San Antonio, Texas) Battered Immigrants Civil Legal Assistance Project (BICLAP)

Need for Services

As much as 36 percent of the population in South Texas, the area served by the BICLAP, are immigrants, 60 percent of whom are from Mexico. Prior to the LAV grant, immigrant victims of domestic violence often went without legal assistance. This was especially true for undocumented immigrants, who are not eligible under Legal Services Corporation guidelines for its grantees (Texas Rural Legal Aid in the San Antonio area). Nearly one-quarter of the San Antonio population lives below the poverty line, and in rural areas of South Texas, the poverty rate is as high as 50 percent. In Texas as a whole, domestic violence accounts for over one-fifth of all violent crime. Shelters and advocacy organizations in the state report that immigrants constitute a substantial proportion of all battered women seeking help from these agencies.

Objectives

The primary project goals were to

- Provide legal services to battered immigrant women
- Strengthen the clinical law program to train lawyers to meet the needs of battered immigrant women
- Coordinate with battered women shelters to ensure that the clinic clients receive immediate assistance for their specific needs
- Create a corps of attorneys sensitive to the needs of battered immigrant women among graduates of St Mary's Law School
- Provide training to non-legal services agencies working with battered immigrant women and community education
- Develop written materials for use by attorneys and legal advocates.

Approach

The Battered Immigrant Civil Legal Assistance Project (BICLAP) is part of the clinical law program at St. Mary's University School of Law. The clinical law program operates four clinics (civil justice, criminal justice, immigrant law, and community development) and has eight faculty staff members and seven additional staff (including five paralegals). BICLAP is part of the civil justice clinic. LAV grants awarded in July 1999 and December 2001 provided funds for one attorney and one paralegal. The south Texas service area covered by BICLAP encompasses Bexar (San Antonio), Webb, Val Verde, and Maverick counties. The last two counties have populations under 50,000. Project partners included Texas Rural Legal Aid (includes the former Bexar County Legal Aid); the San Antonio Police Department, Victim Advocacy Section; the San Antonio Family Violence Prevention Service (operates the Battered Women Shelter); and Benedictine Resource Center.

The majority of legal services provided by BICLAP include immigration, divorce, spousal and child support, and child custody. The project also does some work on wills and other estate planning documents; public benefits, including housing; credit issues; and protection order representation, primarily where the District Attorney's Office has identified conflicts or eligibility issues. BICLAP also cross-refers cases to the other two litigating clinics at the law school; established a working relationship with the Mexican consulate offices in Texas; and has trained and recruited *pro bono* attorneys specifically on serving immigrants who are victims of domestic violence.

Highlights of Accomplishments

Successful Administration of Legal Services Program in a Learning Environment

At St Mary's, the BICLAP supervising attorney is responsible for 8 law students, each of whom is responsible for 3-7 cases (40 total). Each law student must work at least 15 hours per week with clients and their cases. In practice, most students work 20-25 hours per week. The work requirement is expected to be completed during regular business hours to match up with the hours of the court and District Attorney. Classroom instruction (an additional 3 hours per week) includes lessons on the dynamics of domestic violence.

Students are responsible for arranging coverage of their cases when they are absent from campus. During the graduation period (May), student volunteers continue the work of the graduating clinic students. St. Mary's has two summer sessions at which the clinical program is offered to a reduced number of students. However, no new cases are accepted during this period, except for emergency situations, because more time is needed for students to learn to work with clients who are from different cultures and may distrust the justice system, including attorneys.

Holistic Approach Focused on Victim/Client Needs

The BICLAP clinic has access to the other law clinics and to services (e.g., safety planning) provided by the University's Counseling Center. The Law School will also pay for related legal costs such as transcripts. In addition, money for other client non-legal needs are available from a fund set up by other charitable Catholic organizations. The BICLAP also maintains a small inventory of donated clothing, furniture, and food that it can provide its clients as needed. The clinic also refers clients to a support group of domestic violence survivors; weekly evening meetings are held at the clinic center. The clinic hopes to start a counseling program for children accompanying their mothers to the support group meeting.

Relationship with Mexican Consulate and INS

At a training for legal service providers in Del Rio, a Mexican consulate official learned about BICLAP. This resulted in a separate conference presentation for Mexican consulate officials in Texas, with about 45 attendees. On-site interviews suggest that the BICLAP clinic has also affected the way in which some INS agents deal with battered immigrant women. In several instances, INS agents who learned of the project in deportation proceedings have called on the project to accept referrals of immigrant women who have been victims of domestic violence and may be eligible for lifting of deportation proceedings.

Preparation for Public Interest Law Careers

This project has trained law students specifically on needs and issues relating to domestic violence faced by immigrant women. It has provided a unique opportunity for many students to work for social justice as part of their life objectives as practicing attorneys. The BICLAP clinic reinforces that commitment by giving the students confidence that their professional skills will allow them to succeed both personally and professionally. In this way, the clinic has increased

the pool of attorneys in the San Antonio area willing to accept cases involving domestic violence matters. In addition, 40 or so practicing attorneys have received training on representation in domestic violence cases.

Challenges

Waiver of Filing and Publication Fees

State law provides for waiver of filing fees in order of protection cases; however, in the rural counties, waiver may be challenged by the court clerks. In Bexar County, the clerk recognizes that Texas Rural Legal Aid screens for financial eligibility and does not challenge fee waiver. A second problem is waiver of publication fees, where service is by publication. These fees (which can be as high as \$300) are waived in Bexar County, but not Val Verde.

Limits on PO Representation by District Attorney

Most petitions for an order of protection in Bexar County are filed by the District Attorney's Office. However, the District Attorney will not accept protection order cases where there has not been a police report filed within the past 30 days. The Office will also refuse cases where the complainant has dropped a request for a protection order three or more times. Often, however, these latter cases are referred to the LAV project (many ADAs are graduates of the St. Mary's law clinic program).

Sanctuary for Families (New York City): Expansion of Courtroom Advocates Project

Need for Services

Sanctuary for Families (SFF), which provides shelter, counseling, and many other services to domestic violence victims, administers the Center for Battered Women's Legal Services (CBWLS), of which the Courtroom Advocates Project (CAP) is a component. Before CAP, most complainants had to appear *pro se* when requesting civil orders of protection; the only assistance available was from a clerk of the court after the victim prepared her hand-written statement. Attorneys were available for contested petitions through the assigned attorney program of the court (18b Panel) for complainants who were indigent. However, due to low pay, recruitment of attorneys for these panels has been difficult, and they are almost never assigned at

the first, *ex-parte* appearance. Assistance for victims with other types of legal problems was even more limited. Often, the court was unaware of the domestic violence background in divorce or other family law cases. The CBWLS had only four attorneys available to help women, and *pro bono* help from private attorneys was also limited.

Objectives

Working with the CBWLS director, CAP's current director founded CAP when she was a third-year law student interning with CBWLS. CAP uses law student advocates to assist victims seeking protective orders *pro se* in Family Court. CAP was about one year old at the time of LAV grant application and served only the Family Court in Manhattan. The overall goal was to expand CAP into three additional boroughs (Queens, the Bronx, and Brooklyn) and later into the fifth borough (Staten Island). Key objectives were to

- Help domestic violence victims obtain protective orders through court advocacy services provided by trained law students

- Provide legal representation by staff and *pro bono* attorneys, as needed, to resolve other civil legal problems, including immigration matters

- Provide domestic violence victims with safety planning and support services.

Approach

Advocacy assistance with protection orders is provided primarily through volunteer law students and summer associates from New York City law firms.⁵ At the time of the site visit, there were 9 law schools and 25 law firms involved with CAP. A CAP coordinator at each law school recruits students to become CAP advocate volunteers and schedules them to appear in the Family Court to assist petitioners. Volunteers are trained in 5-hour sessions on domestic violence dynamics, family offense law, and their specific duties. A comprehensive *Training Manual* for CAP was prepared for the student advocates.

