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**The Civil Legal Representation Project:
Saving Lives, Promoting Self-Sufficiency, and
Creating Institutional Change for Victims of Domestic Violence**

Executive Summary of Final Evaluation Report

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Pennsylvania Coalition Against Domestic Violence

I. Introduction

The Civil Legal Representation Project

The civil justice system can play a powerful role in saving lives, promoting self-sufficiency and creating institutional change for victims of domestic violence when and if victims have access to legal representation. The Civil Legal Representation (CLR) Project of the Pennsylvania Coalition Against Domestic Violence (PCADV) was established through a grant from the Pennsylvania Department of Public Welfare to:

- ◆ assist victims with complex issues, i.e., Protection From Abuse (PFA), custody, child and spousal support, etc.;
- ◆ provide expert legal advice and representation to victims about their rights and options in a supportive and respectful environment;
- ◆ develop a Network of attorney specialists skilled in representing victims of domestic violence in family law and other civil matters while remaining committed to improving the civil justice system.

The CLR Project is a unique Model for providing legal services to victims of domestic violence that integrates expert legal representation with assistance for clients in addressing other needs related to the violence they have experienced. The Project's most fundamental feature is the establishment of legal representation Programs within local domestic violence service agencies. Pro Bono Attorneys traditionally have addressed legal representation of domestic violence victims in a very limited fashion. Representation of domestic violence victims by non-profit Legal Services Organizations/Attorneys is constrained by both budget and program limitations.

The PCADV CLR Project funds CLR Programs in seven full-implementation sites and four enhancement sites.¹ Each CLR Program is a component of a local domestic violence service agency in the implementation site. The Programs vary in size, but each employs at least one Attorney and one Paralegal.

Although many local domestic violence agencies provide some level of legal assistance to their clients through legal advocates, the CLR Project is distinct in incorporating a central statewide source of administrative and technical support to the domestic violence agencies participating in the CLR Project. PCADV plays a vital and pivotal role in the CLR Project by providing extensive training and technical assistance to the CLR Project sites. The primary objective of the training and technical assistance is to instill and maintain a programmatic focus on safety, self-sufficiency and institutional change for victims of domestic violence. Centralized coordination also promotes the consistency and quality of legal representation across the Project sites.

¹ The full-implementation sites are Allegheny, Butler, Erie, Potter, Lackawanna/Susquehanna, Bucks, and Franklin/Fulton Counties. The enhancement sites are Berks, Chester, Dauphin and Lancaster Counties.

The CLR Project extends its technical assistance function to reach other Legal Services Organizations and individual attorneys who provide legal representation to victims of domestic violence. This technical assistance component is critical to developing a Network of attorney specialists skilled in representing victims of domestic violence in family law and other civil matters and committed to improving the civil justice system. The CLR Project Staff at PCADV has undertaken a number of activities to develop a Network of attorneys working in domestic violence programs throughout Pennsylvania, including establishing communications via internet and telephone connections; hosting in-person meetings; providing legal updates; and preparing legal Memoranda and Briefs.

Why victims of domestic violence need greater legal resources

Although State and Federal statutes offer protections and remedies for victims of domestic violence through the civil justice system, these laws are not self-implementing. For many victims, lack of knowledge and resources bars access to available legal relief. For others, fear of retaliation for challenging their abuser keeps them from seeking assistance from the civil justice system.² A hurdle victims with children often must overcome is the fear of losing their children in a custody battle with the abuser. In many courts, procedures designed to assist unrepresented parties, in fact, intimidate and deter victims of domestic violence. Victims who overcome these barriers to taking action on their own behalf often encounter Judges who do not exercise their power to provide all of the relief allowed under the law.³ Without competent legal representation to pursue relief that is their right or to defend against pre-emptive actions filed by the abuser, many victims forfeit their rights, settle for less relief than the law allows, or give up the struggle to live in safety and freedom from the abuser's control.

In most Pennsylvania communities, the availability of affordable and comprehensive legal services for victims of domestic violence is minimal.⁴ Where government-funded Legal Services are available to low-income litigants, guidelines for eligibility exclude many victims of domestic violence from services other than representation in PFA cases. Most pro bono programs for those whose income is above the limit can handle only a small portion of the need. Although Legal Services Organizations and Pro Bono Networks provide valuable services, they lack the funds and staff to adequately address all of the needs for legal representation of domestic violence victims.⁵

² See "Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System," p. 391 (March 2003).

³ See "Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System," *supra* at 388, 389, 392, 400.

⁴ See "Report of the Pennsylvania Bar Association Task Force on Legal Services to the Needy" (December 1990).

⁵ See "Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System," *supra* at 415.

