



To: The Executive Committee and House of Delegates, New York State Bar Association

From: Legislative Affairs Subcommittee, Committee on Women in the Law, New York State Bar Association

Re: Memorandum in Support

Date: January 11, 2018

The Committee on Women in the Law’s (CWIL’s) Legislative Affairs Subcommittee **supports** the “New York State Bar Association and Women’s Bar Association of the State of New York Domestic Violence Initiative’s Final Report (November 2017)” to provide greater access to legal services to victims of domestic violence in New York State.

Domestic violence is a pervasive societal problem that has reached epidemic levels in New York State. Domestic violence is described as ongoing, purposeful behavior by an individual aimed at exerting control over a current or former intimate partner, and it can be physical, psychological, sexual or economic in nature. Domestic violence touches the lives of individuals in every segment of the population, with no distinction based on race, ethnicity, sexual orientation, age, ability or socioeconomic status. Domestic violence is an acutely dangerous problem, and individuals in abusive relationships are at increased risk of homicide at the hands of their intimate partner. Many individuals in abusive relationships rely on the legal system to help them break the cycle of violence. Access to legal assistance is documented in studies as one of the most effective ways to disrupt domestic violence. Unfortunately, the overwhelming need on the part of abuse victims and their children cannot be met by the existing available resources.<sup>1</sup>

The Report recommends and outlines three key areas to address these deficiencies, and includes proposals to enhance legal services to domestic violence victims, including: education, pro bono efforts and legislation.

The education element includes both educating attorneys who currently provide services to domestic violence victims and increasing awareness of domestic violence issues among attorneys generally. To accomplish this, the Task Force recommends (1) that a roster of expert speakers is maintained and displayed on NYSBA’s and WBASNY’s websites; (2) incorporating domestic violence CLE training in practice areas beyond the NYSBA Family Law Section and the WBASNY Domestic Violence Committee; and (3) incorporating the dynamics of domestic violence as a topic in criminal and family law programs in Bridge-the-Gap CLEs.

Education training and resources are crucial elements in supporting attorneys’ effective representation of domestic violence clients. The CWIL’s Subcommittee endorses the Report’s recommendations concerning CLE education and training programs in other practices and in junior years of practice, including on-demand video resources, to properly train and prepare

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<sup>1</sup> “New York State Bar Association and Women’s Bar Association of the State of New York Domestic Violence Initiative ‘s Final Report” (Released November 2017).

attorneys to recognize and meet the representation challenges unique to domestic violence victims.

The pro bono component, which we also strongly support, focuses on increasing the number of available pro bono attorneys engaging in this work both individually and through the collaborative work of the bar associations. As outlined in the Report, there are vast areas in New York State where there are few attorneys to represent domestic violence victims. This gap in legal services puts women and children in jeopardy because they do not have representation to help them when they are most vulnerable. To address this gap, the Subcommittee endorses the four recommendations in the Report including: (1) the creation of a Domestic Violence Advisor Panel, establishing a Pro Bono Attorney list process, supporting the dissemination and use of the Legal Clinic-in-a-Toolkit and CLE for Pro Bono Toolkit; (2) publicizing the available Toolkits and resources, particularly in counties with a gap in legal resources supporting domestic violence victims; (3) increasing pro bono legal resources to victims of domestic violence; and (4) exploring the opportunities to use technology to link domestic violence victims needing legal support in one part of New York State with pro bono and legal services attorneys willing and able to provide this support in another part of the state.

The legislative initiatives mentioned in the Report were previously endorsed by this Subcommittee, with minor modifications suggested to some of the bills. (See Memorandum in Support, dated March 21, 2017). While passage of these bills was not completed by the end of the legislative session in 2017, the Subcommittee remains supportive of these efforts and is hopeful that the three pieces of legislation currently being advocated for are sent to the Governor's desk this year.

Based on the foregoing, the Committee on Women in the Law's Legislative Affairs Subcommittee **supports** the "New York State Bar Association and Women's Bar Association of the State of New York Domestic Violence Initiative's Final Report (November 2017)" and **strongly urges** NYSBA's Executive Committee and House of Delegates to adopt the Report and the recommendations made therein.

Submitted by:

Chair of the Committee on Women in the Law: Susan L. Harper

Co-Chairs of the Legislative Affairs Subcommittee: Michal Ovadia and Sarah Simpson

Subcommittee Members: Denise Bricker, Marilyn Flood, Pamela Dale Bass, Carrie Goldberg, and Deirdre Lidell Hay