About Us:

Formed in 1999, the Domestic Violence Clinic provides comprehensive civil legal services to low-income victims of domestic abuse, stalking, and sexual assault while preparing University of Oregon law students for work in the law.

The University of Oregon School of Law partners with Lane County Legal Aid and Advocacy Center, Womenspace, and Sexual Assault Support Services in administering the Stop Violence Against Women Clinic Project, of which the Domestic Violence Clinic is an integral part.

Since its inception, the Stop Violence Against Women Clinic Project has helped represent thousands of victims of domestic abuse, sexual assault and stalking.

GRID VIOLENCE EXPERT SPEAKS AT DVC EVENT

Dr. Jackson Katz, author of The Macho Paradox: Why Some Men Hurt Women and How All Men Can Help, was the keynote speaker at a February 4, 2010 conference attended by about 120 clergy and community leaders and sponsored by the Domestic Violence Clinic. Sido Surkis, Clinic office manager, organized the event and spearheaded the effort to bring Dr. Katz to Eugene.

Katz, one of the foremost authorities on gender violence, also spoke on February 3 to about 750 people at an event held at and sponsored by the University of Oregon (a representative of the Alliance for Sexual Assault Prevention, which hosted the event, serves on the Clinic’s Steering Committee).

Dr. Katz co-founded the Mentors in Violence Prevention (MVP) program, the first large-scale attempt to enlist athletes at every level to oppose men’s violence against women. Since 1997, the educator and activist also has been directing the U.S. Marine Corps’ first worldwide gender violence prevention program. A key developer of the ‘bystander’ approach to gender violence prevention, Dr. Katz told conference attendees that physically intervening or doing nothing are not the only choices when we witness gender violence. Instead of seeing gender violence as an individual problem, we must see it as a societal, leadership, and political problem.

Katz said that dealing effectively with gender violence requires challenging the culture that produces it, including the media. His video, Tough Guise: Violence, Media, and the Crisis in Masculinity, explores how the media portrayal of men and women has changed over the last
that its prevalence grows in times of economic hardship. Before joining the Board she became aware of Pat Vallerand’s work through her husband, who is an attorney. During her time on the Board, she was impressed with all of the dedication and hard work put forth by the members of the DV Clinic.

Ms. Johnson may be stepping down from the Board, but she has much to keep her busy. She is part owner and publisher of the Eugene Weekly.

We thank Anita Johnson for her service and wish her the best of luck going forward.

We also would like to thank other past members of the Advisory Board for their service including Ann Marie Mehlum, Doug Mitchell, Laurence Hamblen, and Judy Calkins.

We also extend our thanks to the following Board members for their continuing service: Ann Aiken, Cass Skinner Lopata, David Brewer, Debra Vogt, Jenny Ulum, Kate Wilkinson, Margie Paris, Mary Wagner, Rohn Roberts, Tammy Roberts, Suzanne Arlie, Wendy Baker.

Clinic Successes

The Stop Violence Against Women Clinic Project, of which the DV Clinic is an integral part, has served over 7,200 people to date.

The Clinic has helped approximately 110 law students gain hands on experience and be more active in their community.

YOU CAN HELP

The Clinic depends on generous contributions from people like you. Please consider making a tax deductible donation either online or via mail.

few decades (men became more muscular; women became more petite). He also co-created two other educational videos, Wrestling With Manhood, which invites men and women to question how they are involved in the current culture of masculinity, and Spin the Bottle: Sex, Lies, and Alcohol, which is meant to help young people identify and confront the idea that binge drinking is a normalized part of their culture as it is portrayed in the media.

The presentation by Katz was part of the Clinic’s effort to offer faith-based domestic violence training and outreach. It was the fourth such event sponsored by the Domestic Violence Clinic. It was held at space donated by the Eugene Faith Center and was supported by attendees’ donations as well as small grants from the Oregon Women Lawyers and the Oregon Chapter of the American Academy of Matrimonial Lawyers. The workshops are meant to increase effective collaboration between the Clinic and the faith community so victims can feel more comfortable seeking help from their spiritual advisers. The Clinic also sought to provide information to help the faith-based community make referrals to direct service providers such as the Clinic, Womenspace and SASS. Refreshments were provided by the Eugene Faith Center and Barry’s Espresso and Bakery.

