

When Women Lawyers Act, the Violence Lessens

By Ann Farmer

Juley Fulcher, director of the Washington, D.C.-based nonprofit Break the Cycle, began advocating on behalf of domestic violence victims while still a law student. Participating in Georgetown University Law Center's Sex Discrimination Clinic in 1993, her first assignment was to represent a woman who had been held captive for four days by her knife-wielding boyfriend. The victim shared an apartment with her abuser and feared that if she took her baby and left, she would end up homeless.

"The question was, who would get the apartment?" Fulcher says, citing statistics indicating that domestic violence is the single biggest reason that women and children become homeless. Complicating the case was the fact that the abuser's name was on the lease. However, Fulcher was able to prove to the judge that the victim regularly paid half the rent and therefore was entitled to stay in the apartment.

VAWA Reauthorization

"Domestic violence often puts a woman in the position of having to decide between putting up with abuse or putting a roof over her head," says Fulcher, who continued to represent battered women after law school, served for five years as public policy director for the National Coalition Against Domestic Violence, and played a leading role drafting the legislation for the 2000 reauthorization of the Violence Against Women Act (VAWA) and for the 2005 VAWA reauthorization bill currently awaiting final passage in Congress.

As proposed, VAWA 2005 maintains the core judicial and policing programs that have made the original 1994 legislation and its 2000 reauthorization bill so vital. But the new legislation goes much further in dealing with the collateral effects of domestic violence, such as homelessness and economic instability. This bill places a greater emphasis on victim assistance programs that, for example, help battered women heal from trauma without risking their employment. The reauthorization bill also better addresses the unique needs of such underserved communities as rural, older, disabled, immigrant, and Native American women, who are twice as likely to be victims of sexual violence than non-Native populations.

The nearly \$4 billion price tag also includes, for the first time, provisions to fund prevention programs. "We know domestic violence starts early. We have to focus on young people," says Fulcher about Break the Cycle, which works proactively with youth from ages 12 to 22 to help end the cycle of domestic violence.

Altogether, Fulcher sums up VAWA 2005 by saying, "The new bill reauthorizes what already existed and fills in the gaps."

It is estimated that one in four women in the United States becomes a victim of domestic violence, dating violence, sexual assault, or stalking. As the nation's leading anti-domestic violence law, VAWA has made a huge difference for the survivors of those crimes, particularly in terms of improving law enforcement's response to the crimes and its commitment to prosecuting the perpetrators. During the last 10 years, this landmark legislation has helped foster a National Domestic Violence Hotline, the passage of more than 660 state laws to combat the violence, and

countless legal assistance programs. One such initiative is “one-stop-shopping”, which allows victims to come to one place to file for a restraining order and receive other legal and advocacy services.

“Thanks in large part to the Violence Against Women Act, victims of such violence no longer need to suffer alone,” said Lisalyn R. Jacobs, vice president of government affairs for Legal Momentum, in recent testimony before the U.S. Senate Judiciary Committee. Legal Momentum coordinates the National Task Force to End Sexual and Domestic Violence Against Women, a coalition of more than 2,000 national, state, and local organizations that has led the push for VAWA and each of its reauthorizations.

Jacobs, who is the lawyer daughter of a preacher, says she feels a moral obligation to help those who haven’t been as fortunate as she. “This is the first job that’s caused me to speak from my faith,” says the prominent Capitol Hill lobbyist.

VAWA 2005 received bipartisan congressional support, but time is still of the essence, because the 2000 VAWA reauthorization bill expired on September 30. As this article went to press, Congress had passed two different versions of VAWA 2005: the House passed HR 3402 on September 28, and, by unanimous vote, the Senate passed S 1197 on October 4. The two versions will now be assigned to a conference committee where the differences between them will be resolved, and a compromise bill will be sent to each chamber for final passage. It remains to be seen exactly which provisions will be included in the bill coming out of conference committee.

Breaking New Ground

Jacobs has been working for months to educate lawmakers about the new provisions of VAWA 2005. For instance, as proposed, the legislation allows for reasonable unpaid work leave to enable domestic violence victims to obtain medical treatment, find a safe place to live, or go to court without jeopardizing their job. “Access to greater economic security is equally essential to victims,” she says. “Victims of domestic violence often become discriminated against in the workplace,” she adds, describing a Plymouth, Massachusetts, newspaper reporter who was assaulted by her husband over a weekend and left a message for her employer explaining that she wouldn’t be in on Monday because she had to obtain a restraining order. “Tuesday, she arrives at work and she’s fired,” Jacobs points out. “There was no complaint about the quality of her work or her attendance.”

Jacobs also feels passionate about the new appropriations designed to improve police response to sexual assaults against American Indian and Alaska Native women. Jacobs first dealt with these issues while working under former U.S. Attorney General Janet Reno in the Justice Department. “There is an astronomical incidence of violence against women in Indian territory,” Jacobs says. “It’s rooted in poverty but largely invisible.” The new provisions will help the authorities in these vast, rural communities better track the perpetrators of domestic violence crimes and provide the victims with more accessible tribal-based services.

