
ASSISTING VICTIMS OF DOMESTIC VIOLENCE: ONE LAW FIRM'S EFFORTS

I. Project Description

The Domestic Violence Project ('the Project') uses a systematic approach to confront the problem of domestic violence. The Project provides pro bono legal representation to both individuals and institutions, works on appellate matters on behalf of battered women, and lobbies for legislation that protects victims of domestic violence. The Project is staffed by specially trained attorneys and paraprofessionals from a single law firm who, in teams, work on abuse prevention restraining order cases and their enforcement. These cases are referred by a Boston-based legal service agency that provides legal assistance on a host of domestic violence related issues. The Project also provides these services to participants in a Boston shelter for battered women and serves as pro bono counsel to not-for-profit organizations. Although the Project was created by a large law firm (comprised of 315 attorneys) it could be replicated, in some form, by a state/local bar association, affiliate or smaller law firm.

II. Project Planning/Development

A. Identification of Need

The Project was created to address the lack of legal representation available for victims of domestic violence. The Project stemmed from the interest of a couple of first-year associates within the firm. From this interest, these individuals attempted to assess the need for domestic violence related legal services by speaking with contacts at a Boston-based legal services agency. The agency identified the need for legal representation for victims of domestic violence, finding that there existed a number of battered persons who met the financial eligibility requirements to seek pro bono representation, but that there were not enough legal services lawyers to represent them. In 1990, when the Project was formed, there was only one law firm in the area that was providing pro bono legal representation to victims of domestic violence, another clear indication of the need for more legal representation. The training of attorneys, including attorneys from other firms or in solo practice, in the effective representation of battered persons was seen by the firm as an important service to the Bar.

B. Determination of Project Goals and Design

1. Decisions to be made

a. Options- Project Goals

The Project's goals were selected using three considerations: the needs of the community, the resources of the firm, and the interests of those within the firm. Once these factors were considered, the Project's main objective was established – to provide advocacy and assistance to victims of domestic violence who would not otherwise be able to represent themselves effectively. Thereafter, the two founders of the Project decided to narrow its scope. These attorneys recognized that domestic violence is a broad and complex issue. In order to make the Project effective and successful, it was necessary to be specific in defining its goals and the needs it sought to address. In order to create a successful project, a law firm, bar association or affiliate should recognize its parameters and then work within them.

The Project limited project attorneys to taking on only restraining order related cases, funneling out family law cases involving divorce or custody issues because the firm did not have attorneys with expertise in those areas. The Project was further streamlined by the fact that the firm formed a partnership with one single legal services agency rather than various agencies or shelters. This allowed the firm to develop a relationship with one organization, controlling the number of cases referred to the firm at any one time and limiting the logistical issues with which the firm had to deal. Later, the firm chose to provide legal representation for the clients of its corporate community partner, a shelter for battered women to whom the firm regularly provides funding and community service volunteers. Recognizing the firm's limitations as well as its strengths helped to clearly define the goals of the project and ultimately made those goals more attainable.

In the ten years since its inception, the goals of the Project have constantly been re-evaluated to ensure that they reflect changes within the firm. As the firm has grown, so too has the Project. The firm has gradually adopted a more expansive and systematic approach to combating domestic violence, confronting the problem from various angles. Initially, the project focused on domestic violence at the level of the individual, by assisting battered persons in obtaining restraining orders. Subsequently, lobbying and appellate work on behalf of battered women became integral parts of the project, both at the state level in Massachusetts and at the national level through the firm's Washington, D.C. office. In 1994, the firm eventually adopted domestic violence as the focus of its expanded community service commitment and hired a Director of Community Service to involve employees throughout the firm in community service programs that assist victims of domestic violence.