How the CLR Project addresses inadequate legal resources for victims of domestic violence in Pennsylvania

The CLR Project enables the domestic violence agencies in the implementation sites to offer comprehensive, expert legal representation to eligible agency clients as part of a continuum of agency services, including safety planning, options counseling, shelter, support groups and special programs for children. These services provide the important community resources and support that victims need to live safely both during and after separation from the abuser. The availability of these services in conjunction with legal representation greatly enhances the ability of domestic violence victims to continue moving toward self-sufficiency, despite the variety of challenges that may arise.

CLR Program Attorneys acquire their expertise through extensive training and technical assistance from PCADV, direct-services training from their individual agencies, and immersion in the specialized practice of representing victims of domestic violence. A mandatory 40-hour training presented by PCADV to CLR Attorneys and Paralegal Staff at the beginning of Program implementation covered professional issues, such as attorney-client privilege, confidentiality and conflicts, and a broad range of substantive law, including child custody, child support, PFA Orders, Child Protective Services, public benefits, employment, immigration, domestic torts, and the Violence Against Women Act.

A key premise of the CLR Project is that CLR Attorneys will develop and refine their legal skills and expertise in domestic violence advocacy through their specialized practice within a domestic violence agency. Through day-to-day practice, CLR Attorneys learn how to work effectively with clients, explore potential legal options, assess legal strategies, and recommend agency and community resources that achieve the most beneficial outcomes in their clients' individual circumstances. This Model ensures that the domestic violence issues affecting a CLR client remain paramount throughout the clients representation. The abuse does not become marginalized in favor of expeditious resolution.

CLR Attorneys also learn how best to navigate the civil justice system in their jurisdictions and to understand where opportunities lie to improve the manner by which the system addresses the needs and interests of domestic violence victims. Through consistent and competent representation of individual clients in the civil justice system, CLR Attorneys can foster institutional reform. This orientation is critical to promoting safety and self-sufficiency for individual clients. It broadens the scope of advocacy for system change, which domestic violence agencies have traditionally sought to achieve.

How does the CLR Project measure its success in achieving its goals?

PCADV engaged two independent evaluators and coordinated an assessment of the CLR Projects first year of operation in the seven full-implementation sites. The subsequent Evaluation focuses on the impact of the Project with respect to:

- (1) improving outcomes for individual CLR clients;
- (2) improving the civil court processes most often used by CLR clients (PFA, child custody, and child and spousal support); and
- (3) increasing the availability and quality of legal services to victims of domestic violence.⁶

The Evaluation examined and considered multiple sources of information,⁷ including:

- ◆ interviews conducted with CLR Program Staff and other individuals in the community who could comment on the impact of the CLR Project;
- ◆ journals maintained by CLR Program Staff to record their experiences in the Program and with individual clients;
- ◆ Program documents and caseload reports from the Project sites; and
- ◆ data collected from samples of court and Domestic Relations Office cases filed in the CLR Project sites.

This Executive Summary presents the major findings from the CLR Project Evaluation regarding the impact of the CLR Project in three key areas:

- (1) outcomes for victims of domestic violence that promote safety and self-sufficiency;
- (2) system change, including increasing the availability of civil legal representation for victims of domestic violence and improving the civil justice systems ability to fulfill its responsibilities to victims; and
- (3) the development of a Network of attorney specialists representing victims of domestic violence throughout the Commonwealth.

⁶ The Evaluation also reviews Program support, implementation and management issues (e.g., setting up legal offices, hiring Staff, establishing screening and referral processes, developing policies and procedures, Attorney training, and technical assistance).

⁷ For several reasons, the CLR Evaluation Team excluded CLR Program clients as a source of information about the impact of the CLR Project. Although direct feedback from CLR clients would have been an optimal means of measuring the benefits of the CLR Project for individual victims of domestic violence, obtaining this information requires extensive safety precautions. The evaluators and CLR Project Staff concluded that this evaluation method risked compromising the safety and confidentiality of CLR clients. The benefits the information would provide did not warrant the substantial risks of obtaining it.

II. Summary of Evaluation Findings

The CLR Project seeks to achieve a challenging and critical set of goals:

- ◆ saving lives;
- ◆ promoting self-sufficiency; and
- ◆ creating institutional change for victims of domestic violence through the civil justice system.

The CLR Project envisions a civil justice system that functions fairly and effectively in assisting victims of domestic violence with staying safe and becoming self-sufficient. Before the CLR Project provided resources to Project sites, victims of domestic violence in these communities lacked adequate access to legal representation to achieve effective and appropriate remedies from the civil justice system. The Project Evaluation found numerous indicators of the CLR Projects success in implementing its vision and achieving its goals in the CLR Project sites. These successes are summarized in the following four Evaluation findings:

- ◆ **Finding 1: The CLR Project is saving lives, promoting self-sufficiency, and creating institutional change for victims of domestic violence.**
- ◆ **Finding 2: The CLR Project is increasing the availability and quality of legal representation for victims of domestic violence.**
- ◆ **Finding 3: The CLR Project is promoting system change to improve the civil justice system.**
- ◆ **Finding 4: PCADV is promoting Program quality and developing a Network of skilled attorney specialists representing victims of domestic violence throughout Pennsylvania.**

Finding 1: The CLR Project is saving lives, promoting self-sufficiency, and creating institutional change for victims of domestic violence.

