Dear Friend,

Formed in 1999, the Domestic Violence Clinic provides 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 works with the Survivors Justice Center (SJC) located at Lane County Legal Aid and Advocacy Center. SJC is guided by a steering committee represented by its four project partners: Lane County Legal Aid and Advocacy Center; the University of Oregon Law School; Womenspace; and Sexual Assault Support Services.

University of Oregon School of Law Domestic Violence Clinic has a new home and a new supervising attorney

Fall 2012 - University of Oregon School of Law’s Domestic Violence Clinic (DVC) has moved to its new home at the UO School of Law. Previously located in the Survivors Justice Center at Lane County Legal Aid and Advocacy Center (LCLAAC), the Clinic is now located in a secure space at Agate Hall. Moving the Clinic in-house was done primarily to contain costs and to provide Clinic students with better access to professors and university resources.

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In This Issue

UO School of Law Domestic Violence Clinic has a new home and a
As part of the move in-house, Attorney Michael Quillin was hired to serve as the Clinic's new supervising attorney. Mike is a graduate of the UO School of Law, earning his JD in 2008. Mike brings to the job a wealth of experience in domestic violence law, as well as a working knowledge of the DV Clinic. Mike was a law student in the DV Clinic and later served as the staff attorney for the Stop Violence Against Women Clinic Project (SVAWCP), the umbrella organization for the Clinic when it was located at LCLAAC. Mike has represented survivors of domestic violence, sexual assault, stalking, and dating violence in a wide array of civil legal matters.

A Week in the Life of a Supervising Attorney

Officially, the work week starts on Monday morning at 9:00 am at the Lane County courthouse. This is where, every week, Lane County Circuit Judges hear civil family law cases—i.e. restraining orders, divorces, custody issues, etc. For Mike Quillin and his DV Clinic students, however, the week may start even earlier if they are preparing for a case that is scheduled to be heard on Monday. At the courthouse, from 9:00 a.m. to noon, Mike accompanies students as they present their cases before a judge, introducing evidence, questioning witnesses, and arguing for a particular outcome.

Every Friday afternoon, Mike and one of his DV Clinic students (a different student each week) visit Womenspace, an advocacy organization in Eugene whose mission is to "prevent domestic violence in intimate partner relationships in Lane County and support survivors in claiming personal power." During their visit, Mike and the student will meet with three to four clients, each of whom are currently in an abusive relationship. One or more of these clients may be ready to leave the relationship and are now looking for information and legal assistance on how best to take the next steps. Mike and the students help these women by educating them on their legal options, providing them with information about resources, and giving them hope that things can get better.

Mike spends his time engaged in teaching the classroom component of the Clinic on Wednesday mornings. He mentors
students on how to interview clients and potential witnesses, draft legal documents, gather evidence (such as police reports and medical records), subpoena witnesses and documents, interact with judges, and a whole lot more. An important part of the mentoring goes beyond just helping the students understand the law; it involves providing students with guidance on developing professional and compassionate relationships with their clients, and on taking care of themselves through boundary setting and recognizing compassion fatigue.

Now that Mike has completed his first term as supervising attorney, he is looking forward to the Spring term. He feels good about the Clinic's accomplishments so far this school year--moving into a new space, providing practical law experience to seven students, and helping over forty domestic violence clients improve their lives by providing them with legal advice and services.

Mike Quillin can be reached via e-mail at: mquillin@uoregon.edu

What I Have Learned: A law student's perspective on working at the Domestic Violence Clinic

Diva Lucille Jones is a third year (3L) UO law student with plans to graduate this coming May. As a member of last semester’s Domestic Violence Clinic, Diva experienced what it is truly like to be an attorney: to represent a client, to prepare a myriad of legal documents, and to present a case before a judge.

Diva Jones, UO Law Student

During the first part of the semester, Diva and her fellow students spent Monday mornings mostly observing attorneys, clients, and judges in family law cases at the Lane County Circuit Court. Diva explains how valuable this time was for helping her develop a real
life feel of court processes, for seeing how different attorneys present their cases, and for recognizing the value of knowing individual judges' preferences for how cases are presented. For instance, some judges like a lot of background detail, while other judges prefer a short succinct description.

