

H. Thomas Wells, Jr.
President

AMERICAN BAR ASSOCIATION

321 North Clark Street
Chicago, IL 60654-7598
(312) 988-5109
Fax: (312) 988-5100
E-mail: abapresident@abanet.org

Ms. Laurie Robinson
Ms. Elizabeth Pyke
Presidential Transition Team

Dear Ms. Robinson and Ms. Pyke:

I appreciate the opportunity to communicate the American Bar Association recommendations on the structuring and policy priorities of the Office on Violence Against Women (OVW) in the U.S. Department of Justice, and specifically the Legal Assistance for Victims (LAV) Grant Program. As you know, the ABA has long been active in this area, and our Commission on Domestic Violence has been fortunate to serve as a technical assistance provider for this program since 2000. The relevant recommendations of the ABA follow:

1. Increase funding for the Legal Assistance for Victims program – it is the most competitive program of OVW's discretionary programs because of the dire need for funding for attorneys to represent survivors of domestic violence, dating violence, sexual assault, and stalking in a wide-range of increasingly complex legal matters..
2. Make the existing requirement of training of LAV grantee attorneys on the co-occurring crimes of domestic violence, sexual assault, dating violence and stalking more effective by providing more meaningful mechanisms for identifying and recommending appropriate, on-going trainings that include specific criteria to ensure survivors are receiving high quality representation more consistently across the country. The ABA *Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Orders* provides a useful example.
(<http://www.abanet.org/domviol/docs/StandardsCommentary.pdf>.)
3. Make the existing training requirements for LAV grantees, who must set aside a specific percentage of their funding for training provided by OVW Technical Assistance Providers or other approved trainings, more meaningful by identifying the core skills that need to be addressed by such trainings, the number of trainings each attorney is expected to attend, etc. (For example, the ABA Commission always has a waiting list for any training we provide on custody and domestic violence issues; however, we struggle to get attendance at our programs on the use and integration of interpreters and representation of disabled survivors although a significant

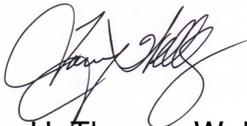
percentage of LAV grantees' clients are Deaf, hard of hearing, Limited English Proficient (LEP) or disabled.)

4. Ensure meaningful access to the justice system for all victims of domestic violence, sexual assault, dating violence and stalking by working collaboratively with government agencies and national organizations to ensure access to interpreters who are well-trained in legal issues and these crimes for LEP, Deaf, and hard-of-hearing victims and providing on-going training for attorneys on their duties and requirements to provide interpreters for victims, as well as on how to use them.
5. Ensure meaningful access to the justice system for all victims of domestic violence, sexual assault, dating violence and stalking by working collaboratively with government agencies and national organizations to ensure training for LAV grantees regarding their legal responsibility to provide services to survivors with disabilities and how best to provide those services.
6. Ensure meaningful access to the justice system for all victims of domestic violence, sexual assault, dating violence and stalking by working collaboratively with government agencies and national organizations to ensure training for LAV grantees regarding the legal response to these crimes for victims who are lesbian, gay, bisexual and/or transgendered.
7. Collaborate with the National Institute of Justice, the Legal Services Corporation, the National Legal Aid and Defenders' Association, the ABA and others involved in legal service delivery to victims of domestic violence to compile more comprehensive and accurate data on the number of victims of domestic violence served, in what capacity, and with what outcomes to better inform legal services funding from OVW.
8. Identify and disseminate information on effective and accessible models for legal assistance in rural areas that include technology-based options, incorporation of pro bono attorneys, and transportation resources ("Have Justice, Will Travel" in rural Vermont is a great example).
9. Continue to support efforts to improve the family law courts' responses to domestic violence, including coordination of training for attorneys, judges, court personnel and others on standards of practice and appropriate options for survivors, their children and perpetrators that is more responsive to the unique needs of each.
10. Incorporate the implications of Internet safety, electronic privacy, and related issues into training for LAV grantees, including how to subpoena records and how to tailor requests for relief from the court regarding these issues.

11. Increase accessibility to legal assistance for Native American victims of domestic violence, sexual assault, dating violence and stalking by addressing jurisdictional limitations and enforcement barriers and provide expanded access to trainings on these issues for all LAV grantees.
12. Retain the current structure of OVW as a separate office; do not merge it or separate parts of it into other DOJ, OJP or OVC programs.
13. Encourage better cross-agency collaboration and communication among agencies on violence against women issues.
14. Incorporate recent Supreme Court cases into training and support for LAV grantees.
15. Continue to include a focus on exposing the next generation of attorneys – law students – to the need for legal services for victims of these crimes by supporting law school clinical programs and other initiatives to make a career in legal services for victims of domestic violence, sexual assault, stalking and dating violence more attractive and more attainable.
16. Continue to incorporate an understanding of how poverty and economics affect survivors of these co-occurring crimes and thus our provision of legal assistance to them into the trainings provided to LAV grantees.

As you know, the ABA Commission on Domestic Violence has substantial expertise on and experience with these issues. Commission members and staff would be delighted to work with the Transition Team and appropriate officials in the new administration on implementation of these proposals. Please let us know how we can help. Should you need more specific information on these suggestions, feel free to contact either Robin Runge, staff director of the Commission (202-662-8637), or Tom Susman, director of the ABA Governmental Affairs Office (202-662-1765).

Sincerely,



H. Thomas Wells Jr.