CAP staff attorneys, one in each of the four boroughs served by CAP, supervise the CAP advocates and provide full legal services to clients. The staff attorneys funded by the grant include the CAP Director, two other CAP borough supervisors, one borough supervisor at the New York Legal Assistance Group (NYLAG), and an immigration attorney at SFF for one-third time. An attorney funded through other sources at SFF serves as a supervising attorney in the

Bronx. In addition, NYLAG has a law clinic through arrangements with local law schools. Students in the clinic may provide representation to clients under the supervision of a CAP staff attorney. CAP has also developed a network of volunteer attorneys through 25 cooperating law firms that encourage their attorneys to volunteer for *pro bono* assignments. CAP provides training to *pro bono* attorneys and offers support, as needed, from the CAP staff attorneys.

The types of legal assistance provided by the staff and *pro bono* attorneys include family law matters (divorce, child custody, visitation, child and spousal support), immigration matters, and government benefits (public assistance, housing). CAP attorneys carry a caseload of approximately 20 clients for full representation. This is in addition to the approximately 30 ongoing student cases that they supervise. SFF attorneys who are not funded by CAP may also accept referrals for family law services, and CAP refers some housing law cases to the Legal Aid Society, which specializes in these cases.

CAP staff attorneys are all trained to provide safety planning services and to identify when referrals should be made to SFF non-legal staff for such services as counseling, emergency and transitional housing, counseling and other programs for children and teens, substance abuse treatment, employment preparation, mentoring, and others. CAP and SFF also work closely with and make referrals to community organizations serving Asian, South Asian, Latina, Korean, and Arab-American immigrant groups. In addition, the SFF Immigration Intervention Project does extensive outreach with ethnic-based community organizations, hospitals, and religious organizations.

Highlights of Accomplishments

Holistic Approach to Providing Advocacy Services, Legal Representation, and Referrals

Statistics available at the time of the site visit (mid-2002) indicated that in the past 18-month grant cycle, CAP provided advocacy services for 1,039 victims. CAP attorneys appearing in complex cases, handled a total of 583 matters. In addition, *pro bono* attorneys and other legal services agencies accepted a significant number of referrals of family law, immigration, and housing cases. Finally, CAP attorneys and law student advocates were linked into the network

⁵ The law students appear in court solely as volunteer advocates. They do not provide legal representation under the student practice rule issued by the state courts.

of support services provided by SFF, and the project made other referrals to organizations serving various immigrant groups.

Increased Attorney, Law Firm, and Law School Involvement

Nine law schools and 25 law firms participated in the CAP program. CAP data indicates that it has recruited and trained a total of 2,838 CAP advocates. A valuable area for follow-up research would be to assess the extent to which CAP participation has affected the advocates' long-term interest in public service and domestic violence legal representation and their willingness to provide *pro bono* services as practicing attorneys.

Improved Family Court Procedures

Some court clerks and judges report that changes have occurred in the way that the clerk's staff reviews petitions for orders of protection. It is reported that the interviews with petitioners are more probing than before, a response to the clarity and detail that CAP advocate-prepared petitions demonstrate. CAP has also led an initiative with the Family Court Administrative Judge for New York City to revise the forms used by petitioners to ask for orders of protection and make the forms consistent in all five boroughs.

Challenges

Funding and Expansion of Service Areas

CAP continues to expand its services. With support from LAV continuation funds, CAP began working in the fifth borough (Staten Island) in mid-2002 and expanding its assistance with immigration law issues; and with a non-VAWO grant, a CAP project in Richmond County was scheduled to begin in spring 2003. However, not all sessions of the Family Court are covered by CAP volunteers. CAP operated periodically at Bronx Night Court, but not at the Night Court sessions in the other boroughs. SFF has full-time fund-raisers, and while part of the cost of CAP will be supported by SFF, the cost of attorney supervisors is probably more than SFF can easily absorb. In addition, the shortfall in city tax revenues makes this a difficult time for the Family Court to provide CAP funding.

Management of Multiple Project Components

CAP requires extensive, continual coordination and oversight, including recruiting, scheduling, and supervising law student advocates; reinforcing organizational ties with SFF, NYLAG, and the law firms and law schools supporting CAP; training, supervising, and supporting staff attorneys; maintaining case management and other record keeping systems; and extensive community outreach. CAP functions well and appears to have had significant impacts. However, the complexity of the project and demands on project leadership should be acknowledged and will require continued support to achieve goals for expansion, and to continue efforts to strengthen linkages with the criminal justice system, borough presidents' task forces on domestic violence, organized bar groups, and others.

SafePlace,⁶ Travis County (Austin) Texas

Need for Services

Victims of domestic violence had difficulty identifying civil legal services providers, since the various providers had different eligibility criteria and limits on caseloads because of insufficient staff. Problems in matching clients with service providers led many victims to stop looking for legal assistance. This situation was further complicated because of the practice of many batterers going to the legal service providers before the victim could and asking for legal help. In addition, the legal services providers needed to increase their capacity to take cases. The Travis County Attorney has a special unit that represents victims seeking orders of protection, so the need was greatest for representation in other family law matters (e.g., child custody, visitation, support; divorce), as well as in other legal matters affecting victims' long-term well being (e.g., immigration, employment, housing, public benefits).

Objectives

- Coordinate provision of services through a formal system for cross-agency referrals
- Expand the number of *pro bono* attorneys willing to provide civil legal assistance to victims of domestic violence and provide training for these attorneys
- Expand legal services to victims of domestic violence.

⁶ The Travis County Domestic Violence and Sexual Assault Survival Center does business as SafePlace.

Approach and Results

The LAV grant provided funding for four attorneys: a legal services attorney-coordinator at SafePlace (the victim advocacy organization that administered the grant), and one attorney each at Legal Aid, the Women's Advocacy Project, and the University of Texas Law School Domestic Violence Clinic. The grant also paid for some litigation costs (e.g., transcripts, depositions, psychological evaluations).⁷ The SafePlace attorney-coordinator also trained SafePlace staff to help clients prepare for court hearings and provided support for them at court. A training curriculum for private attorneys was developed under the grant; and the Women's Advocacy Project provided a package of forms for *pro se* victims/clients. Volunteer Legal Services (which was not funded under the LAV grant) was a valuable resource for *pro bono* attorney assistance.

Highlights of Accomplishments

Coordinated System for Referrals to Civil Legal Services

The single most important result of the grant was the establishment of a system for coordinating and simplifying the process of referring victims/clients to the partner agencies and to Volunteer Legal Services and the County Attorney. This was accomplished through (1) assigning coordination responsibility to a SafePlace attorney, (2) monthly meetings of the grant partners, and (3) informal consultations among the partner agencies. Procedures to determine whether clients followed up on referrals was an important part of the new coordination function.⁸

Increased Capacity to Provide Civil Legal Services

The three principal legal assistance service providers were able to serve more clients because of the increase in attorney staffing. In 1999, the project received 325 requests for legal assistance; 267 were referred to an attorney. Legal representation was provided to 168; project staff attorneys served 136, and 32 were served by *pro bono* attorneys. Over the course of the project, 526 clients were represented by grant-funded attorneys.

⁷ This added capacity ended with the termination of federal funding.

⁸ The coordination mechanism was still in place after the federal funding ended.

Influences on Criminal Justice System

The grant enabled the partners to speak with one voice on important policy issues. For example, they all lobbied the state Attorney General’s Office to consider domestic violence issues when they were relevant to child custody determinations that became part of child support suits. Other results reported were changes in attitudes of judges and prosecutors, especially in responding to petitions for emergency protective orders.

Training Curriculum

The training curriculum for volunteer attorneys, “What Every Lawyer Should Know About Domestic Violence,” included content on domestic violence dynamics, impact on victims, how to screen for domestic violence, and impact of domestic violence on civil legal proceedings.

Challenges

Maintenance of Attorney-Coordinator Position

The referral system is dependent on the availability of a SafePlace attorney-coordinator to make sure it operates correctly. Until local funding is available for this position, federal grant funds will be needed; the existing “bridge” funds provided by SafePlace for the position will not be available indefinitely.

Funding for Staff Attorneys

Legal Aid staff note that OVW has a limit on the amount that can be given one grantee (\$350,000). With the recent merger of many smaller Legal Service Corporation (LSC) grantees (three LSC grantees now serve the state, down from nine), there are fewer legal services providers. Increasingly, potential grantees are in a position of competing with one another for limited federal LAV funds from VAWO. At the same time, there are significant unmet needs for civil legal services for domestic violence victims.