In addition, the firm implemented a policy for employees who are victims of domestic violence. Under this policy, the firm has a reciprocal arrangement with

another Boston law firm whereby employees seeking legal representation on a domestic violence issue can be represented by an attorney from this outside firm. This arrangement allows employees to avoid disclosing private information internally. The firm also provides informational pamphlets indicating the legal services that are available to firm employees who are victims of domestic violence. These pamphlets are strategically placed in locations where they can be both easily and anonymously accessed.

b. Options – Project Design

The project was designed with a number of considerations in mind. First, there was the understanding that already existing structures in the community should be identified and used as resources so as to make the Project most efficient. The firm relied on various organizations including a Boston-based legal services agency, which had a wealth of knowledge and experience in handling domestic violence clients. In addition, the program was modeled after a partnership between another large Boston law firm and this same Boston-based legal services agency. Finally, the Domestic Violence Council, an organization comprised of representatives from various law firms, law schools, legal services agencies, state agencies, and battered women's programs, was a useful source of information and contacts. In developing a similar project, awareness of what is going on in the community and how an affiliate or law firm can help is key. Consider questions such as: Does the state or local bar association already have a referral service? Does the state or local bar association have a committee dedicated to domestic violence prevention? Has another law firm undertaken a similar project?

The second consideration in designing the Project was how to work within the parameters of the firm and optimize its existing strengths. As a large firm, the resources existed to involve a number of people in the Project. One attorney was chosen by the pro bono committee to head the Project; it was important to have someone at the firm who wanted to take on the issue and invest time and effort in overseeing it. Since the Project's inception, different attorneys, selected by the pro bono committee based on an extensive commitment to domestic violence issues, have overseen it. This change of "ownership" has facilitated the Project's growth since each person has brought a new perspective. Paraprofessional involvement was also seen as integral, and each year, one paraprofessional, under the supervision of the attorney who heads the Project, was designated as the Project's coordinator and the main contact with the legal services agency.

As the Project expanded, lobbying efforts were handled by a specific person, community service efforts were managed by the firm's director of community service, and the Boston and Washington, D.C. offices eventually began to take on appellate cases. The firm's D.C. office, considerably smaller than the firm's Boston office, designed its Project somewhat differently. In the D.C. office there is one attorney who oversees the firm's domestic violence involvement and arranges

staffing for domestic violence cases however, paraprofessional involvement is limited due to reduced resources.

In designing such a project, think about how to utilize everyone within the organization (firm or bar association) and consider which practice areas will allow further integration into the community and assistance to victims of domestic violence. For example:

- One of the firm's health care law attorneys helped to establish contacts with local doctor's groups and emergency rooms in order to inform them of legal services available to their patients who have suffered domestic violence abuse.
- One real estate attorney at the firm assisted the firm's corporate affiliate, a Boston-based shelter for battered women, with the legal aspects of designing the shelter.
- The firm's immigration practice has allowed the firm to develop the "Battered Women's Immigration Project" to provide legal representation to immigrants who are victims of domestic violence.
- The D.C. office was in the ideal position to help policy groups lobbying on behalf of victims of domestic violence and they began working with the National Network to End Domestic Violence, a membership and advocacy organization of state domestic violence coalitions.

The above examples illustrate some of the ways to maximize resources and adapt a Project to best serve the domestic violence community. Other questions to consider include: Does the firm or bar association have attorneys who serve as adjunct professors in law schools where clinics can be established? Is there a lobbyist who works on behalf of clients who might be interested in getting involved?

2. Decision Making Process

Once the two co-founding attorneys determined that a Domestic Violence Project would incorporate the strengths of the firm with the community's need for domestic violence related legal services, a formal written proposal was constructed outlining the Project's goals and anticipated budget. This proposal was presented for approval to the firm's pro bono committee, a twelve-member group comprised of partners, associates, and paraprofessionals. The committee approved the project and about six months later it was up and running. Naturally, internal political concerns were taken into consideration when constructing the proposal. Those who initiated the proposal made efforts to gain the support of influential individuals within the firm, emphasizing the benefits of this project not only to the community, but also to the firm and its members from a public relations and professional development standpoint.

