

---

---

# ◆ The Legal Advocate ◆

---

Volume 8, Issue 1

July-September 2005

---

## Save the Dates!

### Upcoming Teleconferences:

#### **LAP Listserv 101**

*How to post messages and access saved listserv and webcast materials.*

Friday, Oct. 28th 10:00-11:00am

#### **Trafficking in Alaska**

*Updates from Robin Bronen, Alaska Immigration Justice Project.*

Wed., Nov. 23rd 3:30-5:00pm

### Upcoming Conferences:

#### **7th Statewide Legal Advocacy Project Conference**

*for ANDVSA Legal Advocates*

Anchorage

Nov. 30—Dec. 2, 2005

*\*Registration brochure and conference agenda will be mailed out mid-October.*

#### **8th Annual Continuing Legal Education (CLE) Training**

*for Attorneys*

Anchorage

Feb. 20-21, 2006

### **Did you know that...**

the Legal Advocacy Project has received 14,520 requests for case consultation since the start of the project in April 1996.

This newsletter was supported by a grant awarded by the Office of Justice Programs, U.S. Department of Justice. Views expressed in this newsletter do not necessarily represent the official position or policies of the U.S. Department of Justice, or ANDVSA.

### ***Inside This Issue***

	page
Family Law's Best Kept Secret	2
VISTAs in Sitka	3
A Tribute to Pro Bono Volunteers	4
Tech Safety Tips	6
Victim of Abuse Facing Eviction Reaches Settlement	7
DV Victims and the Court System	8
Violent Crimes Compensation Board Advisory Group	9
Lawsuit Against Shelter Dismissed	9
Legal Resources Reference List	10
I&R Hotline Hours	11

## Family law's best-kept secret

By Christine McLeod-Pate

Fear the pro bono call no more. The Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) unveils its best kept secret: Legal advocacy and mentoring resources. Tasked with the challenge of finding volunteers for the especially snarly domestic violence and sexual assault family law case, the ANDVSA Pro Bono Program utilizes two methods of making this work, yes, fun and easy.

**Legal Advocates Are An Attorney's Best Resource.** Legal advocates are advocates at domestic violence and sexual assault programs who are specially trained to help a victim navigate through the criminal and civil justice system. They are not paralegals or attorneys (generally), but they have both a close working relationship with the client and a general working knowledge of the law as it applies to domestic violence and sexual assault victims. They often accompany unrepresented women to court to help them obtain orders of protection. Above all, they are resourceful. They may not be able to represent a client in court, but they generally know who to call at the district attorney, public benefits or legal services office to help get their clients the help they need.

**How It Benefits A Pro Bono Attorney:** A critical component of the ANDVSA Pro Bono Program is cultivating a three-way relationship between the client, the attorney, and the legal advocate. It is our experience at the Pro Bono Program that family law cases involving domestic violence and sexual assault are more successful approached "holistically" combining legal expertise and advocacy support services. When a volunteer attorney accepts a case, the volunteer is given the name of the legal advocate at the member program that referred the case. The volunteer is encouraged to continue to utilize the advocate for a variety of issues such as safety planning, advocacy with non-legal client needs, and expertise on domestic violence issues. Legal advocates often already have strong trust relationships with the client. This three-way relationship helps the clients to better understand what to expect from the attorney and helps the attorney better understand the client. Furthermore, many non-legal needs, which are typically brought to attorneys, can be and are handled by the legal advocate.

**How An Advocate Can Help:** The following is a short sample list of how a legal advocate could help an attorney in a divorce/custody case. It is by no means exhaustive.

- Draft affidavits from the client and others.
- Connect the client and/or her children with supportive services at the shelter such as children's counseling programs.
- Connect the client and/or her children with supportive services in the community such as housing resources or public benefits.
- Find an expert who can testify in court on domestic violence or sexual assault issues.
- Help a client fill out paperwork for the child custody investigator.
- Help the client to identify and gather evidence for court.
- Help with the personal and emotional work that any family law case involves.
- Help prepare a client to testify in court

(Continued on page 3)

