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Evan Ryan
The Obama-Biden Transition Team
Office of the Vice President Elect
450 5th Street, NW
Washington, DC 20001-2739

Dear Ms. Ryan:

I appreciate the opportunity to communicate the American Bar Association recommendations on the structuring and policy priorities of the Obama Administration regarding the legal response to violence against women.

The provision of legal assistance to poor men, women and children is essential to ensuring equal access to justice in this country. The network of legal aid attorneys, legal services attorneys, other non-profit attorneys, and pro bono attorneys across the U.S. is the backbone that enables people, regardless of income, to be able to obtain high-quality, respectful, supportive legal advice and assistance to ensure basic human rights to be free from abuse and violence in their homes. Without these programs and these attorneys, homelessness will increase, domestic violence will not be eradicated, and the embarrassingly large percentage of children living in poverty in this country will increase exponentially. Non-profit legal services and pro bono programs serving victims of domestic violence struggle to meet the needs of those who seek their services. Existing private and public funding streams are in jeopardy because of a lack of national prioritization of the legal needs of victims of violence against women including domestic violence, sexual assault, dating violence and stalking.

Moreover, enforcement of civil and criminal remedies for victims of domestic violence, sexual assault, and stalking is essential to ensure offender accountability and to overcome the financial impacts that these crimes have on their victims, their families and their communities. National leadership on a coordinated legal response to domestic violence is sorely needed to ensure that the rights and protections intended for survivors are truly accessible.

This document provides an overview of the legal needs of victims of violence against women in the U.S. and a description of specific ways in which the Obama Administration may address these needs through a coordinated prioritization of

the legal response to violence against women both in the U.S. and abroad. An improved legal response to violence against women is possible with your leadership.

The Epidemic of Violence Against Women

By conservative estimates, 1.5 million women in the United States are assaulted by their intimate partners every year. Nationally, one in three women will experience sexual violence in her lifetime and one in twelve women will be stalked in her lifetime. Women are the majority of the victims of these crimes, although men are also victims. Moreover, anyone may be a victim regardless of race, ethnicity, religion, sexual orientation or identity or age – in fact some of the highest rates of victimization are among young women and girls. The need for protection from violence cannot be underestimated.

The Economic Impact of Violence Against Women

The economic impacts of violence against women are undeniable. Violence may force a woman to quit a job, be fired, or leave a community in which she previously had support and income options, forcing her to slip out of the shrinking middle class and into poverty. A study conducted by the Corporate Alliance to End Partner Violence in 2005 found that one fourth of employed adults self-identified as a victim of intimate partner violence. Several studies have indicated that over 50% of victims of domestic violence lose their jobs due in part to the violence and 25% of sexual assault victims lose their jobs within a year of the assault. It is no surprise then that it is well-documented that the number one cause of homelessness for women and children in this country is domestic violence. Only a coordinated community response including legal services can effectively address the devastating short- and long-term impacts of domestic violence.

Our Current Legal Response to Violence Against Women

Access to justice is essential to ensuring that victims of domestic violence, sexual assault, dating violence, and stalking receive the protection and remedies necessary to prevent and minimize the lifelong, devastating effects of these crimes. Non-profit legal service providers are on the front line of this country's effort to address this epidemic by providing critically needed legal assistance to victims of domestic violence, helping them obtain protection from abuse, custody, housing, employment and access to public benefits. Current funding streams for legal services for victims of violence against women include: the Legal Services Corporation, the Legal Assistance for Victims grant program funded by the Violence Against Women Act and administered by the Office on Violence Against Women in the U.S. Department of Justice, IOLTA funds, small private foundations and individual donations.

Quite simply, without improved and expanded legal aid and pro bono services, many more thousands of victims of domestic violence, sexual assault and dating violence will be forced to stay in violent homes longer or be forced into poverty and homelessness leading to increased injury and even murder. Access to the justice system is not only one of our most effective tools in ending violence against women, it is actively preventing ongoing abuse when survivors are able to obtain access to the justice system, and, in many instances a link to economic justice and the middle-class. A 2003 study by economists at Colgate University and the University of Arkansas found that access to legal assistances reduces domestic violence over the long term, making the legal assistance components a solid investment in the larger programs to address domestic violence and its consequences. The study found: “While most services provided to help battered women do not impact the likelihood of abuse, the provision of legal services significantly lowers the incidence of domestic violence.” (<http://www.lanwt.org/pdfs/exdo.pdf>.) However, we know that existing services are extremely limited, overloaded, underfunded, and unsupported and thus unable to meet the needs of victims.

Recommendations for Supporting and Improving the Legal Response to Violence Against Women:

The American Bar Association, through many member entities generally and through its Commission on Domestic Violence specifically, has developed substantial experience and expertise on the subject of violence against women. The House of Delegates has adopted a wide range of policy on this subject as well. We set out below some of the legislative and executive branch actions proposed by the ABA to support and improve the legal response to violence against women.

Several of these recommendations call for establishing new entities and for increasing federal funding of certain programs and activities. We recognize that our nation is experiencing a fiscal crisis and that difficult decisions must be made regarding allocation of scarce resources. However, we believe that the funding called for pales in comparison to the potential benefits – to individuals, families, communities, and our nation – to be attained by strengthening our commitments in this area.