Miami Dade Bar Association (Miami Beach)

Need for Services

The Dade County Bar Association Legal Aid Society (Legal Aid) has attorneys in communities as diverse as the migrant farm labor camps in the Everglades to the urban neighborhoods of Miami; however, the LAV program is focused on Miami Beach. The local

district court in Miami Beach does not hear domestic violence cases or issue orders of protection. The Domestic Violence Court previously had an intake unit on Miami Beach, but due to budget reductions, the court closed the unit and consolidated all intake services at the downtown Miami justice center. After seeing an intake officer downtown and filing a petition, the victim had to come back on another day to see an attorney, and come back on a third day for a hearing (previously, everything but the hearing could be accomplished in three hours). Limited bus service is the only way for many domestic violence victims to access the services in downtown Miami. In addition, it is estimated that over 50 percent of the Miami Beach population is of Hispanic origin and does not speak English. The city also has substantial elderly, gay, and Haitian populations; domestic violence-related legal services are under-used by these groups.

Objectives

The overall goals of the project were to provide free legal representation to Miami Beach victims of domestic violence, and to enhance the quality and quantity of victim services. The focus of the LAV-funded attorney was representation in protection order cases.

Approach and Results

Legal Aid and its LAV grant partners created the Miami Beach Domestic Violence Collaborative, a one-stop center where victims can seek an emergency protective order, receive legal representation, and gain access to shelter, counseling, and a host of other social services. The victim, acting *pro se*, must get an *ex parte* temporary protective order signed by a judge. The LAV project attorney will then represent the victim for the permanent protective order hearing. Legal Aid also provides legal representation for divorce, custody, support, housing, and benefits. Those services are not provided by the LAV project attorney, but rather by other staff attorneys or by volunteer attorneys through the bar association's Put Something Back program.

Victim Services Center, a project partner, provides individual treatment for trauma victims (50 percent of the agency's clients are domestic violence victims). Victim Services Center used LAV grant funds to pay half the salary of a social worker who is dedicated to Miami Beach clients. Safe Space, another program partner, provides shelter, social services, and financial assistance to victims of domestic violence. One of Safe Space's six social workers is funded by the LAV grant and covers Miami Beach, though she is based out of the shelter in North Miami. Safe Space provides services in Creole, Spanish, and English.

Highlights of Accomplishments

Holistic Approach

The Miami Beach Domestic Violence Collaborative is a comprehensive, well-integrated, holistic, and multidisciplinary program. It seamlessly integrates legal services, social services, victim advocacy, and mental health services in a way that maximizes resources to provide assistance to the largest possible number of victims. The existence of a Domestic Violence Court that provides intake officers to interview *pro se* petitioners and prepare the petition and service of process is a tremendous advantage.

Effective Use of *Pro-Bono* Attorneys

Put Something Back, the volunteer lawyer program of the Dade County Bar Association, has over 7,200 participating attorneys, 284 of whom are trained to handle domestic violence cases. Attorneys can receive free CLE credits for attending domestic violence training (offered four times a year) if they agree to take a minimum of one *pro bono* case that year. This is an effective incentive because Florida requires attorneys to receive 30 continuing CLE credits and five ethics credits every 3 years. Put Something Back refers 10 to 12 domestic violence cases each month. The representation is usually to obtain a permanent protective order. Staff attorneys for Put Something Back perform client intake services and make the referrals to the volunteer attorneys. Clients usually can be placed with a volunteer attorney within one day.

Capacity to Quickly Address Nearly All Requests for Legal Services

It is an exceptional achievement that the collaborative provided legal services or obtained a volunteer attorney for nearly every domestic violence victim seeking assistance. It is even more impressive that they can usually find an attorney the same day that one is requested. While there is no vertical representation, wherein one attorney will represent a client on all the legal issues presented, it does not in any way appear to reduce the effective delivery of legal services

Improvements in Police Services

Although court intake and the police department are not funded partners under the grant, they are, nonetheless, 100 percent collaborative. In fact, the project has had a much greater than anticipated impact on the Miami Beach Police Department, which previously had a reputation of being unenlightened on issues of domestic violence, but has now fully embraced the Domestic

Violence Collaborative and is envied by other departments for the added resources their participation offers.

Challenges

Outreach to Immigrant, GLBT, and Elderly Populations

Immigrants (particularly Haitians and undocumented immigrants), and same sex couples are underserved because they do not come in. Two training seminars targeted to Haitian residents attracted no participants. Other outreach efforts included developing a special poster for the GLBT community, and staff attorney speaking engagements at community groups of elderly residents. There is still some resistance among GLBT and elderly populations to seeking services.

New Orleans Legal Assistance Corporation

Need for Services

Louisiana has the second highest poverty rate of any state in the country, with poverty in New Orleans a primary contributor to this problem; and murders by intimate partners occur in New Orleans at five times the national average. NOLAC is the primary civil legal services provider for low income residents of the greater New Orleans area, which includes Orleans Parish (coterminous with the New Orleans city limits) and four other parishes. This service area is more than 2,000 square miles and has a population of more than one million. The greater New Orleans area has a number of agencies that assist domestic violence victims with a full range of needs, including assistance with protection orders (such services are significantly less accessible for victims in rural areas); however, there were critical needs to (1) increase capacity to provide civil legal assistance, especially with long-term family law and other legal matters, and (2) develop a coordinated system for case referrals.

Objectives

The overall goals of the NOLAC LAV project included:

Establishing a “single point-of-entry” and continuum of civil legal assistance for the region’s battered women;

Providing follow-up, long-term civil legal assistance for domestic violence victims on non-emergency civil legal matters;

Offering prompt access to centrally located attorneys for domestic violence victims referred by court-based victim advocates;

Expanding outreach and legal services in more remote, rural parishes; and

Recruiting and training law students and local attorneys to provide *pro bono* and low cost civil legal assistance to domestic violence victims.

Key partners in LAV grant project included Project S.A.V.E. (Spouse Abuse Victim Empowerment)/Catholic Charities of the Archdiocese of New Orleans; the Jefferson Parish and Plaquemines Parish District Attorneys' Offices; St. Bernard Battered Women's Program; the New Orleans Mayor's Domestic Violence Advisory Committee; the New Orleans YWCA; the Metropolitan Battered Women's Program; and the Tulane Law School.

Approach and Results

The LAV grant funded three attorneys in NOLAC's New Orleans office, one attorney in Chalmette, one Project S.A.V.E. attorney, and one secretary/paralegal. Partner agencies other than NOLAC (e.g., Project S.A.V.E., Jefferson Parish District Attorney's Office, or Metropolitan Battered Women's Program) receive referrals from many different agencies; serve as "points of entry" to the civil legal services system; handle emergency legal needs (e.g., protection orders) of domestic violence victims in Orleans, Jefferson, and St. Charles Parishes (NOLAC does protection orders in the more rural parishes of St. Bernard and Plaquemines); and refer clients to NOLAC for more long-term legal matters.

NOLAC family law attorneys provide representation on child custody, child and spousal support, divorce, qualified domestic relations orders (QDROs), enforcement of protection orders, and others matters. Attorneys from other NOLAC units may assist domestic violence clients on public benefits, housing, and other legal issues. NOLAC itself does not provide non-legal victim services (for example, it has no staff counselor to assist domestic violence victims), but it provides cross-referrals to many agencies that address non-legal needs. The attorney caseload at NOLAC at the time of the site visit averaged about 60 active cases per attorney. (The NOLAC executive director reported in October 2003 that this figure had increased to over 100 cases per attorney.) For year 2000, the agency reported intake of 329 new cases.

Other LAV project activities included the provision of training (e.g., to other legal services providers, local judges, bar organizations, law students, and victim services agencies;

development of a Louisiana domestic violence practice manual; and active involvement in the establishment of a Domestic Violence Clinic at Tulane Law School.

Highlights of Accomplishments

Coordinated Referral and Response System

NOLAC and most of its grant partners were well established in the greater New Orleans community long before the LAV grant program, but prior to the grant, each agency's response was more isolated. The LAV partners resolved issues like how clients would be referred from one agency to the next in their "single-point-of-entry" collaborative system and developed uniform referral forms and internal screening protocols. NOLAC's collaboration with its partners appears to have successfully gelled into a system that is making a difference, and battered women are benefiting from access to NOLAC's services in both family law and other areas (e.g., housing, employment, public benefits, etc.).