Also speaking at the event were Dr. Ron Clark, a pastor at Agape Church of Christ in Portland and a member of the Oregon Attorney General’s Sexual Assault Task Force and Community Against Domestic Violence, and Deputy District Attorney Steve Morgan. DA Morgan, a former Clinic student, discussed the effective use of protective orders.

Clark, author of a number of books and articles including Setting the Captives Free: A Christian Theology for Domestic Violence and Am I Sleeping With the Enemy?, told attendees that the church’s attitude can discourage women from getting a divorce, but an abused woman who leaves without divorcing her abuser is at a greater risk of death. He emphasized that it is the abuser who violates the covenant of marriage, and the abuser, not the victim, needs to be confronted. He advocated for a change in terminology from “children exposed to domestic violence” to “children exposed to a batterer.” He also discussed the fact that religion’s glorification of victimization (instead of resurrection) can hurt victims, who use self-blame as their top coping skill.

Spotlight on Recent Graduate: Lindsay Day

Lindsay Day, a recent graduate of the University of Oregon School of Law, expanded her education in law school through hands on experience working with domestic violence victims. After completing the Domestic Violence Clinic, Lindsay continued her involvement by entering the Advanced Clinic during her third year. She also volunteered at Lane County Legal Aid for over a year and was the director of the Children and Family Law Association (CAFA) at the law school.

In addition to Lindsay’s experience at the law school, she was an active member of the community and part of a larger effort to create a more efficient system to help victims of domestic violence. As the law student representative on the Lane County Domestic Violence Council, Lindsay and other representatives from the community met every six weeks to discuss different topics affecting domestic violence survivors.

Lindsay enjoyed being a part of a group that brings all of the different departments together to make sure domestic violence victims receive help as quickly and easily as possible. She enjoyed the Council discussions about topics that frequently come up in domestic violence cases as well as listening to speakers from a variety of backgrounds.

Lindsay recently finished taking the Bar. She is moving to Portland with plans to start a career in public interest law. She expects to continue helping victims of domestic violence.

Abbott v. Abbott Decided by Supreme Court

Abbott v. Abbott was a case decided by the Supreme Court in which the question of economic hardship was addressed. The case involved a woman who left her husband without divorcing him, and the question was whether she was at greater risk of death due to the economic hardship caused by the separation. The Court ruled that the church’s attitude can discourage women from getting a divorce, but an abused woman who leaves without divorcing her abuser is at a greater risk of death. He emphasized that it is the abuser who violates the covenant of marriage, and the abuser, not the victim, needs to be confronted. He advocated for a change in terminology from “children exposed to domestic violence” to “children exposed to a batterer.” He also discussed the fact that religion’s glorification of victimization (instead of resurrection) can hurt victims, who use self-blame as their top coping skill.
Recently, the United States Supreme Court released its decision in the international child abduction case Abbott v. Abbott. The Supreme Court had to decide whether a father who only had visitation rights, not custody rights, was entitled to have his child returned to him in Chile pursuant to the Hague Convention on the Civil Aspects of International Child Abduction. Mr. Abbott claimed he had the required "rights of custody" because Chilean legislation prohibited the removal of any child from Chile without the other parent's permission when the parent has a right of visitation (a "ne exeat" provision).

The case was being watched by lawyers for domestic violence victims for two reasons: 1) the Hague Convention is said to work poorly for women who are fleeing transnationally with their children for reasons of safety and Mr. Abbott's legal position, if successful, would eliminate an argument that domestic violence victims had used to defeat the return of their children (i.e., that the batterer lacked "rights of custody"); and 2) the Supreme Court's response to allegations of domestic violence in the Abbott case would be important for the future application of a particular Convention defense: that the child's return would subject the child to a grave risk of physical or psychological harm or otherwise put the child in an intolerable situation.

The Domestic Violence Legal Empowerment and Appeals Project (DV LEAP) filed an amicus brief in the case and solicited Professor Weiner's assistance with its brief. Professor Weiner served as a key adviser for the brief.