*(Continued from page 2)*

**Mentoring Matters.** The need for pro bono family law attorneys far exceeds the availability of family law attorneys available to handle these cases. Because of this, ANDVSA strives to provide as much legal support to our volunteers as possible. ANDVSA's staff, Jennifer King, Rachel Johnson and I, are available to assist with all facets of your pro bono case. We provide mentors to any attorney who needs it. Mentors are especially helpful in developing case strategies, debriefing difficult issues, and overall practitioner support. Take it from David Newman of Maio & Newman, LLC and ANDVSA volunteer in Juneau: "The mentoring program at ANDVSA was extremely helpful when I began my family law practice. I was connected with experienced family law practitioners (thank you, Keith Levy) and given numerous resources—including free travel and CLE credits to attend the annual training offered by the Network—to supplement my professional library and expertise." Don't forget to ask if we don't offer it. Additional legal support resources are a Volunteer Family Law Handbook including pleadings, access to the latest resource materials for litigating domestic violence and sexual assault cases. Free attendance at our annual CLE entitled "The Impact of Domestic Violence on Your Law Practice" (including free travel and per diem). We conduct teleconference trainings with volunteers on issues pertinent to their casework and author a quarterly newsletter that is current on critical issues. Above all, we thank and appreciate volunteers as much as possible. The best kept secret? It is all about legal advocacy and mentoring resources, but more importantly it's that family law pro bono service makes a profound positive impact in our communities.

Please call Christine McLeod Pate at 1-888-520-2666 or email at [cpate.andvsa@alaska.com](mailto:cpate.andvsa@alaska.com) to find out how ANDVSA can support your pro bono work.

---

---

## Welcome new VISTA Pro Bono Program Coordinator

We are pleased to welcome **Karissa Demmert** as our new VISTA volunteer with the Legal Advocacy Pro Bono Program in Sitka. Karissa graduated from Macalester College in St. Paul, Minn. this past spring. At Macalester, Karissa majored in Anthropology with a strong interest in Sociology. During her four years at Macalester Karissa volunteered with many tutoring programs including the Hmong American Partnership, Division of Indian Works and a summer English Language Learners program. She has journeyed back and forth between Minnesota and Alaska for the past few years perusing various jobs, internships and studies and is very much looking forward to settling in more long term in Sitka. Karissa enjoys hiking and fishing and the general outdoor life style of Alaska, but on rainy Southeast evenings a cup of chai and a good book suit her just fine.

Karissa is happy to be in Sitka and very excited about being a part of the Network. She hopes to learn a great deal and contribute in any way she can. Please feel free to call her in the Sitka office anytime.

## Thank you to Rachel Johnson

**Rachel Johnson** was a fabulous member of the Legal Advocacy Project staff, dedicating two years of VISTA volunteer service with our Sitka Pro Bono Program. The good news is that Rachel has accepted a position as the DELTA Coordinator at Sitkans Against Family Violence (SAFV), so we'll all be able to continue working with her. We can't thank you enough for your two excellent years of service Rachel!

# A Tribute to Pro Bono Volunteers!

Photos and text reprinted with permission of the Alaska Bar Association



Tamara and Idalia

“I was alone in Alaska with no one to help me. Having an attorney is a miracle. I am not alone anymore.” *Idalia, client of volunteer attorney Phillip Pallenberg, Faulkner Banfield, P.C., Juneau*

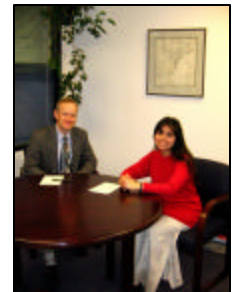
“What does getting a pro bono attorney mean? It means everything. The playing field is leveled.

Even though the batterer has demonstrated they can manipulate the system, the victim has someone on their side.

Even though the batterer has long threatened that they will get sole custody of the children, a pro bono attorney diminishes the victim’s fear that they will lose their children.

Even though the victim is concerned and/or terrified for the safety of their children during visitation, an attorney can arrange a safer visitation plan.” *Phillip Pallenberg, Attorney, Faulkner Banfield, P.C., Juneau*

“A pro bono attorney means greater safety and justice.” *Tamara Hungerford, Legal Advocate at AWARE, Juneau*



Idalia and Phil

“I have been with ANDVSA for a number of years. Sometimes the people I’ve worked with have been a challenge to me, because they come from such a different set of circumstances than I do. They need to learn, along with many other things, that they can control things in their own lives and that they can make their own decisions. I want them to know that right along with knowing the law and the options in their court case.” *Mary Guss, Attorney, Ketchikan*



Photo of Mary flanked by her brother and nephew who also support Mary’s extraordinary pro bono work.