Caseload data reported by the seven full-implementation sites confirm that the CLR Programs prioritize PFA, custody and support cases, which are critical to achieving safety and self-sufficiency for victims of domestic violence.

- ◆ PFA cases account for almost one-half of the cases opened in the six Programs that provide representation in this area (46%).
- ◆ Custody cases comprise one-quarter of the caseloads, while 15% of the caseloads are support cases.

CLR Attorneys are successful in obtaining PFA Orders that contain appropriate relief available under the law.

- ◆ PFA Orders are an important tool for achieving safety for victims of domestic violence served by the CLR Programs. The success rate of CLR Attorneys obtaining a Final PFA Order is far higher than the typical rate across the country – the average rate by the CLR Programs is 73% of the Petitions filed, and in one Program the rate is 88%.
- ◆ CLR Attorneys are maximizing the potential of the PFA Act to address critical safety and stability issues for victims of domestic violence. Many PFA Orders obtained by CLR Attorneys include primary physical custody for their client, limited or supervised visitation for the abuser, payment to their client of temporary support and medical and other expenses related to the abuse.

CLR Attorneys have developed the legal skill and understanding of domestic violence necessary to effectively address custody matters involving abusers and to assist their clients in navigating a system that very often can be intimidating and dangerous for them.

- ◆ The focus on custody issues is achieving significant benefits for CLR Program clients; over two-thirds of the custody cases filed resulted in an Order favorable to the CLR client.
- ◆ Directors of court-mandated Custody Programs interviewed indicated that representation by CLR Attorneys is a critical factor in domestic violence victims' ability to advance their safety interests in the face of the opposing parties' resistance.

CLR Attorneys are assisting clients in obtaining adequate Child and Spousal Support Orders and other economic relief.

- ◆ In a sample of 93 child and spousal support cases filed by CLR Attorneys, nearly \$24,000 is owed to CLR clients monthly, and over \$20,000 in arrearage payments has been ordered. The Child Support Orders cover 66 children, and in the cases for which the guideline amount could be determined, nearly all of the child support awards are at or above the guideline amount.
- ◆ In one county, Child and Spousal Support orders for clients in the first half of the year totaled \$155,575 (\$12,965 per month).

Finding 2: The CLR Project is increasing the availability and quality of legal representation for victims of domestic violence.

Information from interviews, Staff journals, and caseload reports demonstrates that the CLR Programs are providing services that did not previously exist or were very limited for victims of domestic violence prior to the CLR Project.

- ◆ Caseload reports from the CLR Programs show that the Programs accepted over 1,500 cases in 2002.
- ◆ CLR Program Staff and their colleagues in the community confirm that the CLR Programs are addressing previously unmet legal needs of victims of domestic violence and that they have not duplicated legal services already available in the community.
- ◆ The Referral Coordinator of a Legal Services agency reports that the CLR Program provides legal services for custody, support, and divorce issues for victims of domestic violence that previously were not available. The CLR Program is not only filling the gaps left by budget cutbacks, it is providing essential legal assistance that Legal Services Organizations and Pro Bono Attorneys cannot or do not handle, including custody, support, and divorce representation.
- ◆ A Legal Services attorney in one of the CLR Project sites noted that the CLR Program in his county provides victims of domestic violence with experienced, competent Attorneys who have expertise in specialized issues that are particular to domestic violence victims. The CLR Program provides a voice for victims of domestic violence that did not exist previously.

The CLR Programs are addressing complex legal issues and representing victims of domestic violence from underserved populations.

- ◆ The CLR Staff journals chronicle the situations that many victims of domestic violence experience, such as the need to relocate from other counties or states, and the particular challenges that immigrants and persons with disabilities often encounter. These cases require CLR Attorneys to research and apply areas of law in cases that Pro Bono and Legal Services Attorneys typically cannot undertake, including interstate custody, immigration, and international law.

Finding 3: The CLR Project is promoting system change to improve the civil justice system.

Caseload data and information from Staff journals and interviews demonstrate that CLR Attorneys are accessing the full range of safety and economic relief that the Pennsylvania legislature intended to provide to victims of domestic violence in the PFA Act.

- ◆ CLR Attorneys are obtaining child custody for clients in PFA cases in counties where Judges did not grant custody previously.
- ◆ CLR Attorneys are obtaining child and spousal support in PFA cases, and using the mechanism provided in the PFA Act to expedite the payment of support through the Domestic Relations Office.