In the second half of the semester, Diva and the other Clinic students worked directly with clients, primarily helping with FAPA (restraining) orders. Diva's client also needed help defending a contested parenting agreement, which entailed preparing court documents, prepping witnesses, and presenting evidence in court. Diva says that working directly with clients, especially clients who are in extreme crisis, has given her a strong sense of her responsibility as an attorney. In other words, while a case may be just a job to an attorney, to a client, the case is her life. At the end of the case, the attorney can simply move on to the next case while the client has to live with whatever outcome was decided.

Educating and empowering clients is one of the most rewarding parts of working with victims of domestic violence, Diva says. When they first come to the Clinic, most victims have no idea what their legal rights are or how to exercise them. Students listen to their clients' stories and provide information and options. For many victims, this is the first time they have heard about the legal options they have for protecting themselves and their children. The students don't tell the clients what to do. Instead, the students give their clients time to process and figure out what they really want, and then they help them execute their decisions.

As Diva comes to the end of her formal law education, she feels confident in her ability to use what she has learned to work successfully with clients in the real world. Her experience with the DV Clinic has given her confidence in building trust with clients, setting personal and professional boundaries, and presenting herself in a professional and respectful manner. She credits a lot of her success to Supervising Attorney Mike Quillin. "Mike helped me navigate through the process of helping a client obtain a FAPA order (restraining order). I could not have done it without his guidance."

Diva also has a Master's Degree in Special Education, and after graduation, she plans to represent people with disabilities and/or the educational facilities that serve them, focusing primarily on disability rights. In the future, once she has worked with clients and developed a good understanding of what people really need, Diva hopes to get involved with writing legislation and setting policy.
Klamath Falls - Domestic Violence Externship

Since 2007, the University of Oregon School of Law has partnered with Legal Aid Services of Oregon (LASO) and the Klamath Medical Services Bureau Foundation to provide a Domestic Violence Externship Program for UO law students interested in learning about family law and rural law practice. The externship occurs in Klamath Falls at the LASO Klamath Falls Office. The program provides students with an opportunity to train one-on-one with attorneys experienced in representing low-income victims of domestic violence, sexual assault, and stalking. Students help clients and attorneys with a range of legal issues, such as FAPA and stalking orders, and family law, housing, and employment disputes.

This past summer, two students had the opportunity to participate in the program. Each student spent eight weeks in Klamath Falls working at the LASO office. The students, Seth Bichler and Zach Everman, are both second year (2L) law students at UO.

When Seth (who took the first eight weeks) arrived in Klamath Falls, the LASO office had recently lost its support person. Things were a bit disorganized and no one was working the front desk. Seth quickly jumped in, got things cleaned up, and began greeting clients. He explains how surprised he was at the countless number of clients coming through the door--most of them were victims of domestic violence. He recalls how stressed one woman looked when she first came in--it was like she was "falling apart" and was having trouble completing sentences.

Before long, Seth was sitting in on intake interviews and learning firsthand about domestic violence law and client relations from several highly experienced family law attorneys. Shortly after that, he was conducting intake interviews himself, helping clients understand their rights under the law, and explaining the legal services that LASO could provide to them.

Seth had signed up for the externship to get experience working directly with clients, and that is exactly what he got. He believed he knew what he would encounter, but he quickly realized that no one is ever ready for the level and quantity of misery that he and the
attorneys encountered day after day.

Zach, who took the second eight weeks, describes a similar experience of surprise, then awareness. "I saw some awful stuff, a different side of humanity." Most of the victims he worked with were in "really ugly situations." And while he had always known about domestic violence, he now knows what a serious problem it is in our society--a serious problem that needs to be resolved. It's not just the offenders, Zach explains. "Many of the victims have drug and alcohol addictions. One woman was shaking really bad because she was coming down from some type of high or withdrawal." Sometimes the domestic violence causes victims to cope by taking drugs and alcohol, and sometimes abusers hook their victims as part of their strategy for exerting power and control.