“A person’s economic status shouldn’t have any impact on their ability to access the justice system. That’s why I support pro bono work. As lawyers and judges we have the ability and the obligation to make sure a person’s experience with the justice system is not determined by their pocketbook.”

*Judge Keith B. Levy, District Court, Juneau*



(Photo of Judge Levy at his judicial swearing-in ceremony—photo courtesy of the Juneau Empire)

“ANDVSA is a great organization and provides invaluable support for its volunteer attorneys.

My current case with client, Marissa, brought home to me again the benefit of pro bono work when I asked whether she would like to participate in this project. I told her that we could take our picture so that she would not be identifiable; her response was that she was not ashamed of getting help. She told me that she would be far more ashamed to know she did not ask for help when she knew she needed it. Marissa’s spirit, courage, and pride at the steps she is taking to ensure her safety and that of her children is a tribute to her and exemplifies the attitudes of so many battered women who are working hard to change their lives and keep their families safe.



Marissa and Corrine

It is a privilege, not just a professional obligation, to help people like Marissa through that challenge.”

*Corrine Vorenkamp, Attorney, Winfree Law Office, Fairbanks*



Dogs Dig Pro Bono. Cold nose; warm heart. Even Jake (featured with Pro Bono Mentoring Attorney Christine McLeod Pate) knows that pro bono service makes a difference. Follow the trail to see how attorneys like you are making a difference in the lives of people in Alaska.

# Tech Safety Tips:

## EMAIL AND INTERNET PASSWORDS

By Joanna Hale

### EMAIL AND INTERNET PASSWORDS



**Do not use:**

- The password "password"
- Your mother's maiden name
- The last 4 numbers of your social security number
- Your children's names
- Your partner's name
- Your pet's name
- Anything that is familiar to others around you
- Don't use the obvious substitutions (e.g., i for 1, zero for O, etc.)

**Do:**  
Change your password often.

**Don't:**

- \* Keep your password on a post-it-note near your computer.
- \* Use the same password for everything.

**Use:**

- At least 6-8 characters
- A mix of lower case and capital letters
- Use special characters if possible (1234567890\_+={[]}\|'":;?/>.<.)
- If you must use something familiar, consider adding numbers and making a middle letter upper case.

Examples:

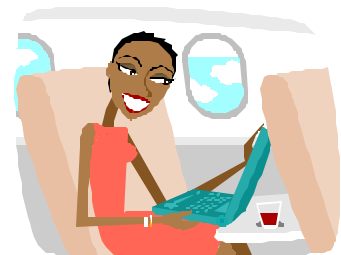
husB13and  
cou30Per  
03tommY!

**Don't:**

- Don't keep your password on a post-it-note near your computer
- Don't use the same password for everything.

**Do:**

- Change your password often.
- Give your password to the Office Manager to put in your locked personnel file.



**Implementing all of these techniques will make it harder for others to access your personal information.**

Thanks to Lillian Zaworski and the various tech advocates who contributed.

## **Victim Of Domestic Abuse Who Faced Eviction Reaches Settlement With St. Louis Housing Authority**

Oct. 5, 2005

The American Civil Liberties Union and Legal Services of Eastern Missouri announced today that a St. Louis mother who is a victim of ongoing domestic abuse has reached an agreement with the St. Louis Public Housing Authority that prevents the agency from evicting her from her home on the basis of her ex-boyfriend's continuing harassment and abuse. Instead, the woman will be permitted to move to a new unit in order to conceal her location from her abuser, and agents and employees of the Housing Authority will participate in training about domestic violence.

"The St. Louis Housing Authority's eviction threat was a sad and shameful attempt to put a woman and her children on the streets based on various stereotypes about female victims of domestic violence," said Brenda Jones, ACLU of Eastern Missouri Executive Director. "Those stereotypes send many wrong messages, most notably that battered women are to blame for their abusers' actions; that battered women are untrustworthy and irresponsible; and that battered women have the power to end the abuse at any time they wish."