3. Considerations in Project Planning

a. Community Resources

Creating a partnership can greatly improve the structure and efficiency of such a project. In choosing a partnership, the two most important factors are that the partners have shared goals or interests, and that they have resources that complement one another. The Project was created as a partnership with a Boston-based legal services organization. This organization regularly provides the firm with two valuable services: member training and client screening. The firm chose this partnership because no one at the firm was adequately trained in representing victims of domestic violence, and thus the firm needed to work with an organization that had significant experience and contacts. Moreover, unlike its legal services affiliate, the firm was not equipped to conduct the financial screening necessary to determine eligibility for pro bono representation. In turn, the firm was equally useful to this legal services agency's domestic violence efforts. As a large firm with a number of attorneys, it was able to address the lack of legal representation and legal services lawyers available for victims of domestic violence.

In any partnership there are inevitable benefits and drawbacks. The benefits are clear: an effective partnership makes each entity stronger and more efficient and produces a more desirable end result. Potential drawbacks in a partnership include reconciling different goals or cultures and adjusting to each other's limitations. Be sure to evaluate the advantages and disadvantages of any potential partnership. Ultimately, and as has been the situation for this project, the benefits of a partnership should far outweigh the drawbacks.

b. Personnel

This project does not require a fixed number of members as staffing depends on the case flow from the legal services partner. As a large firm with approximately 315 attorneys and 450 additional employees, the firm had a significant pool from which to draw volunteers and staff the project. There are currently 65 attorneys and paraprofessionals that have been trained to take on cases. The Project receives approximately 15-20 cases per year and there are between 5 and 7 attorneys who regularly take on these cases. The paraprofessional pool is even greater, consisting of about 15 who volunteer on a regular basis. Volunteers can expect to spend 10-15 hours, on average, on a case, extended over a period of a couple of days. Other employees become involved in the Project through their work on appellate matters, brief writing, and lobbying. Personnel are not paid for their work on the Project - they are paid employees of the firm and the firm has a pro bono budget that funds the Project. Smaller firms or organizations interested in implementing a similar project should determine the number of cases to handle each year based on the number of personnel wishing to participate.

c. Revenue Availability/ Fund Raising

The firm's pro bono committee funds the Project. The pro bono committee oversees and sets priorities for the Project's budget, which is approximately \$60,000 each year. The Project is designed to use firm resources efficiently. The legal services partner determines the financial needs and basic legal claims of the clients before they are referred to the firm, thereby limiting the scope of the firm's responsibility with respect to the cases. In addition, paraprofessionals, who bill at a lower rate than attorneys, conduct most of the work that is needed in preparation for the hearing, dramatically reducing the number of hours that attorneys need to spend on the cases. Also, every participant is adequately trained before taking on a case and each receives a set of guidelines and a packet of all paperwork needed to conduct a case aiding in the efficient conduct of cases.

Attorneys in firms that do not possess extensive financial resources to dedicate to constructing a pro bono project can have a scaled-down version of this project. For example, a small firm or bar association could link up with pre-existing community organizations through which it can volunteer services and obtain training at minimal or no cost. A smaller firm or affiliate may also consider calling the local legal services provider/Legal Aid, local shelters, or their state coalition against domestic violence to solicit funding to develop a structured program.

d. Other – Equipment/Physical Needs

The Project requires minimal resources in terms of space and equipment. Generally, the attorney and paraprofessional conduct client intake over the telephone and clients meet the attorney and paraprofessional at or en route to the courthouse; thus no space is needed at the firm to interview or meet with clients. The only space requirement is a large meeting room, needed for the annual training and occasionally for any Project conferences or luncheons hosted at the firm.

III. Implementation -- How to replicate the Project

A. Timetable

The Project was developed over the course of six months. Once the two co-founding associates became interested in developing a Domestic Violence Project, they used the next three months to gather background information and lay the groundwork for the proposal. Thereafter, a proposal was submitted to the firm's pro bono committee. Once the project was approved (approximately one month after it was submitted) training was arranged for those interested. Within the following two months, the two associates began taking on cases, making the implementation of the project a reality in a relatively short time.

