

Redefining Justice: Empowering Survivors Through Civil Legal Options

PRESENTED BY:
SARAH REIMERS SUMMERS, ROCKY MOUNTAIN VICTIM LAW CENTER
ALEXIS FREET, PROJECT SAFEGUARD



Victim Rights Legal Services:

Provides direct representation to victims of VRA crimes in criminal cases to ensure their rights and privacy are maintained.

Legal Information Network of Colorado (LINC):

Provides confidential, no-cost comprehensive legal information services for crime victims through a helpline (720.583.2929), website (www.ColoradoLINC.org), and specially trained navigators.

Civil Legal Services for Crime Victims Statewide Project:

A project funded by the Colorado Division of Criminal Justice, Office for Victims aiming to create and implement a plan to increase the continuum of services for a variety of civil legal needs of the crime victim resulting from their victimization.



Project Safeguard serves victims of domestic violence, sex assault, and stalking. We have legal advocates in courthouses across the Denver Metro Area (Denver County, Adams County, Arapahoe County, and Broomfield County) as well as at the Rose Andom Center.

Project Safeguard Advocates provide a variety of services, including court support, safety planning, legal advocacy, clinics, and referrals.

Project Safeguard also has a weekly divorce and custody clinic for clients, which is run by volunteer attorneys, and the Lawyers for Victims program.

Training Objectives

- Participants will understand how engaging the civil legal system can provide stability for survivors.
- Participants will be able to learn about existing barriers to engaging the civil legal system.
- Participants will identify solutions and options for survivors seeking justice in through these channels.



Who Is Here Today?



Legal Systems 101

Criminal System

A crime victim can report a crime to law enforcement, who may or may not investigate. If an arrest is made and there is sufficient evidence, the prosecutor can file charges and pursue prosecution. The crime or act that caused harm is perceived by the criminal justice system to be committed against the state. The prosecutor is the attorney for the people of the jurisdiction and does not act on behalf of the victim.

Civil System

Crime victims can seek justice or other legal remedies by filing a civil lawsuit against the person or persons the victims believes caused them harm. No determination of guilt or innocence is made. The victim controls all key decisions of the case and they do not need to involve law enforcement.

What do you see in your community?

Why do survivors chose to not engage the criminal justice process?

How does your organization respond?



The Problem

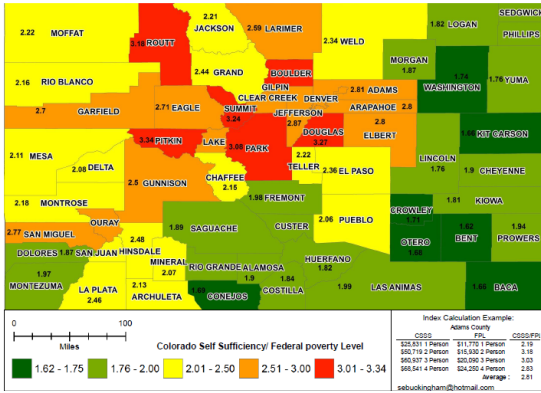
“Victims of crime all too often face a perplexing maze of coexisting, overlapping, and complex legal issues after their victimization...Maneuvering through a virtual labyrinth of systems...is confusing at best, and overwhelming-even traumatizing-at worst.”

- U.S. Department of Justice Office of Justice Programs Office for Victims of Crime (2013). *Vision 21: Transforming Victim Services Final Report*, p. 12.

The Data

- 203,765 crimes reported in Colorado in 2016 (2016 *Crime in Colorado, Colorado Bureau of Investigation*) but 52% of violent victimizations are not reported to the police. (*National Crime Victimization Survey Special Report, Victimization Not Reported to the Police*, August 2012).
- Often, victims have corresponding legal issues in the civil legal system (U.S. Department of Justice Office of Justice Programs Office for Victims of Crime (2013). *Vision 21: Transforming Victim Services Final Report*).
- There is no right to counsel in civil cases (John Pollock, *American Bar Association, "It's All About Justice: Gideon and the Right to Counsel in Civil Cases," Vol. 39 No. 4*).
- More than 50% of all civil litigants (almost 76% in domestic cases) are unrepresented (*Colorado Access to Justice Commission Report, 2014*).

Colorado Self Sufficiency Standard Index





Barriers to Engaging the Civil Legal System

Modern Law Practice

Many attorneys offer affordable services through alternative fee arrangements:

- Flat Fee Cases
- Sliding Scale Based On Income
- Hourly Rate
- Contingent Fee
- Unbundled Legal Services
- Contract Attorney Programs
- Subscription billing

Don't assume a lawyer is too expensive! Modern law firms are evolving to meet the needs and budget of every client.

Engaging Attorneys with your Organization

How do you currently work with attorneys? Challenges?

How can you further develop relationships with attorneys in your community?

- Don't be shy!
- Attorneys are often looking for ways to get involved and give back.
- Share what your organization does and how they could make a difference for victims in need at local events geared toward attorneys (at local bar association events, for example).
- If you have a presence in the courthouse, introduce yourself to courthouse staff, clerks, Judges, Magistrates, help desk attorneys, etc.