The woman, who wishes to remain anonymous, is represented by the national ACLU Women's Rights Project, the ACLU of Eastern Missouri and Legal Services of Eastern Missouri. The groups argue that the eviction of an individual because she is the victim of domestic violence violates the Federal Housing Act, which prohibits sex discrimination.

According to police reports, the woman endured ongoing abuse by her ex-boyfriend and father of her two children after she ended the relationship. The abuse started two years ago when he fractured a bone in her face with a punch. Despite the break up, he continued to stalk, harass and threaten her. As part of his harassment and retaliation, he threatened to bring about her eviction and on four separate occasions, he broke the windows to her apartment from the outside when she refused him entry.

Every time he broke her windows, she reported the damage to the police and her apartment manager. When he did so a second time, she obtained a restraining order and showed this to the apartment manager. In response, the manager issued a notice of lease violation. The woman then requested to be transferred to another unit in the complex to conceal herself from her abuser, explaining that she was frightened, but the manager refused, saying the woman was responsible for her own domestic situation. The manager also informed the woman she would have to pay for the damage caused from the break-in. Fearing eviction, the woman paid for the damage.

According to her attorneys, the man broke her windows two more times and in July of this year forced his way into her apartment and, after she escaped, vandalized it. After the third incident, the Housing Authority ordered her to get out. At no time, however, did the St. Louis Housing Authority ban the man from the apartment complex or file criminal or civil complaints against him for criminal damage to the property.

"Our client was not at fault for what happened to her," said Dan Glazier, Executive Director and General Counsel for Legal Services of Missouri. "She was the victim. She sought help from the police, obtained an order of protection and reported the abuser's property damage to her landlord. What did she get in return? She received an eviction summons. She and her children would have ended up homeless if she had not had strong legal representation."

After eight months of efforts by the St. Louis Housing Authority to force the woman out of her home, on August 26, the Housing Authority entered into a conciliation agreement proposed by the U.S. Department of Housing and Urban Development.

*(Continued on page 8)*

## Domestic Violence Victims and the Court System

The Domestic Violence Victims and the Court System Project is a statewide study through the University of Alaska Anchorage. Dr. Sharon Araji (Sociology) and Dr. Rosay (Justice Center), in consultation with Paige Hodson of Battered Mother's Custody Prep, are following the study materials from the Massachusetts and Arizona Battered Women's Testimony Project, so as to make the studies comparable. The purpose of this project is to get a sense of what type of experience battered women are having in our courtrooms in divorce and custody cases. The researchers mailed out 45 twenty-page surveys and have received a 60% response rate. Data from 25 women participating is being entered into the computer, with the exception of the open-ended questions. Dr. Araji explains, "we have run simple statistics on this information from which we can talk, in general, about how some of our findings compare with those of the Massachusetts and Arizona studies. Contingent upon finding funds, Dr. Araji plans to interview actors in the court system that come into contact with DV victims and their children and do in depth interviews with some women who completed the survey (Stage II of the study). In Stage III, we wish to make our findings more representative than those we have been able to contact via a snowball method of identifying respondents for the study by sampling from custody cases in Alaska over a certain time period, yet to be specified. We are also seeking \$35,000 to produce a 30-minute broadcast quality program built around information we have collected in Stage I of the survey and will collect in Stage II. We have a highly qualified producer will to begin working on the program as soon as funds are found. The issue of the problems women victims of domestic violence and their children are having in the courts around the nation was brought to our attention by Paige Hodson who is the founder of Alaska Moms for Custodial Justice."

Dr Araji and Paige Hodson will be presenting preliminary information about the study during the Legal Advocacy Conference on December 1, 2005 in Anchorage. Please feel free to contact MK MacNaughton 907-586-5643, x23, with questions about the conference or the study. ?

*("Victim Faced Eviction.." continued from page 7)*

opment (HUD) that requires the Housing Authority to relocate her to another apartment, refund the money she paid for the broken windows, ban her ex-boyfriend from the property where she lived, and send its employees to domestic violence awareness training. HUD will monitor the Housing Authority's compliance with the agreement.