During oral argument, several of the Justices were concerned about the issue of domestic violence. Justice Ginsburg, for example, asked: "What happens to the woman who, now she has abducted the child to Texas, and she says to the Texas court: If you send me back, I am going to be beaten by this man who has a history of being a batterer? ...You are saying that the court...is helpless, that it's automatic that if there is a custody right the court in the State to which the child has been taken must order that the child be returned?" Chief Justice Roberts also asked whether the Convention defense would apply if only the mother were subject to the violence and not the child. He asked, "So the woman ...would have to choose between subjecting herself to violence or being apart from the child?"

In its decision, the Court held that the father had a right of custody under the Hague Convention by reason of the ne exeat provision. The Court claimed that its approach comported with the purpose of the Hague Convention and the interpretation given to it by other nations.

The Court, however, did recognize the availability of the Convention defense on remand. The Court stated, "If, for example, Ms. Abbott could demonstrate that returning to Chile would put her own safety at grave risk, the court could consider whether this is sufficient to show that the child too would suffer "psychological harm" or be placed "in an intolerable situation."


For a full transcript of both oral arguments presented to the Supreme Court, please see http://www.supremecourts.gov/oral_arguments/argument_transcripts/08-645.pdf.
One of my office’s priorities was focusing on domestic violence crimes. As a supervisor, I met weekly with probation, parole, shelters and DV advocates to coordinate our efforts at combating domestic violence in my community. Starting in 2005 and currently, I proudly serve a member of the Board of Directors of Domestic Violence and Sexual Assault Services (DVAS) of Whatcom County, our local 501(c)(3) domestic violence support agency. I currently serve as the Treasurer of the Board, and chair the internal committee. I have vivid memories of working for the DV Clinic at U of O Law and believe that experience contributed greatly to my compassion for survivors of domestic violence.”

it was not in the children's best interest to award him custody. Gina Stewart, the Clinic's staff attorney, represented Ms. Ringer at the trial level. She established a great trial record that set the stage for the appellate decision. Gina Stewart is again representing Ms. Ringler on remand for reconsideration of child support, the development of a parenting time schedule, and consideration of spousal support.

In 2009, the Oregon Court of Appeals further clarified the extent to which a FAPA order triggers the presumption that an award of custody to a batterer is not in the best interest of the children. In re Marriage of Weisenmandel-Sullivan and Sullivan, 228 Or.App 41, the father had been awarded custody by the trial court even though the mother tried to invoke the presumption in O.R.S. 107.137(2). The mother had an earlier ex parte FAPA order that she claimed triggered the presumption. However, the father had sought to contest the ex parte order, but a hearing on the FAPA never occurred because it was vacated as part of the couple’s settlement of issues related to their dissolution. On appeal, the court distinguished Ringer because the father in Weisenmandel-Sullivan never had a chance to contest the mother’s allegations in the order.

Together these two cases suggest that a FAPA order triggers the presumption in O.R.S. §107.173(2) if the respondent has had an opportunity to contest the FAPA allegations. If the FAPA order was vacated before the challenge was heard, the FAPA will not be adequate to trigger the presumption. An open issue is whether an ex parte FAPA order will be sufficient to trigger the presumption if the batterer elects not to contest it. There is no reason to think that such a case would be influenced by the decision in Weisenmandel-Sullivan since it is the opportunity to refute the allegations that seems important. One who decides not to contest an ex parte order has had the opportunity to refute the allegations.

Calling Our Readers, Especially Clinic Alums

If you would like to submit information for our newsletter about what has been happening professionally or otherwise in your life, please send information to: mweiner@uoregon.edu

We would love to hear from you!

Partners:
Lane County Legal Aid and Advocacy Center
376 East 11th Avenue, Eugene, OR 97401. Phone (541) 342-6056
Womenspace
1577 Pearl Street, Suite 400, Eugene, OR 97401. Business Phone (541) 485-8232
Support Line (541) 485-6513
Sexual Assault Support Services
591 W. 19th Avenue, Eugene, Oregon 97401. Business Phone (541) 484-9791.
Support Line (541)343-7277