Outreach to Victims in Rural Areas

Every week, NOLAC attorneys staff an outreach clinic in Plaquemines Parish, which is approximately 50 miles from the nearest legal services provider. With assistance from a victim advocate in the District Attorney's Office who aggressively reaches out to battered women, NOLAC successfully serves many clients whose legal needs would otherwise be neglected. This outreach program is one of the strongest components of NOLAC's LAV grant program.

Assistance with Tulane Law School Domestic Violence Clinic

Tulane began operating a Domestic Violence Clinic at its law school in 2002. NOLAC attorneys were actively involved in training students and getting the clinic started. In addition, a NOLAC attorney has been appointed as an adjunct professor to teach domestic violence and the law to students. The clinic is designed to enable students to address clients' needs beyond emergency assistance to include representation in family law, housing, employment, consumer credit, and criminal matters. The law school has a mandatory *pro bono* requirement: students must have done at least 20 hours of *pro bono* work before graduating.

Advocacy to Remove Court Filing Fees

At the time of the site visit, one of the local courts rarely allowed domestic violence victims to file petitions with the court without the payment of a filing fee: it routinely denied

motions to proceed *in forma pauperis* from domestic violence victims. Since that time, the state legislature finally passed a law prohibiting courts from charging fees for protective orders. The NOLAC executive director comments: “We like to think that our front page article in the local newspaper on the problems of a local court denying close to 100% of all domestic violence clients’ pauper applications had something to do with this.”

Challenges

Reluctance of *Pro Bono* Attorneys to Accept Domestic Violence Cases

NOLAC indicated that it does not use *pro bono* attorneys as part of the LAV grant project, and several interviewees commented on the reluctance of private attorneys to take on domestic violence matters. This is unfortunate, because New Orleans has an active non-profit agency—the Pro Bono Project—which works closely with NOLAC and finds private attorneys to handle about 1,200 cases per year, with more than half of those cases involving family law matters. However, the cases almost never involve domestic violence. The project does not take on cases in which there is active abuse or if the case involves an emergency situation.

Criminal Justice System/Court Issues

Several interviewees pointed to the fact that Orleans Parish does not have a family court as one of the more negative aspects of the domestic violence legal system in the parish. The Orleans civil district court had no social workers or case screeners to help the court sort out the facts of a case. In addition, the court’s judges are on a rotation system, and at any one time, only three judges are assigned to handle domestic violence matters. The assignment typically lasts for only one year, and it usually falls to the least experienced judges, many of whom are not properly trained in domestic violence issues (the dedication of at least one judge to improving the system was also noted). Complaints about the police included the failure of many officers to enforce civil protective orders, and dual arrests or arrests of just the victim. In the New Orleans Police Department, every district (except one) has just one domestic violence detective. Significant improvements were noted, however, in one police district that had implemented a pilot program to improve the law enforcement response to domestic violence.

Outreach to Immigrant and Migrant Populations

Several interviewees noted that there were sizable Vietnamese and Hispanic migrant communities in the greater New Orleans area, and that there were substantial difficulties in

reaching out to these communities (e.g., brochures available only in English). At the time of the site visit, NOLAC did have a Vietnamese-speaking paralegal working on family law matters.

Resources to Increase Capacity to Address Unmet Needs

There is widespread agreement that there is still a large unmet need for free legal services for New Orleans domestic violence victims. As one observer put it, “The quality of services is usually very good. The quantity of services is nowhere near what it needs to be.” Additional resources could easily and effectively be put to use to hire additional lawyers and legal staff for whom there would be no shortage of clients.

Philadelphia Legal Assistance

Need for Services

Prior to receipt of the LAV grant, Philadelphia Legal Assistance (PLA) had three family law attorneys handling custody, support, protection from abuse and some divorce and paternity cases. Delaware County Legal Assistance Association (DCLAA) had one family law attorney handling protection from abuse cases; and Women Against Abuse Legal Center (WAALC) had three attorneys handling protection from abuse cases. Only PLA consistently represented victims in all domestic relations matters, but it had limited attorney resources to do so. In Philadelphia (population over 1.5 million), 25 percent of residents live below the federal poverty level (8.5 percent live in poverty in Delaware County, which has over half a million residents). Court personnel estimated that approximately 90 percent of domestic violence cases involve unrepresented parties. Another significant problem for the court involves language barriers.

Objectives

The primary objectives of the LAV grant project were to

- Increase representation of domestic violence victims, especially in custody, support, and divorce cases

- Conduct special outreach and education services, particularly in language minority communities

- Increase the visibility of domestic violence resources within the community.

Other objectives were to provide training, collaborate more closely with other organizations, create materials helpful to serving victims of domestic violence, and create a student project with Villanova University Law School.

Approach

The following organizations were project partners:

- Philadelphia Legal Assistance (PLA), Philadelphia
- Women Against Abuse Legal Center (WAALC), Philadelphia
- Delaware County Legal Assistance Association (DCLAA), Chester
- Congreso de Latinos Unidos Domestic Violence Program (Congreso), Philadelphia
- Interpersonal Violence in Asian American Communities (IVAAC), Philadelphia
- Women Against Abuse Shelter (WAA), Philadelphia
- Domestic Abuse Project of Delaware County (DAP), Media.

The LAV grant funded three attorneys and two paralegals. One attorney worked at PLA, one at WAALC, and the third at DCLAA. Of the paralegals, one worked at PLA, while the other split her time between PLA and WAALC.

Primarily, the legal services provided with LAV funding focused on issues of child custody (approximately 65 percent of cases), support, and divorce. However, services were also extended by staff attorneys at PLA and the other public interest law firms in other areas of law, such as housing or employment. PLA and DCLAA also provided representation in orders of protection for clients, while at WAALC, representation for orders of protection was provided by non-grant staff. The legal services partners generally provided direct representation, although depending upon the circumstances, legal advice but not formal representation was provided.

Highlights of Accomplishments

Outreach Efforts

Outreach included conducting training for community groups and social services organizations; taking active part in local bar activities; publishing brochures and other literature; and maintaining an informative website in both English and Spanish. From the beginning, Congreso and IVACC were involved as grant partners; and PLA does outreach and client intake through Congreso and IVACC. The grantees translated various brochures into Spanish and Asian languages and were able to overcome language barriers in dealing with clients through use of bilingual staff and the AT&T *Language Line* service.

Challenges

Reduced Funding of Partner Programs

Mergers mandated by LSC severely cut into the non-LAV resources that were previously available to DCLAA. As a result, DCLAA did not have the capacity to provide as much representation as initially planned. The partnership with Villanova never came to fruition, in part because the law school dean decreased resources available to clinical programs and because of a lack of sufficient student interest to support the project. Furthermore, when DCLAA lost most of its staff, it was left without the resources to supervise or even continue to pursue the partnership.

Pro Bono Issues

The grant partners do not use *pro bono* attorneys on domestic violence cases. The VIP program, which places cases for *pro bono* representation in Philadelphia, has a very difficult time finding volunteers to take domestic violence cases. Furthermore, advocates believe that holistic domestic relations representation for domestic violence victims is complex and requires domestic violence expertise which most volunteer attorneys do not have. Pennsylvania (like the majority of states) does not have a *pro bono* requirement for private attorneys.

Unmet Needs for Representation

While the grant has allowed the partnership organizations to expand services, none of the organizations are capable of completely serving the needs of domestic violence victims. In Philadelphia, victims are still *pro se* in about 90 percent of all order of protection cases, and about 80 percent of custody cases. In Delaware County, demand is such that DCLAA must cut off intake after intake of twenty prospective clients per week. The non-legal services providers offer a whole spectrum of victim services, including advice and other assistance to victims who act *pro se* within the legal system.

Staff Turnover and Recruitment

It was a significant challenge for the grantee partners to recruit, hire, and train attorneys who had experience in family law matters, and who were multi-lingual and otherwise culturally appropriate. These issues resulted in a three-month delay during the important early months of grant implementation. There was also a loss of two staff attorneys around the time that the first grant expired and the partners were applying for a continuation grant. To meet their professional

obligations until the appropriate staff was hired and/or sufficient funding secured, the grantee partners called upon-existing staff attorneys to represent LAV clients.