But in spite of the misery (or maybe because of it), both Zach and Seth describe the externship as being one of the best learning experiences they have ever had. Zach uses phrases like "very rewarding," and "horrifying AND great." Seth describes how "wonderful it feels" to help a woman in crisis, to empower her and watch her experience a paradigm shift as she discovers that there are things she can do that will make a positive difference in her life. Both men agree that educating clients on their rights and helping them exercise those rights in court is an amazingly fulfilling experience.

WOMEN AND JUSTICE COLLECTION
Cornell University Law School

The Avon Global Center's Women & Justice Collection is an online library of legal and other resources relating to gender-based violence and gender justice. The collection, launched in September 2012, is hosted by Cornell University Law School's Avon Global Center for Women and Justice. It is a reconfigured
and expanded successor to the Center’s earlier Legal Resources Collection.

The collection offers a free, searchable database of case law from the domestic courts of at least fifty countries and eight international and regional human rights bodies. It offers unique access to judicial decisions from around the world that apply international or domestic law to protect women's rights and prevent and punish gender-based violence. The database can be searched by country, gender-justice-related topic, and keywords, and the search results will include both case summaries and links to full-text decisions.

The collection also provides a valuable overview of international law on gender-based violence through its annotated and hyperlinked reference lists of relevant international and regional human rights instruments. It also makes available articles, reports, reference guides, and other secondary sources that address gender-justice-related topics. The collection presently contains more than 670 entries in all.

By offering free access to these resources, the Center aims to provide tools and information to judges, legal practitioners, scholars, members of civil society, and others in their efforts to advance gender justice and afford protection and redress to survivors of gender-based violence. The collection is very much an ongoing project and its librarians welcome suggestions for cases and other resources to be included in it. They periodically update and expand the collection, and are grateful to the many Cornell Law students and to the attorneys from the law firm of White & Case LLP, all of whom have supported the collection's development by providing valuable legal research and case summaries.

For additional information, please visit the collection at: www.womenandjustice.org
LEGISLATIVE UPDATE

Sexual Assault Protective Orders (SAPO)

During the upcoming 2013 Oregon legislative session, Representative Sara Gelser feels confident about passing a bill that will permit protective orders for victims of sex crimes perpetrated by non-family offenders. This session will be the third time the Oregon Women's Health and Wellness Alliance, of which Representative Gelser is co-chair, has attempted to pass such a bill.

During the 2011 legislative session, HB 2942 made it as far as being referred to the House Ways and Means Committee. Due to budgetary constraints, however, it was still in committee when the session ended. In 2012, a similar bill was presented during the short session, but was later pulled when a problem was discovered with the way it had been drafted.

Representative Gelser is very hopeful about passing a new version of the bill in 2013. She indicates that “it has broad support,” and that its fiscal impact should be minimal—mostly in increased filing and court fees. (Additional costs for law enforcement and public defense may occur if offenders violate the protective orders.) Several improvements have been made to the bill that should bring even broader support. For instance, sponsors have added a requirement of “reasonable fear” to the bill. Representative Gelser agreed to this requirement (which was important to defense attorneys) as long as the court is "explicitly allowed to consider the sexual assault in assessing whether a victim's fear is reasonable."

Other changes include small but significant adjustments to the language, and clarification of the ages of the parties—the respondent must be at least 18, but the petitioner can be any age.

Sybil Hebb, attorney with the Oregon Law Center, states that the creation of a SAPO law is critical for the protection of certain persons who are victims of sex crimes, but fall through a hole in Oregon law. At present, Oregon's Family Abuse Prevention Act (FAPA), ORS 107.700 to 107.795, allows qualified petitioners to seek court protections, including restraining orders, against others who are abusive towards them. Abuse includes causing or attempting to cause bodily injury, intentionally placing another in fear of imminent bodily injury, or causing another to engage in involuntary sexual relations. However, Oregon's Family Abuse Prevention Act does NOT apply to persons that fall outside the definition of family or household member. Therefore, survivors of attempted and completed sexual assault are unable to get a protective order if the perpetrator is an acquaintance or a stranger.

