

DOMESTIC VIOLENCE WORK AT COLUMBIA LAW SCHOOL

LAURA LA VELLE*

In keeping with this issue's focus on domestic violence, the editorial board of the Columbia Journal of Gender and Law wanted to include some information on the domestic violence work that is being done by Columbia law students today.

I. THE DOMESTIC VIOLENCE PROJECT AT COLUMBIA LAW SCHOOL'S ADVOCACY

The Domestic Violence Project (DVP) at Columbia Law School was founded in 1994 by a third-year law student, Maxine Rosenthal.¹ In its early years, the Domestic Violence Project provided law students with the opportunity to advocate in Family Court for battered women through a court accompaniment program. Through this program, Victim Services Westside Office Legal Project would send an attorney every semester to train Columbia law students. Then, Victim Services would call Columbia's DVP hotline when they needed a student to accompany an otherwise unrepresented woman seeking an Order of Protection in Family Court.

Usually women whom students accompanied to court had already spent a day in court filing for and obtaining a temporary Order of Protection. In an accompaniment case, students would interview women before their upcoming adjourn dates and advocate for them in hearings for their final Orders of Protection before Family Court judges. The students' moral support and advocacy provided women with needed assistance at a crucial point in their cases. The DVP continues today to take these accompaniment cases from Victim Services and other legal agencies.

However, after the accompaniment program had operated for a few years, Columbia law students began to recognize that they could do more to

* Laura LaVelle is a third-year student at Columbia University School of Law, currently a board member of the Domestic Violence Project at Columbia Law School, and the Editor in Chief of the Columbia Journal of Gender and Law.

¹ Maxine Rosenthal, a former board member of the Columbia Journal of Gender and Law, is now an Assistant District Attorney in the Manhattan District Attorney's office. She currently works in the Sex Crimes and Domestic Violence Units.

help battered women petitioning for Orders of Protection. Because of the popularity of the accompaniment program, each semester thirty to fifty law students would participate in the Victim Services trainings, but the accompaniment referral system only generated a handful of cases for students every semester. Meanwhile, students knew that hundreds of battered women were filing for Orders of Protection in New York's family courts with no legal assistance or advocacy. Most of these petitioners never called a legal services agency and therefore never became eligible for accompaniment by a law student.

Women typically enter Family Court seeking Protection on the heels of an incident of severe violence. They are often frightened, isolated, at heightened risk of life-threatening retaliation, and uneducated about the legal rights and remedies available to them in Family Court. Nonetheless, they are expected to file their petitions with little assistance and appear before judges alone.

Ordinarily, on this first day in court, women file for Orders of Protection without the help of any professional. First they are interviewed by Petition Clerks, who ask them a few questions and type up a petition describing the nature of the domestic violence being alleged. This petition becomes the legal basis of the petitioner's case, and therefore it is important for it to include all of the elements of the family offense being alleged. The judge will often ask a few questions based on the allegations in the petition and will usually grant a temporary Order of Protection, give a quick explanation of service, and set a return date for the hearing for the final Order of Protection.

This brief court appearance is important for several reasons. It provides an opportunity for the petitioner to request additional relief from the court, such as temporary child support or an exclusionary protective order. In addition, it is the first opportunity to request amendments of a petition that does not include all of the necessary incidents or facts. Third, anything the petitioner says and the way in which she presents herself at this initial hearing will leave an impression on the judge.

Battered women should not have to face this first court date alone. The lack of services in Family Court weakens petitioners' cases and further endangers battered women's safety. It leads to poorly drafted petitions, which often result in denial of final Orders of Protection and to a lack of needed relief, such as exclusion of the batterer from the family's home and three-year Orders of Protection.

II. THE COURTROOM ADVOCATES PROJECT (CAP)

In 1997, Jennifer Friedman² a Columbia Law student, co-founded the Courtroom Advocates Project (CAP) to give law students an opportunity to help victims of domestic violence on their first day in court, and to provide them with more complete advocacy. Working closely with Sanctuary for Families' Center for Battered Women's Legal Services and under the auspices of the Lawyer's Committee Against Domestic Violence, Ms. Friedman brought together a consortium of student-run law school domestic violence advocacy organizations and legal service agencies. Judge Richard Ross, the Supervising Judge of Manhattan Family Court, also worked closely with the consortium and facilitated students' access to the Manhattan Family Courthouse. In addition to Columbia University School of Law, the five other law schools that participate in CAP are: Brooklyn Law School, Benjamin N. Cardozo School of Law, Fordham University School of Law, New York Law School, and New York University Law School. The participating legal services agencies are: the Bronx Legal Aid Society, Harlem Legal Services, New York Legal Assistance Group, Network for Women's Services, Sanctuary for Families' Center for Battered Women's Legal Services, and Victim Services Domestic Violence Law Project.