Capital District Women’s Bar Association Legal Project (Albany)

Need for Services

Providers of free and low-cost civil legal services this tri-county area had only a limited capacity to address the needs of domestic violence victims for legal advice and representation. Before LAV funding, the Capital District Women’s Bar Association Legal Project (The Legal Project) was staffed only by a part-time Executive Director and a part-time (one day per week) intake worker. The Legal Aid Society serving the area assisted some domestic violence victims (and later received an LAV grant to increase its capacity to do so) but has a much lower income eligibility criteria cutoff than does The Legal Project. Albany Law School also provided legal assistance to domestic violence victims but was limited in the number of clients it could take.

Objectives

The Legal Project initially developed service goals for legal representation for 100 victims of domestic violence and the provision of 300 legal consultations at shelters and the main office. Legal advice and representation were to be provided by a combination of staff attorneys and *pro bono* attorneys, who were to receive extensive training opportunities. The LAV continuation grant project included objectives to expand substantially on these service goals, bring the size of the *pro bono* panel up to 60 attorneys, and provide legal consultations and representation for victims of sexual assault and stalking as well as domestic violence.

Approach and Results

LAV funding supported substantial increases in staffing. The Legal Project now has a full-time Executive Director, legal services coordinator, and legal director, as well as two additional attorneys funded part-time through the LAV grant (one of whom serves the YWCA of Schenectady). LAV funding also supports a full-time attorney at Unity House.

The majority of cases handled by the LAV project are for protection orders (temporary and permanent), custody, visitation, support, divorce, neglect hearings, financial matters, and

housing. In addition to court representation, services include phone and in-person consultations on domestic violence and sexual assault at both The Legal Project office and at affiliated victim services agencies. Legal workshops on family offense and related legal proceedings, such as custody and divorce, are also provided by staff and/or *pro bono* panel members when requested by community groups and project partners.

In FY 2001, 461 domestic violence cases (336 consultation only and 125 representation cases) were handled with LAV funding. Services were provided free in all but 8 cases. In the first three quarters of FY 2002, 302 domestic violence cases (170 consultation, 132 representation) were handled (services were provided free in all but one case). The sexual assault and stalking elements of the program began in October 2001, and (as of early 2003), 79 consultations had been provided and 16 cases had been accepted for representation. The Legal Project considered its caseload manageable.

Highlights of Accomplishments

Pro Bono Panel

At the core of The Legal Project's LAV-funded project are the *pro bono* attorneys who directly serve domestic violence victims. At the time of the site visit, there were 64 trained *pro bono* attorneys on the roster, all available to take LAV-funded cases. About two-thirds are used regularly for representation and the remainder take only one case annually. Continuing legal education (CLE) credits and free attendance at Legal Project training programs is offered in exchange for agreement to take at least one case after being initially trained by The Legal Project. Availability of mentoring, advice, and support from Legal Project staff is well received, saves time for *pro bono* attorneys in complex cases, and is a factor in the Project's successful recruitment and retention of *pro bono* attorneys.

Collaboration of Law Firm and Victim Advocacy Organizations

An important aspect of this project is the collaboration among The Legal Project and its victim services partners. A greater number of referrals can now be made to attorneys for legal representation; and shelter and other partner agency staff who help victims with paperwork, such as petitions for temporary protection orders, are now formally trained and have back-up support

from the full- and part-time attorneys at The Legal Project or the full-time attorney at Unity House (if the victim lives in Rensselaer County).

Challenges

Outreach to Transient and Rural Populations

Three continuing problems faced by The Legal Project (both staff and *pro bono* attorneys) are: (a) difficulty reaching the transient (and sometimes non-English speaking) populations who come to Saratoga for the race season; (b) the culture of small rural towns where informal and long-standing relationships and practices are an obstacle to adequate sensitivity to domestic violence issues; and (c) the issue of distance and accessibility of services in rural areas, although attorneys are willing to travel to other locations to meet clients, and clients are given public transit coupons if needed and where transportation is available.

Legal Services of Eastern Missouri

Need for Services

The LSEM Family Law Unit had the largest caseload in the agency but was the most difficult unit to fund. In 1995, LSEM established the Lasting Solutions Program (LSP) to assist victims of domestic violence by providing holistic services and intervention in families where domestic violence is present. Some legal services were available for domestic violence victims from the St. Louis University School of Law legal clinic. However, at that time they were handling perhaps only a dozen family law cases a year. Lasting Solutions had already successfully integrated the services and collaborative partnerships called for by the LAV program but needed to increase capacity to better serve victims.

Objectives

The project goals were to

Help clients feel safe

Help clients obtain orders of protection

Institute or defend civil cases as necessary to provide long-term relief by resolving clients/victims' legal problems associated with the abuse.

Provide more comprehensive social services to develop lasting solutions to reduce incidents of re-victimization.

Provide legal representation to underserved communities, particularly rural victims and deaf victims.

Broaden the scope of clients served to include victims whose assets on paper make them ineligible for services under LSC criteria, but who have no actual access to those funds, and elderly victims of domestic violence.

LSEM was also committed to integrating LAV-funded legal services with other LSEM services (housing, bankruptcy, consumer credit, and other areas), which can be vital for long-term resolution of safety, financial, and other problems associated with the domestic violence.

Approach and Results

LSEM had a long-standing relationship with many of its grant project partners prior to applying for LAV funding. The following organizations were LAV project partners:

Women's Safehouse, St. Louis
Abused Victims Education Network United to Ensure Safety (AVENUES), Hannibal
Washington University School of Law, St. Louis
St. Louis University School of Law, St. Louis
Missouri Coalition Against Domestic Violence (MCADV), Jefferson City
Alternatives to Living In Violent Environments (ALIVE)
Leadership through Education and Advocacy for the Deaf (LEAD)

The grant funded the full-time-equivalent of four staff attorneys at LSEM, which had no difficulty recruiting attorneys to work on the project and did not experience turnover problems.

In the year 2000, LSEM served a total of 3,374 domestic violence victim clients through its Lasting Solutions program. Of that number, 407 received legal representation. Between January 1, 2002 and June 30, 2002, LSEM served a total of 2,220 domestic violence victim clients. The majority of grant-funded attorneys' time was spent on legal representation. In family law matters, legal representation was for the most part vertically integrated, with the same attorney providing services to the client throughout the period of representation. Much of the legal representation related to obtaining and enforcing orders of protection, divorce, custody and support, housing, employment issues, and securing public benefits. As discussed later, *pro bono* attorneys handled a substantial number of protection order cases. The same non-LAV funded staff attorney who handled Juvenile Court abuse and neglect cases also provided collateral legal services for those clients when they needed assistance with orders of protection, divorces, and paternity actions. Housing and employment issues litigated by Lasting Solutions that were related to an incident of domestic violence or divorce were handled as separate cases, usually by different attorneys at LSEM.

Washington University School of Law developed a training manual for law students participating in the domestic violence clinic and drafted a sample brief opposing imposition of joint custody in cases involving domestic violence. A part-time faculty member hired under the grant did not work closely with LSEM or share information on the domestic violence cases represented through the law school clinic. The law school did not continue as a partner for the continuation grant.

Highlights of Accomplishments

Use of *Pro Bono* Attorneys

LSEM has a 20-year-old Volunteer Lawyers Program (VLP). More than 4,000 volunteer attorneys participate in the program, which has been a mainstay of legal services for domestic violence victims in the community. In 2000, 559 domestic violence cases—primarily protection order cases—were placed with volunteer attorneys; in 2001, the number increased to approximately 750. Staff is able to place almost all of the cases referred to the VLP with an attorney, usually within a day. MVADV offers specialized training to all volunteer attorneys. The training is funded by the LAV grant. MCADV also produced a comprehensive training manual, *Justice for All*, which serves as a resource for attorneys, advocates, prosecutors, clerks, and others. The manual was also funded by the LAV grant.