"Unfortunately, the situation our client faced is not unique," said Emily Martin, Acting Deputy Director of the ACLU Women's Rights Project. "We have worked with women across the country who are threatened with homelessness because they are victims of domestic abuse. Congress is considering important legislation as part of the Violence Against Women Act of 2005 that would prohibit public housing officials from unfairly punishing domestic violence victims in this way."

According to the Justice Department's Bureau of Justice statistics, women were the victims in about 84 percent of violent crimes committed by spouses and about 86 percent of crimes committed by boyfriends or girlfriends from 1998-2002.

Those statistics are consistent with the Justice Department's 1998 data, which shows women were victims in about 85 percent of crimes committed by intimate partners. ?

## Violent Crimes Compensation Board Advisory Group

VCCB invites advocates from CDVSA funded programs to coordinate exchange of information between the victim/claimant/client and the VCCB. "We hope to develop an intimate rapport with at least one person in each program that will assist clients with documents and help ensure that funds get to awarded victims."

Please consider serving on a VCCB advisory group. To find out more or to sign up to help, email VCCB Director Susan Browne at: [Susan\\_Browne@admin.state.ak.us](mailto:Susan_Browne@admin.state.ak.us)

## LAWSUIT AGAINST WOMEN'S SHELTERS DISMISSED

*Marybeth Carter, California Women's Law Center*

The Los Angeles Superior Court dismissed a lawsuit against ten Southern California shelters for battered women and their children. The shelters are located in: Artesia, Canoga Park, Carson, Claremont, Glendale, Los Angeles, Newhall, Pasadena, and San Pedro.

The lawsuit, filed by representatives of the National Coalition of Free Men, claimed that the ten shelters engaged in unlawful sex discrimination by not accepting men at their emergency shelters for battered women and children. The California Women's Law Center and the law firm of O'Melveny & Myers LLP, representing a majority of the shelters pro bono, argued successfully that the lawsuit had no merit.

"This lawsuit should never have been filed in the first place. It's great news for our community and for battered women and their children that these ten shelters will be able to again focus all their resource on what's important: saving the lives of victims of domestic violence," said Marci Fukuroda, staff attorney at the California Women's Law Center.

California law (CA Government Code, Section 11135) states that no state-funded program shall discriminate against any person on the basis of "race, national origin, ethnic group identification, religion, age, sex, color or disability." Section 11139 of the law, however, clarifies that this prohibition against discrimination must not "be interpreted in a manner that would adversely affect lawful programs which benefit the disabled, the aged, minorities, and women." The shelters in question all receive state funding under the California Battered Women Shelter Program, a program created by the legislature in 1994 specifically to aid battered women and their children.

"Rainbow Services has chosen to address the massive societal problem of violence against women. Others are of course free to address other problems, whether it's violence against men, drug addiction, homelessness or something else," explained Ben Schirmer, Executive Director of Rainbow Services in San Pedro. "I wish the National Coalition of Free Men luck if they choose to establish services for battered men. In the meantime, Rainbow Services will continue to provide badly needed emergency shelter for battered women and their children." ?

# Legal Resources in Alaska

## Alaska Network on Domestic Violence and Sexual Assault (ANDVSA)

[www.andvsa.org](http://www.andvsa.org)

Legal Advocacy Project  
(907) 586-5643  
1-800-914-7867

Pro Bono Program  
(907) 747-7545  
1-888-520-BONO

Sitka Family Justice Center  
(907) 747-3401

Alaska Court System Family Law Self-Help Center  
907-264-0851  
1-866-279-0851

[www.state.ak.us/courts/selfhelp.htm](http://www.state.ak.us/courts/selfhelp.htm)

Alaska Emergency Language Resource Bank  
877-486-4402

Alaska Immigration Justice Project  
(907) 441-6621

Alaska Law Help  
[www.alaskalawhelp.org](http://www.alaskalawhelp.org)

Alaska Bar Association Attorney Referral Service  
1-800-770-9999

Alaska Legal Services Corporation (ALSC)  
*Anchorage office for statewide referral: 1-888-478-2572*  
ALSC Pro Bono Program  
(907) 529-1860

Alaska Native Justice Center  
(907) 278-1122

Alaska Office of Victims' Rights  
(907) 272-2620  
1-866-274-2620

[www.officeofvictimsrights.legis.state.ak.us](http://www.officeofvictimsrights.legis.state.ak.us)