Strangulation: Finally a Felony
Effective January 1, 2012, Oregon law makes strangulation a **Class C felony** in many circumstances. While it is still a Class A misdemeanor for first time offenders, it is now a Class C felony if the crime is committed in front of either party's minor children, a dangerous or deadly weapon is involved, or the perpetrator was convicted previously of the same or similar crime. In any of these three situations, the revised law will provide better outcomes for victims, as offenders will be eligible for additional jail time (5 years for a Class C felony vs 1 year for a Class A misdemeanor) and a larger fine ($6,250 vs $125,000.) **ORS 163.187**

The law directs the Criminal Justice Commission to classify the crime of strangulation as a category four crime, which constitutes a presumptive sentence of probation for all but the most serious offenders. If the defendant has a previous conviction for strangulation, the crime category is elevated from category four to category eight, carrying a presumptive prison sentence for all repeat offenders.

The elevation of strangulation to a Class C felony in some instances was the result of **HB 2940**, which was signed into law on August 2, 2011. Proponents had been working on the passage of this law since 2003. Needless to say, the bill's sponsors were delighted and relieved to have finally succeeded in elevating the crime of strangulation to a Class C felony. Representative Gelser, one of the bill's sponsors, writes:

"This year, my chief co-sponsor was Representative Katie Eyre, and we were both grateful for the assistance of Representative Mary Nolan, Attorney General John Kroger, and the Attorney General's Sexual Assault Task Force for their assistance in finally seeing this signed into law."

According to a report by the **Evelyn Jacobs Ortner Center on Family Violence** at the **University of Pennsylvania**, "strangulation is one of the most lethal forms of violence used by men against their female intimate partners." According to the report, 23% and 68% of women victims of domestic violence have experienced at least one strangulation assault by their partner. Another study found that 68% of 62 abused women surveyed had experienced strangulation; most of them experienced more than five such assaults by the same partner. **Read the full report.**
Alumni Report:
Life Update
from a UO Law
School Graduate

Julia Manela, Class of 2002, has been busy since her time as a UO law student. She married, had a couple of kids, and started a law firm—she is one of three founding partners of the Scott Law Group in Eugene, working primarily on commercial bankruptcies.

Julia recalls the summer of 2001 when she participated in the Domestic Violence Clinic. "It was one of the most important experiences of law school," she says. It taught her how to integrate the analytical aspects of the law with the human reality of people and their real life issues. "It is the human element that school can't teach you," she explains. "Survivors are at different stages of readiness. Many have been in abusive relationships for years. As attorneys, we can help them understand what their legal rights are, but they have to decide to leave." Only the survivors can decide if the time is right for them to leave an abusive relationship and only they can decide if they want legal help to do it.

"And when you go into court," Julia explains, "You have your client in the courtroom to take care of." It's not just about preparing paperwork, going to court, presenting evidence before a judge, and following the rules of procedure. It's about remembering that you are dealing with real issues that will affect your client's life. "It's your work, but it's their life." As a bankruptcy attorney, who frequently represents small owner operated businesses, Julia recognizes that her time in the Clinic helped prepare her for working with people in crisis. Whether they are survivors of domestic violence or entrepreneurs trying to survive financial crises, Julia feels that a big part of her job as an attorney is to give her clients hope—to help them believe that a positive outcome is possible in spite of how bad it might seem at the time, and then to work hard to achieve that best possible outcome.

In spite of her busy schedule, Julia takes time out to help current
UO law students get ready for the real world. She has participated in moot court, spoke at the Oregon Bankruptcy Institute (TOBI), and presented "Technology to Run an Office," to the Law Practice Management class.

Julia Manela can be reached at: manila@scott-law-group.com

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*Reporter: Wendy Kincade*