Keeping Pace with Demand for Services

Lasting Solutions receives client referrals from a wide variety of sources—not only from its formal partners under the LAV grant but from other victim services organizations, prosecutors, police, hospitals, faith-based organizations, and others. In addition, outreach activities not funded by the LAV grant—including numerous presentations and task force work by a LSEM outreach worker—directly benefit the LAV project. The Lasting Solutions Program regularly serves clients who are African American, immigrants, disabled, elderly, or live in rural areas. The program's ability to meet the demands for civil legal services was both a tremendous accomplishment and a continual challenge.

There was consensus among attorneys and victim advocates interviewed that every eligible, non-conflicted, victim of domestic violence who requests an attorney can get one. The project provided increased representation for victims in rural areas and elderly victims.

Challenges

Maintaining Capacity to Provide Representation; Continuing Needs for Representation in Rural Areas

Despite its successes, LSEM is challenged to keep pace with the existing demand for legal representation. Judges continue to report that the vast majority of victims who appear before them are not represented by counsel. Some persons interviewed expressed concern about marketing LSEM services to particular groups if it will not have the capacity to serve those potential clients. Many of the rural counties in the LSEM service area have no volunteer attorneys. It would also be extremely beneficial if there were more staff resources available to assist victims in rural areas, as it is nearly impossible to find volunteer attorneys in rural areas who are willing to handle these types of cases.

Needs for Court System Improvements

Several persons noted that law enforcement had significantly improved its response to domestic violence over the last several years, but that improvements in the judicial response were lagging behind other sectors of the justice system. Problems include one-year Circuit Court judge rotations through Family Court, resulting in a lack of experience in handling domestic violence cases and lack a commitment to improve Family Court processes. A need for greater sensitivity and more accurate information from Adult Abuse clerks was also noted.

White Buffalo Calf Woman Society

Need for Services

The White Buffalo Calf Woman Society (WBCWS), founded in 1977, is the only victim services provider on the Rosebud Sioux Reservation, which entirely comprises Todd County, South Dakota—the second poorest county in the nation—and extends into four additional counties. The unemployment rate is approximately 73 percent. WBCWS’s primary mission is to provide safety, shelter, shelter-related services, and outreach services to women who have been victimized by domestic violence and sexual assault and their children. Domestic violence order of protection cases are heard by the civil judge of the tribal court. There are no court-based services for victims of domestic violence; a court clerk can direct victims to forms for orders of protection or refer victims to WBCWS or Dakota Plains Legal Services for further assistance.

Objectives

Prior to the LAV grant, the WBCWS used general funds on occasion to hire private attorneys to represent victims of domestic violence, in cases where WBCWS staff determined that legal representation was critical and funding was available. The goal of the grant was simply to contract with attorneys to provide legal representation to WBCWS clients.

Approach and Results

The bulk of LAV funding is used to pay the contract attorneys who charge the WBCWS a discounted rate of \$45 to \$90 per hour depending on the type of case. The LAV funds also cover 35 percent of the executive director's salary, 90 percent of the grant coordinator's salary, and 50 percent of the salary of a victim advocate who also serves as the comptroller.

WBCWS staff called through the roster of the Rosebud Bar Association asking if the attorneys practiced in the area of domestic relations, if they were interested in taking cases, and if they knew of any other attorneys that might be interested. WBCWS identified three private attorneys willing to represent domestic violence victims for an hourly fee. One had previously represented shelter clients and is located in Pierre, South Dakota, approximately two hours north of the Reservation; one is in Winner, South Dakota, 45 miles east of the shelter; and the third is in Valentine, Nebraska, about 35 miles south of the shelter. The contract attorneys primarily represent shelter clients in divorces, name changes, and custody and support proceedings. At the time of the site visit, WBCWS had a total of 15 cases being handled by the three contract attorneys.

Training was also delivered using LAV funds. Some of the groups that received training included police and court personnel, and victim services providers on staff with WBCWS. The contract attorneys participated in a three-hour orientation training. WBCWS did not enter into any formal partnerships under the LAV grant and was exempted from that grant requirement.

Highlights of Accomplishments

Holistic Approach

WBCWS goes to great efforts to make services easily accessible to victims of domestic violence and sexual assault. The services are well integrated and in many respects are a realization of a "one-stop shopping" model envisioned for the first LAV grants. The White

Buffalo Calf Woman Society is first and foremost a victim services provider. All clients are screened to determine the scope of services required and are assisted in meeting safety, advocacy, and other needs. Those in need of legal services speak with the shelter's legal advocate, who is not funded by the LAV grant. The legal advocate assists in preparing petitions for orders of protection and usually accompanies victims to file the petitions. *Ex parte* and full orders of protection are usually handled *pro se*. If a client needs further legal services, she may be referred to one of the LAV contract attorneys.

Quality of Legal Services

As it has for so many years, WBCWS has found a way to use available resources to provide services—in this instance, through the use of privately contracted attorneys—for domestic violence clients. It appears that they have been successful in providing quality legal representation to those domestic violence victims most desperately in need of it. Feedback from judges and victims indicates that the contract attorneys retained by WBCWS are competent and sufficiently victim sensitive.

Challenges

Recruitment of Contract Attorneys

There was a delay of approximately six months in delivering grant-funded legal representation to victims because of difficulties in recruiting attorneys. While many grantees have been challenged to recruit *pro bono* attorneys, the WBCWS had a difficult time recruiting attorneys to take cases at an hourly rate. Most of the attorneys in this sparsely populated area are general practitioners and are reluctant to do any type of domestic relations work; doing so may result in an attorney alienating half of his client base by representing one side over the other. That problem is only compounded when the case involves domestic violence. The second part of the problem is that it can be difficult to find attorneys who practice in the tribal courts, which requires a special admission.

Prosecution

The tribal prosecutor's office had a poor history of responding to domestic violence. Abusers were often released on personal recognizance bonds and regularly negotiated their own plea bargains in social settings, resulting in many cases being pled down to insignificant charges.

The less than rigorous prosecution of domestic violence cases may be a reflection of (or a resignation to) judicial attitudes on the subject, as the criminal tribal judge favors a sentencing philosophy that does not embrace incarceration for domestic violence. Respondents who violate orders of protection are arrested and prosecuted, although violations are usually not reported.

Case Tracking

WBCWS has used a computerized case tracking system for about five years, but the system does not distinguish cases referred to a contract attorney from cases receiving other types of legal advocacy. The contract attorneys all used paper systems and varied in their provision of written case feedback to WBCWS (ranging from complete, regular reports to an invoice only).

Pisgah Legal Services

Need for Services

Prior to the LAV grant, Pisgah Legal Services (PLS) was the only agency providing free legal representation to low-income domestic violence victims in the six-county service area of Western North Carolina. About 14 percent of the service area's population lives at or below 125 percent of the federal poverty level. In the mid-1990s, PLS used Office for Victims of Crime (OVC) grant funding to create the Mountain Violence Prevention Program (MVPP) to "help victims of domestic violence take legal action to escape violent situations and prevent future violence." However, PLS' legal services were limited to one attorney assisting domestic violence victims through the emergency protection order process. There was no follow up and no long-term legal help for divorce, custody, child support, and other matters.

Objectives

The overall goal of MVPP is to provide a holistic approach to serving domestic violence victims. The specific project goals in the LAV grant application included the following:

- Expand the capacity of PLS to provide free legal representation and counseling to low-income domestic violence victims.

- Provide training in domestic violence and civil legal aid to law enforcement, domestic violence victim service agencies, magistrates, pro bono attorneys, and others.

- Strengthen and build collaborative relationships with domestic violence victim services providers.

Approach

In September 1998 with funding from an LAV grant, PLS expanded the MVPP's capacity in the domestic violence area. LAV funding paid for an additional attorney FTE and one full-time paralegal, as well as some supervisory, administrative, and training costs. MVPP partners with six county-wide domestic violence victims services agencies that assist victims with emergency shelter and immediate support. MVPP intervenes with legal representation to help the victims obtain immediate safety and distance from abusers in the form of protection orders. In addition, it has a variety of experienced attorneys who can assist with such legal issues as affordable housing; monetary support (protecting assets); social services; employment stability; child support, protection, and education, and others, toward the long-term goal of helping domestic violence victims attain independence from abusers and self-sufficiency.