The following list can serve as a more specific guide of the questions to answer and procedures to follow in order to establish a similar project:

1. Where is the need? Contact legal services agencies, shelters, coalitions against domestic violence, and other providers of domestic violence related services in the community to determine who and where the potential client is. (*month 1*)
2. Whom does the affiliate or firm need approval from within the organization? Learn what the pro bono structure, if any, is within the firm or bar association and what the process is of getting a project approved. Determine the need to write a formal proposal. (*month 1*)
3. Identify key people from management within the firm or bar association to gain support from, and bring them on board. (*month 2*)
4. What is the proposal? Create a proposal that best reflects the needs within the community and how the firm or bar association can specifically address those needs with its resources. Be sure to discuss how the project will benefit and enrich the firm or bar association as well as provide a service to members of the community who are unable to represent themselves. (*months 2-4*)
5. Get training. Domestic violence is a sensitive and complex issue and each participant should receive training from a knowledgeable source. (*month 5*)
6. Get started. Once the project has been approved, and each participant has been trained, the firm or bar association can begin to take on cases. (*month 6*)
7. Network. Seek opportunities to network within the domestic violence community (e.g. other legal and social service providers, doctors, the bar association, shelters, coalitions, etc.). (ongoing)
8. Evaluate and Reevaluate. Once the project is established, constantly think of ways it can be improved to better serve the community. (ongoing)

B. Recruitment and Training of Volunteers/Personnel

Every year, in conjunction with its legal services partner, the firm has continued to train attorneys and paraprofessionals interested in representing victims of domestic violence in restraining order cases. The firm's first training was held soon after the Project was approved. For the first few years, the training was advertised internally as well as externally, through the Boston Bar Association, so as to solicit as many volunteers as possible. Subsequently, once the number of Project participants increased, the training was limited to firm employees.

The training provides an introduction to the dynamics of battering and discusses safety planning, cultural issues and stereotypes of clients. In addition, presenters

provide an overview of the restraining order statute, the current state of the law and the logistics of the hearing itself. On average, approximately five to ten new attorneys and ten paraprofessionals are trained each year. An experienced attorney is usually paired with a newly trained paraprofessional, or vice versa. A new attorney also has the opportunity to shadow an experienced attorney before taking on his or her own case. Training materials are distributed to all attendees. These materials, developed by the Project's founders in conjunction with the legal services agency, include a copy of the restraining order statute, sample affidavits, client intake forms, retainer forms, as well as general resource information. A complete manual containing examples of past cases is kept in a central location as a resource for all. Additional training materials and information can be obtained through the legal services partner. The training is usually videotaped as well for those who were not able to attend the formal training. Videotaped trainings are particularly useful if funding for a project is limited. A training can be conducted every few years, videotaped and then watched in subsequent years to reduce costs.

C. Publicity

Project events, including all case victories, are publicized internally to Project members over email. Other important Project activities are publicized through memoranda or newsletters distributed to all firm employees. Outside of the firm, significant Project activities have been publicized through newspapers and journals or through the local Bar Association or local Domestic Violence Council. Additional venues that can be pursued to publicize a project include conferences, educational forums, or battered women's shelters.

D. Day-to-Day Operations

The Project receives cases from its legal services partner on an ongoing basis (approximately 15-20 each year) and then recruits trained attorneys and paraprofessionals, who work in teams, to take on these cases. Once a case has been accepted from the legal services partner, a voicemail is sent to all Project members describing the basic facts of the case and requesting one attorney and paraprofessional to volunteer to take on the case. The attorney and paraprofessional conduct the client intake over the phone or in person. After the intake, the paraprofessional, under the supervision of the attorney, writes an affidavit on behalf of the client to support the client's restraining order application. The designated paraprofessional handles the logistics of the case.