Colorado Legal Services

Local Nonprofit Law Firms

Local Legal Advocacy Organizations

Legal Clinics

Self-Help Center at the Courthouse (SHERLOCKS)

Legal Information Network of Colorado (LINC)

Local Bar Associations

Local Access to Justice Committees

Colorado Self-Help Websites

Common
Community
Legal
Resources

Spotlight: Lawyers for Victims Program

The Need

Attorney representation for our clients at their Permanent Protection Order hearings

Common misconception: it's easy to get a Permanent Protection Order

The Reality

No training requirements for Judicial Officers

The legal system can cause re-traumatization

Victims often have memory or recall problems

The record in the Civil Protection Order Case could be used in a Criminal Case

The Solution: Lawyers for Victims Program (LFVP)

Project Safeguard started the LFVP in 2015, contracting with attorneys on a flat-fee basis to provide limited-scope representation to victims of domestic violence at civil protection order hearings, at no cost to the client.

This model was expanded in 2017 to other agencies across Colorado and is no longer limited to civil protection orders.

LFV Program Basics

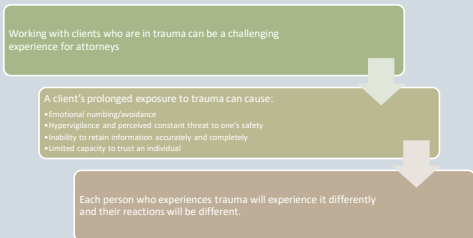


Trauma-Informed Attorneys

Attorneys will be working with victims who have experienced significant trauma.

Each contract attorney is required to attend a training on trauma informed care.

What is Trauma-Informed Care?



The Trainings

These trainings will provide contract attorneys with the tools that they need to provide competent representation to victims through trauma-informed care.

These trainings will also provide attorneys with information on secondary trauma and how to protect and care for themselves while working with victims of crime who are experiencing trauma.

These trainings will not only allow for contract attorneys to provide superior representation, but also to provide support for attorneys to avoid burnout.

Advocate involvement is critical to the success of the project

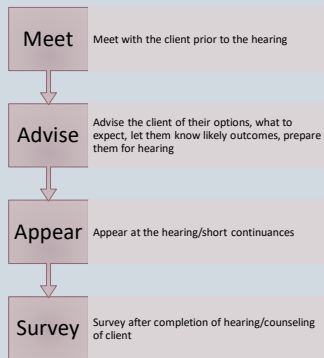
The advocate supports the client throughout the process and provides information to attorneys

Often an advocate will provide in-person support on the day of the hearing, arrange for interpreters, obtain proof of service documentation, alert attorneys to changes in courtroom procedure, etc.

Advocates provide support to the client leading up to as well as after the hearing.

Advocate Involvement

Role of Contract Attorneys



Increased success rates, especially when the respondent has representation

Clients feel more in control and empowered

An attorney is more likely to protect the record for any future hearings/trials (criminal, divorce, custody, etc.)

Attorneys refer clients back to Project Safeguard Advocates for other resources/support services and are able to focus on the legal issues

Attorney and client may continue their relationship for other legal matters beyond the PPO representation

Benefits

As a result of my legal representation, I feel... "More trust and confidence in the legal process. So grateful to project safeguard."

"The program was the reason I successfully obtained a permanent protection order. I initially tried on my own and was denied."

"I was represented well. I'd definitely recommend the program to any person with representation needs."

"[My attorney] was organized, professional and caring. She did a wonderful job."

"I was very satisfied with my representation."

"[My advocate] was the representative from the program that assisted me. I cannot speak more highly of her professionalism. She was the reason I obtained a permanent protective order. I am very grateful for the assistance I received from the program."

Client feedback

Attorney Feedback

Attorneys appreciate the team effort of the Lawyers for Victims Program. They can focus on the legal issues at hand while the advocate can assist with other issues that might inhibit the legal process.

"Your advocate was EXCELLENT today in the midst of a lot of trauma. I just really appreciated her calmness when the client was totally melted down."

Case Studies

Case Study

Christina, an undocumented native of the Philippines comes to your organization asking for help. She says that her spouse Isko is incredibly abusive and she wants to find a way to leave him.

However, she is not currently working and wants to take her three children when she leaves. She is afraid to call law enforcement because of her immigration status and begs you to not call the police.

What resources can you provide for Christina? Where would you send her?

PSG Focused Case Study

Eileen just got her civil temporary protection order granted in county court against Martin, the father of her children. She is very nervous about having Martin served and is fearful that he will retaliate.

In addition to the civil TPO, there is a criminal case pending, stemming from the same incident. Eileen has a traumatic brain injury and her memory of the incident is unclear. She is not sure whether or not she wants to continue to participate in the criminal case.

What resources could you provide for Eileen? Where would you send her?

Case Study

Lou has recently been assaulted by his partner Lim at a family event. Though they have never had a ceremonial marriage, they have been together for five years and Lou considered Lim to be his husband.

Lim and Lou own a house together, have two dogs and have a joint credit card. Lou is afraid and wants to know if you can help him.

What resources could you provide for Lou? Where would you send him?

Closing Tips

- 1 Listen to Needs
- 2 Strategize
- 3 Know Your Community Partners

Questions



Project Safeguard
Justice and Safety



RMvic
ROCKY MOUNTAIN
victim law center



Alexis Freet, JD
Legal Director
alexis@psghelps.org
Phone: 303-317-4157

Sarah Reimers Summers, JD
Statewide Civil Legal Services Coordinator
sarah@rmvictimlaw.org
Phone: 303-295-2001 x6