At the same time that VAWA 2005 breaks new ground, it reaffirms the 1994 Act’s commitment to funding its core legal services programs. “Studies show that the single most important factor that enables a victim of domestic violence to leave her abusive situation is legal counsel,” says Margaret Drew, chair of the ABA Commission on Domestic Violence. She notes that the Commission was established in 1994, the same year as VAWA, under the auspices of the ABA’s first female president, Roberta Ramo, “to heighten public awareness and demonstrate its commitment to the issue.”

Legal Representation for Victims

With VAWA funding assistance, the Commission offers national training seminars two to three times a year at various locations in the United States in conjunction with the Department of Justice for lawyers who practice in the field of domestic violence, such as legal services attorneys. “This is to support them, improve their litigation skills, and provide a live forum where lawyers can meet and address the issues facing them,” Drew says. The Commission also offers web-based and telephonic training opportunities and has established a listserv for practitioners to communicate with one another. “It makes it quite accessible for someone in a rural area to put out a question and get feedback from the rest of the nation,” she adds.

Drew, who recently left private practice to become a professor at the University of Cincinnati College of Law, represented victims of domestic violence for approximately 25 years. She estimates that 60 percent to 70 percent of the attorneys practicing in the field of domestic violence are women. “That’s because more women are doing family law, and more women identify with the issue,” Drew notes.

Although domestic violence cuts across all economic strata, Drew says she has noticed that “a perception exists that you cannot make a decent living representing victims of domestic violence.” Another big deterrent to specializing in domestic abuse law is the negativity of the subject matter. “It can be traumatizing for whoever is listening as well,” Drew says, adding that lawyers need to recognize the boundaries of what they can do for a client and try to maintain a balanced lifestyle. “It’s important to participate in joyful activities,” she emphasizes.

However challenging the work, ironically, what maintains many domestic abuse attorneys are the often-inspiring stories of battered women who struggle to overcome their situations. Naomi Stern, a staff attorney for the Washington, D.C.-based National Law Center on Homelessness & Poverty, has worked extensively with the immigrant community. “What impresses me is the strength of these women who are facing cultural and linguistic barriers on top of domestic violence problems,” she says.

At the same time, Stern has found it helpful to alternate between direct legal representation and public policy work, which allows her to continue to respond to the issues at a somewhat more removed capacity. For instance, in her ongoing policy efforts to improve the housing situation for battered women, Stern cites a recent victory in North Carolina, where she helped achieve passage of a new law that allows victims to terminate a housing lease early without a penalty. Her job was to educate the lawmakers about the need for a law that would enable victims to more easily escape their perpetrators. “The lease was trapping them,” she says. “I was proud to have helped with that.”

Thirty-year-old Stern says it’s vitally important to encourage young women lawyers to work on women’s rights issues and on behalf of VAWA. “We arrived on the coattails of the trailblazers,” Stern says, “but it’s important to add our voices and keep it going. This law sends an important message. And it saves millions of women’s lives.”

Ann Farmer is a freelance journalist who lives in New York City. She works as a breaking news reporter for the New York Times, and writes about television, law, dance, women’s issues and other topics for EMMY Magazine, Court TV, Dance Magazine, Women’s eNews and others.

ABA listserv for domestic violence lawyers to share tips and information:

<http://www.abanet.org/domviol/newlist.html>

Listing with hyperlinks to key national and state websites with domestic violence information:

<http://www.abanet.org/domviol/sites.html>

Sidebar box 2:

Top 10 Things Lawyers Can Do About Domestic Violence

1. Serve as a volunteer board member for your local domestic violence organization.
2. Work with your local chamber of commerce to develop training programs for employers regarding domestic violence in the workplace. (Refer to The ABA Commission on Domestic Violence's A Guide for Employers: Domestic Violence in the Workplace.)
3. Encourage your service organization to commit a number of hours of volunteer services at your local domestic violence shelter.
4. Conduct public education about teen dating violence and domestic violence at your local high school or youth groups. (Refer to www.abanet.org/domviol.)
5. Volunteer pro bono hours representing victims of domestic violence in need of protection orders.
6. Display information about community domestic violence resources in your office waiting area.
7. Volunteer to entertain a children's group so that parents can attend your local domestic violence organization's support group. (Bring copies of The Bunny Book.)
8. Post information regarding your community domestic violence resources on the bulletin boards of local businesses.
9. Help your local domestic violence organization develop materials with accurate information about civil and criminal remedies for victims of domestic violence.
10. Take a judge to lunch and give him or her a copy of the Judicial Checklist. (The Judicial Checklist was developed in 1998 by the Judicial Subcommittee of the American Bar Association Commission on Domestic Violence. To order, call the ABA Service Center at 800/285-2221 and request product #5480003P50.)