Interviews and CLR Program Staff journals indicate that the wider justice community, including Judges, attorneys, and other service providers, recognize and value the contributions that the CLR Programs are making to improve the self-sufficiency, safety and well-being of victims of domestic violence.

- ◆ In several CLR Project sites, Legal Advocates report that CLR Attorneys have influenced Judges to award broader relief in PFA cases, including custody and support, than they had been granting. Judges also are now issuing PFA Orders for longer terms.
- ◆ Judges and Hearing Officers are more receptive to ideas that facilitate greater access to the system for victims, such as allowing telephone conferences in support proceedings involving particularly volatile or abusive opposing parties.
- ◆ In one CLR Project site, the CLR Program has made substantial progress in addressing firearms issues. Judges in that county are ordering abusers to relinquish firearms in more cases.
- ◆ In several CLR Project sites, Judges are referring litigants to the CLR Program for legal and other assistance.
- ◆ Court PFA Coordinators report that the CLR Attorneys improve the process because their Petitions and Orders are more complete and they provide the court with information about the abuser needed for service of process and Warrants that otherwise is difficult or impossible to obtain.

Finding 4: PCADV is promoting Program quality and developing a Network of skilled attorney specialists representing victims of domestic violence throughout Pennsylvania.

Project documents show that PCADV offers and disseminates an extensive array of administrative, training, and technical assistance to the CLR Project sites and other attorneys providing legal representation to victims of domestic violence. The following list provides examples of these services:

- ◆ assistance to the Project sites in establishing their CLR Programs and developing Program policies and procedures;
- ◆ on-going coordination and monitoring of the activities of the CLR implementation sites;
- ◆ a weeklong intensive training on the Project's goals, domestic violence issues, and relevant State and Federal substantive law;
- ◆ on-going legal and domestic violence training and technical assistance through regular Network meetings, conference calls, and communications with CLR Program Staff;
- ◆ development and dissemination of legal updates, legal Memoranda and Briefs to support the work of the CLR Program Attorneys and other attorneys representing victims of domestic violence in Pennsylvania.

Ratings of the initial CLR Domestic Violence Attorney Training and information obtained from Staff interviews and journals indicate that CLR Program Staff has found PCADV's support services to be an essential and highly valuable resource.

- ◆ Participant ratings of the presenters and materials for the CLR Domestic Violence Attorney Training were high. On a 5-point scale, where 5=excellent, the average rating for the presenters was 4.79, and the average rating for the materials was 4.61. The written responses about the training and comments made by CLR Staff in interviews generally confirmed that the participants found the training to be very useful.
- ◆ Attorneys noted that they have called CLR Project Staff for advice on specific issues. Attorneys and agency Directors have found the Network meetings to be highly informative and useful. Several CLR Program Staff also recognized the value of the CLR Project Staff when they were setting up their Programs.
- ◆ As one agency Director noted in her journal, "It is exciting to be a part of a statewide project. All of the uncertainties that go into development of a new project have been mitigated by the fact that we are part of a statewide Network. This Network assists us with thinking through issues and setting standards. The training and consultation are very helpful."

III. Conclusion

The primary purpose of the CLR Project Evaluation was to examine the work of the Project sites in implementing the vision of the CLR Project: saving lives, promoting self-sufficiency, and creating institutional change in the civil legal system for victims of domestic violence. The unique CLR Program Model clearly has achieved the objectives of increasing the availability and quality of legal representation for victims of domestic violence. Furthermore, in each of the CLR Project sites, CLR Program Staff has initiated positive change in the civil justice systems capacity and readiness to afford the remedies that the law allows. One can infer from these accomplishments that the CLR Program Attorneys have developed, and are continuing to develop, specialized skills in representing victims of domestic violence.

It is also evident that PCADV has provided significant leadership and support to the Project sites in furtherance of Project goals. PCADV developed and continues to facilitate and train the Network of attorneys specializing in representation of victims of domestic violence. PCADV has dedicated substantial resources to educating CLR Program Legal Staff and other attorneys in the Commonwealth about domestic violence, substantive law, and effective strategies for applying the law to achieve justice for victims of domestic violence. These efforts have contributed to building the skills of the CLR Program Attorneys and have extended the Network of specialized legal representation to other communities.

The Evaluation findings support the success of the Civil Legal Representation Project Model. By placing Attorneys within local domestic violence service agencies that provide other necessary services, and by providing specialized training for Program Staff and Network members, the CLR Project promotes self-sufficiency for domestic violence victims while recognizing the unique safety issues involved in legal representation for these clients. The CLR Project is providing significant and necessary benefits to individuals and communities through comprehensive and effective legal representation for victims of domestic violence throughout the Commonwealth of Pennsylvania.



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