PLS domestic violence attorneys work intermittently on both the OVC project (which focuses almost exclusively on protection orders) and the OVW project (which provides for assistance with both emergency and longer term legal matters (e.g., divorce, custody). This allows for more and quicker availability of legal services. PLS' main office is in the city of Asheville. Its branch offices in Hendersonville and Rutherford both have attorneys present to meet with domestic violence victims on a part-time basis. In addition, approximately 35 pro bono attorneys have handled about 75 domestic violence civil cases annually.

PLS makes extraordinary efforts to represent domestic violence victims at the hearing stage where the abuser has an attorney. In relatively straightforward cases, when the victim expresses a high degree of safety and confidence and the abuser is not represented by counsel, PLS attorneys provide detailed advice on how to proceed pro se. As a safeguard, however, the attorneys advise that on the day of the hearing, if the abuser comes to court with an attorney, the victim should ask for a continuance and then call PLS for representation in court. Clearly, the majority of the work (probably two-thirds) involved providing the domestic violence victims with legal advice and counseling so that they were prepared to handle their own legal matters or other administrative actions, while the rest of the cases might involve appearing in court.

Highlights of Accomplishments

Holistic Approach

In many cases, domestic violence victims are referred to PLS by its shelter partners. These organizations provide immediate services and usually assist victims through the emergency protection order stage. They also know PLS's income eligibility criteria and assess cases before referring them to PLS attorneys (many other LAV clients are referred directly to PLS by the courts, law enforcement, and other sources). During intake interviews, the PLS attorney or paralegal takes a holistic approach. In addition to discussing evidence needed and providing some degree of legal advice, they provide information to help the victim stay safe from the abuser (e.g., asking about safe phone numbers, what to do if the abuser violates the temporary protection order, etc.) and inquire about such matters as needs for social services, children's needs in school, health issues, housing, mental health, and others. PLS' holistic approach was a form of legal problem solving designed to make victims whole and reduce repeat clients. The reason PLS could provide such an approach was that it was a full service public interest law firm that had a variety of attorneys on staff who were experienced in many important areas of the law including housing, public benefits, education, consumer protection, landlord/tenant, and more.

Training and Publications for Criminal and Civil Justice Professionals and Pro Se Victims/Clients

During the LAV grant period, PLS also developed and sponsored training for law enforcement officers, the courts, pro bono attorneys, domestic violence victim services organizations, and others; and it developed "Domestic Violence and the Law: Guide to Getting Civil Legal Protection in North Carolina Without an Attorney," as well as domestic violence training manuals for court magistrates, law enforcement, and pro bono attorneys. The "Domestic Violence and the Law" guide has been distributed to other jurisdictions in North Carolina to assist in meeting domestic violence victims' needs.

Challenges

Staffing

PLS experienced difficulties with staff recruitment, due in large part to the low salaries typical of public interest law firms. At the beginning of the project, it took PLS several months

to hire a new attorney for the project. At the beginning of 1999, they hired a recent law school graduate who found out in late March that she did not pass the bar exam. It then took several more months to find and hire another attorney. They had less trouble hiring a qualified paralegal. The legal team for MVPP worked together for about two and a half years and then one attorney and a paralegal quit in mid-2002. PLS filled the paralegal spot with an attorney within the organization who had been working for another program. It took several more months to fill the vacant attorney position.

Appendix G

Sample Interview Protocol Process Evaluation Site Visits

PROCESS SITE EVALUATION PROTOCOL

Personnel to be interviewed

Grantee (lead) agency: (i) Staff attorneys providing LAV

LAV project partner agency: (i) Staff providing LAV

Introduction

Site:

Date:

Agency:

Interviewee Name:

Title:

Position:

How long have you been with this agency?:

How long have you been in this position?:

How long have you been working on the LAV grant?:

Have you been working on the LAV project since its commencement? If not, who held your position before you did? What position did you hold before?

PROJECT ENVIRONMENT

A. PROJECT CONTEXT

***1. Environment of Grantee Jurisdiction**

- a. Geographic
- b. Demographic

***2. Structure of Local Civil and Criminal Justice System**

- a. Courts and appeals structure

***3. Relevant Laws and Legislation**

- a. Domestic/Family Violence Act (e.g., orders of protection authority)
- b. Criminal laws re domestic violence, including penalty for order violation
- c. Criminal procedures laws (e.g., arrest)
- d. Family Code/Articles/Family Court Act/Health and Human Services laws

B. HISTORY OF THE LOCAL CIVIL JUSTICE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE

1. Local civil legal services (e.g. *pro se* classes at the court, court advocate, court referrals to legal services providers, court literature for victims)

2. Court processes (e.g. method and ease of filing court documents, process for docketing protective order cases, court forms available on the Internet)
3. Efforts of prosecutor's office (e.g. referrals, distribution of services information to victims)
4. Ease of accessibility to services for victims
5. Criminal justice system responses to DV generally
 - a. How effective have they been?

C. CIVIL LEGAL SERVICES ENVIRONMENT

1. Background, structure, function, staff, expertise, clients served, and funding of the following:
 - a. Legal services providers including LSC, other legal organizations, law schools, and the Bar
 - b. Victim advocacy groups including coalitions and task forces
 - c. Other major groups (e.g., United Way)
 - d. Criminal justice agencies including the police and prosecutors
2. Relative physical location of these services (court, providers, community, law school)
3. Interaction/collaboration of these providers

Grantee Agency

A. RECEIPT OF GRANT MONIES/PROJECT STARTUP

1. Timeline including award date, drawing down, and hiring staff
2. Reasons for delays
3. Other problems with startup
4. Getting people and agencies involved
5. How often and how well did the agency communicate with project partners in this startup phase?
6. Changes to the organization (e.g., New unit? Are activities conducted with LAV funds different from activities funded with other monies received by the grantee?)
7. Publicity or advertisements about new services being offered (i.e., outreach)

B. PROJECT ACTIVITIES

1. Which services do they provide under the LAV project? (e.g., protection order, family law, housing)

2. Who provides services? (e.g., staff attorneys, *pro bonos*, law students, advocates)
 - a. How do they recruit *pro bonos*?

 - b. Do they use them for work other than casework?

3. Type of client agency serves (e.g., demographics, types of cases)
 - a. Where clients come from (e.g., walk-ins, referrals, outreach, etc.)
 - (1) Method of referral (e.g., personal phone call, business card, pamphlet, etc.)
 - (2) Are underserved groups adequately represented?
 - (3) Creation of products for outreach

 - b. Screening process
 - (1) Client eligibility criteria (Use LSC?)
 - (2) Identification of legal issues (Do attorneys probe on ALL legal issues?)
 - (3) Safety planning (Who does it? When?)
 - (4) Decision to accept case (Does agency refer out? For what reasons? To whom?)

 - c. Has client base changed since commencement of the LAV project?

4. Provide stats here
 - a. # clients served, etc. (Progress report available?)

C. PROJECT DESCRIPTION

1. Intake
 - a. Who does it?

 - b. Client eligibility criteria (Use LSC?) (What format is it in? Form or verbal?)

 - c. Identification of legal issues (Do attorneys probe on ALL legal issues?)

 - d. Safety planning (Who does it? When?)

 - e. Decision to accept case (Does agency refer out? For what reasons? To whom?)

 - f. Waiver for court and service fees on protection orders for DV victims

- g. Other fees a client is responsible for (e.g., *pro bono* fees)?

2. Case Assignment

- a. Case assignment to attorneys (How is it done? Specialization or expertise? When does it go to a *pro bono*?)
- b. Vertical representation (i.e. case handled by same attorney through life of the case)
 - If no,
 - (1) Are there set procedures for transferring cases among staff attorneys?
 - If yes,
 - (2) Identification of repeat clients
 - (3) Vertical representation of repeat clients (e.g., same attorney accepting same clients)
- c. 'Unbundling' (between attorneys in the same agency or between the grantee agency and *pro bono* attorneys?)
 - (1) If a new legal issue arises in a client's case, is this new legal issue taken on by the same attorney currently handling the case, or is it referred to another attorney in the grantee agency, or to a *pro bono* attorney? Under what circumstances?
 - (2) How do they ensure comprehensive services?
- d. How do you manage staff turnover (especially with vertical representation)?
 - (1) How much is there?
 - (2) Who leaves?
 - (3) Why? (e.g., compensation)

3. Attorney Responsibilities

- a. Intake, interviews, etc.
- b. Referral to victim services provider (To whom? For what services?)
- c. Maintain regular communication with clients (e.g. re objectives of representation, means used to achieve objectives, status of matter)
- d. Procedures for serving court hearing dates and court orders
- e. File own briefs and written motions
- f. Responsibility after obtaining a court order/judgment
 - (1) How are court orders served?
- g. Appeals to court orders/judgments
 - (1). How often? In what circumstances? To what court?