Disability Law Center  
1-800-478-1234

District Attorneys Victim Witness  
[www.law.state.ak.us/departments/criminal/victims\\_assist.html](http://www.law.state.ak.us/departments/criminal/victims_assist.html)  
(907) 269-6300

Office of Public Advocacy  
(907) 269-3500

Violent Crimes Compensation Board  
1-800-764-3040  
[www.state.ak.us/admin/vccb/](http://www.state.ak.us/admin/vccb/)

## National Legal Resources

**Battered Women's Justice Project**  
***Criminal Justice Center / Civil Access Center /***  
***Self Defense Center***  
1-800-903-0111 / 1-612-824-8768 (TTY)

**Family Violence Project-National Council of Juvenile & Family Court Judges/ Resource Center on Child Protection & Custody**  
1-800-527-3223

**National Resource Center on Domestic Violence**  
1-800-537-2238 / 1-800-553-2508 (TTY)

**Office of Victims of Crime**  
[www.crimevictims.gov](http://www.crimevictims.gov)

**Women's Law.org**  
[www.womenslaw.org](http://www.womenslaw.org)

## **ANDVSA's Information and Referral Hotline**

### **Upcoming Hours:**

**TUESDAY, October 11, 5-7 p.m.**  
**TUESDAY, October 25, 5-7 p.m.**  
**TUESDAY, November 8, 5-7 p.m.**  
**TUESDAY, November 22, 5-7 p.m.**  
**TUESDAY, December 6, 5-7 p.m.**  
**TUESDAY, December 20, 5-7 p.m.**  
**TUESDAY, January 10, 5-7 p.m.**  
**TUESDAY, January 24, 5-7 p.m.**  
**TUESDAY, September 27, 5-7 p.m.**

**Call toll-free 1-888-988-3725**

**WHO SHOULD CALL? VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT WHO WANT BASIC INFORMATION ABOUT THEIR LEGAL RIGHTS AND OPTIONS AND REFERRAL INFORMATION FROM AN ATTORNEY**

**WHAT TYPES OF QUESTIONS CAN THE HOTLINE ATTORNEY ANSWER? GENERAL QUESTIONS ABOUT MANY AREAS OF THE LAW, INCLUDING FAMILY AND CRIMINAL LAW**

**WHO WILL BE ANSWERING THE LINE? ONE OF ANDVSA'S PRO BONO PROGRAM'S VOLUNTEER ATTORNEYS**

**PLEASE NOTE: THE HOTLINE ATTORNEY WILL NOT BE REPRESENTING CLIENTS, BUT RATHER PROVIDING BRIEF LEGAL EDUCATION TO CALLERS AND POSSIBLE REFERRAL TO OTHER LEGAL AND SOCIAL SERVICE PROVIDERS!**

**Legal Advocacy Project**

**Karissa Demmert**

Pro Bono Project Coordinator/VISTA

**Joanna Hale**

LAP Coordinator/VISTA

**Jenn King**

Sitka Family Justice Center  
Staff Attorney

**Mary Kay MacNaughton**

LAP Coordinator

**Christine McLeod Pate**

Pro Bono Program Director  
Mentoring Attorney

**Kari Robinson**

LAP Director/Project Attorney

**Network Staff**

**Chris Ashenbrenner**

Public Policy Coordinator

**Patti Bland**

Training Project Director

**Brenda Brown**

Office Manager

**Peggy Brown**

Executive Director

**Joshua Edward**

DELTA Project Coordinator

**Mary Norcross**

Financial Administrator

**Network Office**

(907) 586-3650 phone

(907) 463-4493 fax

[www.andvsa.org](http://www.andvsa.org)



**Legal Advocacy Project**

(907) 586-5643 phone

1-800-914-7867 toll-free

(907) 586-3152 fax

**Pro Bono Mentoring Project**

1-888-520-BONO

(907) 747-7545 phone

(907) 747-7547 fax

*The newsletter is edited by Mary Kay MacNaughton. Questions? (907) 586-5643, x23.*

**The Legal Advocate**

**Legal Advocacy Project**

**ANDVSA**

**130 Seward St., #209**

**Juneau, AK 99801**