Create an Infrastructure in the Administration to Support Prioritization and Implementation of Increased and Improved Access to Legal Services for Victims of Domestic Violence, Sexual Assault, Dating Violence, and Stalking

1. *Create a White House Office on Violence Against Women.*

This office should include an advisor with expertise on legal services for victims to analyze and coordinate the Administration’s legal response and provide nationally leadership by consulting regularly with leadership from

all federal agencies. For example, this advisor would work with the U.S. Department of Justice and Attorney General Nominee Eric Holder and members of the violence against women community on coordination, analysis and review of funding for legal assistance for victims through the Office on Violence Against Women. This advisor would also work with the U.S. Department of Labor (DOL) Secretary-Nominee Representative Hilda Solis (D-CA) and her staff to ensure support for and implementation of *expansion of family and medical leave laws, and paid sick days – a part of President's Agenda* - to include time off for victims of domestic violence, sexual assault, dating violence and stalking modeled after the laws that Representative Solis supported while a California Senator in the late 1990s. Moreover, this advisor could work with the **White House Task Force on Working Families** to ensure inclusion of the needs of employees who are victims of violence – who make up one fourth of the workforce – in their important efforts. In addition, this advisor could work with DOL's leadership on implementation of access to unemployment insurance benefits for victims of domestic violence, sexual assault, stalking and dating violence. Moreover, this advisor could work with the Internal Revenue Service to ensure effective implementation of innocent spouse relief, with the Equal Employment Opportunity Commission to develop a guidance on violence against women and sexual harassment, or with the U.S. Department of Justice and the Bureau of Justice Statistics to improve data collection on the legal services provided to victims of these crimes and the needs not met to inform an improved legal response. This White House Office and all initiatives on violence against women should address the four issues of domestic violence, sexual assault, dating violence and stalking in equal ways, recognizing the intersections between these crimes and the unique needs of each type of victim.

2. **Adopt a Presidential Initiative on Ending Violence Against Women.** Convene bi-annual meetings with leadership from federal agencies and work with the leadership of the violence against women advocacy community working to end this violence to ensure that federal policies meet the needs of domestic violence, dating violence, sexual assault and stalking victims. This initiative should also include launching a program to encourage pro bono attorneys to seek out opportunities to learn about the legal needs of victims of domestic violence, obtain necessary training to handle these cases and identify a program through which to take cases on behalf of victims such as the one described in the **National Domestic Violence Volunteer Attorney Network Act** by coordinating with the ABA Commission on Domestic Violence and its Domestic Violence Pro Bono Program Directory to be released in August 2009.
3. **Create an Interagency Council on Violence Against Women.** This Council should be staffed by the Director of the Office on Violence Against Women (OVW). This Interagency Council will develop consistent

Administration-wide agency policies and implementation, work with other relevant Interagency Councils, liaise with the high-level point person on Violence Against Women in the White House and consult with and obtain advice from the field on a regular basis. This Interagency Council would include leadership from all relevant federal agencies and issues including the legal response to domestic violence and including but not limited to the Department of Labor, the Equal Employment Opportunity Commission the Department of Housing, the Department of Homeland Security, the Internal Revenue Services, Department of Education, the Center for Disease Control and Injury Prevention, the Department of Defense, the Department of Homeland Security, Veterans Affairs and the Office of Budget Management.

4. *Prioritize training for attorneys representing victims of domestic violence, sexual assault, dating violence and stalking.*

Support and increase dedicated funding for training and support for non-profit legal service and pro bono attorneys such as that contemplated in the **National Domestic Violence Volunteer Attorney Network Act** on the co-occurring crimes and mandate such training for anyone receiving federal funding to provide legal assistance to victims by leveraging existing resources. Examples of sample materials to be used in such trainings include the ABA Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases (<http://www.abanet.org/domviol/docs/StandardsCommentary.pdf>) and the Civil Law Manual produced by the Victim Rights Law Center on representation of victims of sexual assault (<http://www.victimrights.org/pdf-manual/beyondthecriminaljusticesystem.pdf>).

5. *Support the development and adoption of a domestic violence, sexual assault, dating violence and stalking and the workplace policy for all federal agencies.*

The policy would be developed in consultation with the White House Office on Violence Against Women and the Interagency Council and the expertise in the field on the development of such policies to include ongoing training as a requirement. The White House Office should lead the effort to adopt an executive order requiring implementation of the policy and supporting victims of stalking and dating violence in the workplace similar to those adopted by several states including Maine.

6. *Make Ending Violence Against Women and Girls a Foreign Policy Priority.*

Support passage of the **International Violence Against Women Act** and creation of an office in the U.S. Department to State to focus on efforts to

end violence against women around the world in coordination with domestic efforts.

Provide National Leadership and Support for Funding for Violence Against Women Programming

7. *Support increased funding for programs supporting legal assistance for victims of domestic violence, sexual assault, dating violence and stalking.*

Support should include funding for attorneys and on-going support and training for attorneys to ensure that high quality representation is being provided with federal funding consistently across the country, including the Legal Assistance for Victims grant program of the Violence Against Women Act and Legal Services Corporation funding. We recommend the President's support for the **National Domestic Violence Volunteer Attorney Network Act**, introduced by Senator Biden in 2007.

8. *Support increased funding regarding data collection and analysis regarding the occurrence of domestic violence and the number of survivors seeking obtaining and being turned away from legal services and who provides those services and on what legal issues to inform a better legal response.*

9. *Support Full-Funding for the Violence Against Women Act and the Family Violence Prevention and Services Act.*

The members and staff of the ABA Commission on Domestic Violence 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 runger@staff.abanet.org, or Tom Susman, director of the ABA Governmental Affairs Office (202-662-1765).

Sincerely,



Thomas M. Susman

cc: Louisa Terrell, Presidential Transition Team
Terrell McSweeney, Presidential Transition Team