CAP began as a small pilot program in the summer of 1997, and has grown to a city-wide advocacy program. Through CAP, Student Advocates from all six New York City law schools assist domestic violence victims when they first arrive in Family Court. Student Advocates staff the Petitioners Assistance Table, where they interview domestic violence victims and help them draft their petitions. This initial advocacy significantly improves the quality of the petitions filed so that they accurately allege the family offenses committed and request the necessary temporary relief sought. Student Advocates also assist petitioners with safety planning to avoid or escape dangerous abusers and provide referrals to needed resources such as domestic violence shelters, hotlines, counseling, and health services. Advocates distribute "Questions and Answers for Survivors of Domestic Violence," an easy-to-read pamphlet containing information about Family Court, personal safety plans, and community resources.

² Jennifer Friedman graduated from Columbia University School of Law in 1998. She served as the Chair of the Domestic Violence Project at Columbia Law School from 1997-98, and co-founded and co-chaired the Courtroom Advocates Project (along with Jessica F. Vasquez, a New York Law student) from the summer of 1997 through 1998. She is currently serving as the Director of the Courtroom Advocates Project, on a NAPIL Equal Justice fellowship.

Student Advocates then accompany petitioners when they appear before Family Court judges at intake hearings and assist them in requesting appropriate relief from the court. Student Advocates continue the advocacy as cases proceed by identifying and gathering evidence for trial and accompanying battered women to court on adjourn dates and advocating for them in the courtroom. Students refer complex and contested cases to attorneys at consortium-member agencies specializing in domestic violence litigation.

A. CAP Training

CAP Student Advocates undergo rigorous full-day training sessions comprised of lectures and workshops delivered by experienced trial attorneys, social workers, and student leaders. Topics presented at the trainings include: understanding domestic violence, cultural sensitivity, interviewing battered women, the relationship between Family Court and Criminal Court, litigating a family offense, and serving Orders of Protection. CAP trainings have featured keynote addresses by Family Court judges, law school deans, and survivors of domestic violence. Additionally, an extensive training manual designed for CAP complements the training sessions.

B. CAP Supervision

Student Advocates receive two-tier supervision. First, they are supervised in court by Jennifer Friedman, or experienced Student Advocates. Since she graduated from Columbia in 1998, Ms. Friedman has served as the Director of CAP on a two-year NAPIL Equal Justice Fellowship³, funded in part by the law firm Fried, Frank, Harris, Schriver & Jacobson. Students are also supervised by experienced attorneys from the consortium's participating legal services agencies. The attorneys hold weekly office hours when they are available to answer students' questions. They also conduct monthly meetings at each of the participating law schools where they answer questions and provide additional training on related family law topics, such as custody and

³ NAPIL is the National Association of Public Interest Law, a non-profit organization founded in 1986 by public-interest minded law students. Today, NAPIL is a national coalition of 150 student chapters on law school campuses. NAPIL Fellowships for Equal Justice, a postgraduate legal fellowship program, was created in 1992. It was designed to put talented, committed, and diverse new lawyers to work in low-income and other under-served communities, and to train and nurture new lawyers to make a lifetime commitment to public service.

visitation, matrimonial law, and immigration. In addition, experienced Student Advocates at each law school schedule and moderate more frequent meetings for students to share their experiences and “debrief” after court dates.

C. The CAP Summer Program

CAP continues to provide services to battered women over the summer, despite the fact that law schools are out of session, by training Summer Associates at New York City law firms and interns at CAP’s legal services agencies to serve as Student Advocates. Students participating in the summer program receive the same training and supervision as law students during the school year. In the summer of 1999, Summer Associates from the following law firms will participate in CAP: Cleary, Gottlieb, Steen & Hamilton; Cravath, Swaine & Moore; Debevoise & Plimpton; Fried, Frank, Harris, Shriver & Jacobson; Hughes, Hubbard & Reed; Morgan, Lewis & Bockius, L.L.P.; Milbank, Tweed, Hadley & McCloy, L.L.P.; Proskauer Rose, L.L.P.; Sullivan & Cromwell; Strook & Strook & Lavan, L.L.P.; White & Case, L.L.P.; and Whitman Breed Abbott & Morgan, L.L.P.