- h. Collection/enforcement of judgments
 - (1) Remedies sought
 - i. Staying abreast of changes in the law
4. Court Process
- a. For all relevant cases (family law, housing, etc.), how quickly do they proceed? (i.e., getting it on the docket, average time between opening and closing a case, other delays)
 - b. Protection orders:
 - (1)How quickly can they be obtained? (e.g. can police phone in for one?).
 - (2)How long do they last? (probe re *ex parte*, temporary, permanent orders).
5. Appeals
- a. How often?
 - b. Which types of cases?
 - c. Who handles?
 - d. How assigned?

D. ADMINISTRATIVE ISSUES

1. Case Management
- a. Does the agency have a case management system? Describe it (e.g. computer database, paper files with 'tickler' system).
 - (1)When was this system installed?
 - (2)Who has access to it?
 - (3)How were cases managed before this system was installed?
 - (4)What information is entered into the CMS? (e.g. material facts of case, chronological record of work done, planned course of action for case?)
 - (5)By whom?
 - (6)Reliability of information
 - (7)Data analysis (What is done? How is it used?)
2. Caseload Management
- a. Limit on number of cases handled by each attorney (Based on type of case?)
 - (1)How is limit determined?
 - b. Caseload for each of the agency's attorneys [law students, *pro bono* attorneys]
 - c. Use of non-attorney staff (e.g., paralegals) to reduce attorney caseload
3. Supervision, Evaluation, And Quality Control
- a. Formal structure of supervision for attorneys, law students, *pro bonos*, paralegals, advocates, or other agency staff
 - (1) Type of supervision

- (2) Extent of supervision (e.g., # attys or # students per supervisor)
- (3) Level of supervision (e.g., throughout all stages of a case)

***For law students:

-Use of consent form or other procedures for students providing services

b. Does agency evaluate the quality of services provided by attorneys [law students, *pro bonos*], paralegals, advocates or other agency staff?

If no,

(1) Why not?

If yes, how?

(2) Written/verbal

(3) Frequency

(4) Topics covered (e.g., timely delivery of service, all legal issues identified, client has a decision making role, attorney keeps in communication with client)

c. Client Complaints

(1) Procedures for handling

4. Training

a. Creation of staff manuals/protocols for LAV (i.e., policies and procedures)

b. Training (legal and domestic violence) received by project staff or project partners after joining the LAV project

(1) Who provided this training?

(2) What did it cover?

(3) Was it adequate?

***For law school students:

-How are legal clinic students trained to provide civil legal assistance to DV victims in terms of:

-domestic violence

-legal education

- representation and procedure

-Manuals

*** For *pro bono* attorneys

-Did *pro bonos* receive training?

-What did it cover?

-Was it adequate?

c. Ongoing training (legal and domestic violence)

-Who provided this training?

-What did it cover?

-Was it adequate?

- d. Training delivered under the LAV project?
 - (1) On what subject matter?
 - (2) To whom? (e.g., other service providers, community)
 - (3) How frequently?
 - (5) How long are training sessions?
 - (6) How well was the training received?
 - (7) Creation of training manuals
 - For whom?
 - What does it cover?
 - Multilingual

E. PARTNERSHIP COLLABORATION

1. Partners included in grant preparation
 - a. Are criminal justice agencies partners in the grant? Non-official partners?
2. Grant definition of partnership
3. Interaction with partner agency staff generally (formally and informally)
4. Interaction with partner agency staff after a case has been taken
 - a. Communication about developments/changes in a victim's circumstances
5. Rules/guidelines protecting client confidentiality both within an agency and among partners (especially as regards victims advocates and counselors)
 - a. What are they? When were they implemented? Are they self imposed?
 - b. Are advocates certified?
 - c. Unauthorized practice of law
6. Quality of the partnerships working under the LAV grant?
 - a. Problem areas
 - b. Resolutions
7. Work with other non-LAV funded service providers
8. Other service providers the agency does not work with at all

F. AGENCY PERFORMANCE INDICATORS

1. Interviewee Recommendations/Observations
 - a. What changes need to be made to improve civil legal services being provided to domestic violence victims in grantee jurisdictions?
 - (1) Changes to laws
 - b. What could agency do?

- c. Unintended consequences of the LAV project (e.g., with CJS, civil justice system, partners, *pro bonos*, etc.)

PROJECT PERFORMANCE / RECOMMENDATIONS / CONCLUSIONS

A. PROJECT GOALS/UNMET NEEDS/NON-FUNDED CONSEQUENCES OF LAV PROJECT

1. Provide a summary of our findings (i.e., a summation of the report), with a more evaluative spin
2. Identify unmet needs of victims
 - a. How many staff would be needed to adequately handle demand for services?
3. Unmet goals of project
4. Goals changed over time
 - a. How?
 - b. Continuation grant
5. Overall strengths and weaknesses
 - a. Potential problem areas:
 - (1) Training
 - (2) Staffing
 - (3) Partnerships

A. RECOMMENDATIONS

1. Future plans of agency (compare our recommendations to their plans)
2. Plans for institutionalizing LAV

* Check for this information prior to site visit via the Internet or other sources.

Appendix H

LAV Collaboration Questionnaire

Legal Assistance for Victims Collaboration Questionnaire

For each of the statements below, indicate which response best fits your personal opinion. There is also a space provided for any additional comments you may wish to make.

1. Collaboration

		Strongly Agree	Agree	Don't Know	Disagree	Strongly Disagree	
a.	All of the necessary agencies have been included in this partnership	1	2	3	4	5	N/A
b.	The partners work well together	1	2	3	4	5	N/A
c.	There are clearly defined roles and responsibilities	1	2	3	4	5	N/A
d.	Partners proactively engage in training and/or mentoring other partners	1	2	3	4	5	N/A
e.	Internal issues, concerns, or problems are addressed immediately	1	2	3	4	5	N/A
f.	Each partner is vested in this effort	1	2	3	4	5	N/A
g.	This partnership will remain in place once federal funding for this initiative ends	1	2	3	4	5	N/A

2. Communication

		Strongly Agree	Agree	Don't Know	Disagree	Strongly Disagree	
a.	Partners regularly communicate with one another	1	2	3	4	5	N/A
b.	Relevant information is shared in a timely manner	1	2	3	4	5	N/A
c.	There is effective communication between partners	1	2	3	4	5	N/A

3. Goals

		Strongly Agree	Agree	Don't Know	Disagree	Strongly Disagree	
a.	The partners have common goals	1	2	3	4	5	N/A
b.	The partnership is on track for meeting its goals	1	2	3	4	5	N/A

4. Impact

		Strongly Agree	Agree	Don't Know	Disagree	Strongly Disagree	
a.	This project has the potential to improve the safety and/or well-being of domestic violence victims	1	2	3	4	5	N/A
b.	Under this project, there has been increased community awareness of the domestic violence problem	1	2	3	4	5	N/A
c.	This project has improved domestic violence services and programs in this community	1	2	3	4	5	N/A
d.	My agency's participation in this project has made a positive difference	1	2	3	4	5	N/A
e.	My agency is strongly committed to this partnership	1	2	3	4	5	N/A

Additional Comments (*If necessary, please attach any additional comments to this questionnaire.*):

Please provide the following information for the person who completed this questionnaire. The information may be used to clarify responses or request additional information. If you have any questions, please contact Jacqueline Ahn at the Institute for Law and Justice (jacqueline@ilj.org).

Name: _____	Title: _____
Agency: _____	Phone: _____/_____
Fax: _____/_____	E-Mail Address: _____

Thank you for your cooperation. Please return the completed survey via fax to the number below.

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