In most cases, the client has already received a restraining order *ex parte* and is seeking legal assistance in obtaining an extension for a year. However, in some instances, a client requires assistance in obtaining both an *ex parte* order and, ten days later, an extension of that order. Project attorneys not only assist with representation in court, but are also active in the enforcement of the conditions of the restraining order and in providing clients with social services referrals for their non-legal needs, such as housing and counseling.

Project attorneys have represented battered persons in appellate matters before the Supreme Judicial Court and have filed briefs *amici curiae* in both federal and state court. Most recently, Project members in the Boston and Washington offices worked on behalf of National Network to End Domestic Violence ("NNEDV") to complete an amicus brief in the case of *Brzonkola v. Virginia PolyTech*, that was argued before the U.S. Supreme Court.

In addition to providing client services, the Project lobbies for legislation that will protect victims of domestic violence. For example, the Project was instrumental in securing the passage (in Massachusetts) of the Child Custody Bill of 1998. This legislation creates a presumption that chronic batterers will not obtain custody of their children in divorce or separation proceedings. In December of 1990, the Project played a crucial role in the passage (in Massachusetts) of the Act to Further Protect Abused Persons, which substantially strengthened the Massachusetts Abuse Prevention Statute. The Project also actively lobbied for the enactment of the Massachusetts Weapons Bill, which takes weapons out of the hands of convicted batterers. On the federal level, participants in the D.C. office, working with the NNEDV, played an active role in lobbying for the passage of the 1994 Violence Against Women Act.

Dovetailing with the firm's restraining order, appellate and lobbying work is the firm-wide commitment to an increased program of community service in the area of domestic violence. Not only does the firm provide pro bono counsel for its domestic violence affiliates, but people throughout the firm also become involved in these organizations, throwing parties or setting up mentoring activities for the children of the affiliated shelters, providing job training for their mothers and painting the shelters. The firm was instrumental in founding Employers Against Domestic Violence, a collaborative membership organization of over fifty employers that recognizes the importance of addressing the issue of domestic violence in the workplace.

IV. Evaluation and Impact

The Project's objective was two-fold. The Project sought to provide legal representation and social service referrals to the growing number of domestic violence victims in need of assistance. In addition, the Project placed a strong emphasis on lobbying and appellate work on behalf of battered women. In the ten years since its inception, the Project has both achieved and exceeded its main goals. Using the resources available at the firm, the Project has represented approximately 180 individual persons seeking protection from their batterers as well as represented several institutions and organizations. Project attorneys have represented victims of domestic violence at the District, Probate, and Superior Courts. Project attorneys have also filed numerous amicus briefs on behalf of battered women. Community

service has become an integral part of the Project with firm employees of all levels, including attorneys, paraprofessionals, computer technicians and secretaries, becoming involved in programs to assist victims of domestic violence. The Project's success has led to the firm's active involvement in a number of area women's organizations and shelters. As a result, the firm has received various awards recognizing its efforts, including an award in 1990 from the Young Lawyers Division of the Boston Bar Association and an award in 1992 from the Women's Bar Association.

The Project continues to grow, with more attorneys and paraprofessionals being trained each year. Currently there are approximately twenty-five attorneys and paraprofessionals in the Boston office and fifteen in the D.C. office who devote significant time to Project efforts. Fundraising, awareness and advocacy efforts persist, as does the firm's commitment to community service and the desire to encourage other law firms to establish similar programs and make the difference.

There are a number of ways to evaluate the success of a similar project. First, make sure that the partner or contact is satisfied with both quality and quantity of the services. Has the participant provided quality service and been able to take on the majority of the cases that are referred? Second, gauge the support within the firm for the project. How many people have become involved? Has the firm allowed the project to grow? Lastly, external recognition, though not a necessity, can often be an indication of a successful project and its positive impact on the community.

The firm highlighted is Mintz, Levin, Cohn, Ferris, Glovsky and Popeo PC, a 315 member firm with offices in Boston, Washington, D.C., New York, and Reston.

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