D. CAP’s Results: A Broad View

CAP is the first effort in New York City to offer domestic violence victims legal advocacy and support from the time they petition for an Order of Protection until they return to court weeks later. It is a very important development because this is a time during which victims of domestic violence are especially vulnerable. Domestic violence perpetrators usually isolate their victims from family, friends, and other social supports, and retaliate with a vengeance if their victims attempt to leave and seek help. In fact, this is the point at which battered women are most likely to be seriously injured or killed.

Since CAP began operating in Manhattan Family Court in July of 1997, over 350 domestic violence victims have been assisted by Student Advocates, and over 450 law students have been trained. In the 1998-1999 academic year alone, Columbia Law School has sent over 52 students to Family Court, who assisted over 46 victims of domestic violence. Court records show that petitioners who have been assigned Student Advocates have had a significantly higher rate of return for their adjourn dates than either those proceeding *pro se* or those only assigned court-appointed attorneys.

E. CAP's Results: A Personal Story

The following is an account of one woman's battle with domestic violence and how CAP helped her to navigate the legal system. The names of the parties involved have been changed to preserve their anonymity.

Damaris Garcia is an immigrant from the Dominican Republic and the mother of two children: Yanet, a seven-year old girl, and Luiz, a twelve-year old boy. Ms. Garcia was physically assaulted by her ex-husband, Roberto Garcia, on July 18, 1998. Mr. Garcia also assaulted his son and threatened to assault his daughter. The police arrested him, and Damaris Garcia came to Family Court seeking an Order of Protection against her ex-husband..

Paul Berlin, a CAP Student Advocate from Cardozo Law, met Ms. Garcia when she first entered court and helped her file for an Order of Protection. He also advocated for her before the Family Court Judge, and was able to help her secure a temporary child support order.

Before the violent incident occurred, Roberto Garcia had regularly sent checks to his ex-wife to support their two children. When Ms. Garcia called the police and sought legal protection against him, he stopped supporting his children financially altogether. This decrease in family resources, combined with the onset of the school year for her two children with the requisite expenses, made payment of Ms. Garcia's monthly rent of \$675 impossible. She received eviction notices from her landlord.

Ms. Garcia works full-time as a switchboard receptionist at a bank, and attends Melrose College where she studies Business Administration at night. The combination of the two Family Court dates and the criminal case required her to miss work on numerous occasions, resulting in her pay being docked for each absence. This loss of income, also a direct result of Ms. Garcia's attempts to secure safety, also contributed to her inability to pay her rent.

After the court awarded Ms. Garcia a Temporary Order of Protection, Jennifer Friedman took over her case from the Student Advocate. In a period of a few months, she was able to get Ms. Garcia a three-year Final Order of Protection and a generous final child support order. In addition, she was able to prove to the housing court judge and her landlord that domestic violence was the cause of Ms. Garcia's failure to pay her rent. Damaris Garcia and her children were not evicted. Ms. Friedman was able to help Ms. Garcia to

secure emergency funds from Sanctuary for Families and a Jiggetts⁴ loan to cover the rent she owed on her apartment. As a result of the intervention of the Courtroom Advocates Project, Ms. Garcia received the legal protection she needed and the financial support she deserved. Though the process has been slow and difficult, she has been able to move on with her life.

F. CAP's Goals for the Future

CAP's goals for the future are to expand to provide assistance to battered women in the other Boroughs of New York City. This summer, Ms. Friedman plans to launch a pilot program in the Bronx, and hopes to integrate the Bronx into the program completely next fall.

In addition to providing critical help to a large and growing number of domestic violence victims, the CAP provides hundreds of law students with the opportunity to assist battered women and their children in taking the courageous step from abuse to safety.

The CAP and other law-student initiated projects may potentially effect profound change, not only in the lives of battered women and their children, but in the attitudes and commitments of hundreds of New York City law students, who are the public interest and pro bono lawyers of the future. The CAP's influence may spread even further; it is the members' hope that as its programs prove successful, they may be used as a model in other cities.

It is our hope in publishing this description of the work that law students from Columbia and other law schools in New York are doing in this important area, the Columbia Journal of Gender and Law can help in some way to educate others about these programs and encourage law students and lawyers in other parts of the country to do what they can to provide assistance to domestic violence victims.

⁴ Jiggetts v. Grinker, 553 N.E.2d 570 (1990). In Jiggetts, the New York Court of Appeals held that the State Commissioner of Social Services has a statutory duty to establish an adequate shelter allowance for recipients of Aid to Families with Dependant Children and that such aid must bear a reasonable relation to the cost of housing in New York City.

