

Relevant Facts and Information for HB 5024:
Why the State Program — Domestic Violence Legal Education Account — Must be Funded

By: Merle H. Weiner
Professor of Law and Faculty Director, Domestic Violence Clinic
April 17, 2019

The Domestic Violence Clinical Legal Education Account Provides Vital Funds for a Life-Saving Program

The Domestic Violence Clinical Legal Education Account provides vital funds to the Domestic Violence Clinic at the University of Oregon School of Law.

The Domestic Violence Clinic (“DVC” or “Clinic”) is a model program that efficiently serves Oregon citizens in various ways. The Domestic Violence Clinic provides free comprehensive civil legal services to low-income victims of domestic violence, sexual assault, and stalking while simultaneously educating University of Oregon law students to represent this population after graduation. It also provides free legal services to student survivors on six institutions of higher education. The Clinic served 314 clients last year, and was responsible for the competent representation of countless other survivors by graduates of the Domestic Violence Clinic. These legal services benefit individual survivors, and also lower the overall rate of domestic violence in Oregon.

The funding provided by the State of Oregon is essential for the vitality and stability of the Domestic Violence Clinic. Other than this funding, the Domestic Violence Clinic is almost entirely grant funded. State funding has allowed the DVC to compete successfully for federal and state grant funding and thereby expand its free legal services to more survivors, including students at six institutions of higher education.

Mission Statement of the Domestic Violence Clinic

The Domestic Violence Clinic works to accomplish the following: provide collaborative and coordinated free civil legal services to low-income and student survivors of domestic violence, sexual assault, and stalking in Lane County, Oregon; train law students to represent these victims with passion, compassion, and competence; and, increase the level of skill, knowledge, and concern in the legal profession related to these victims' needs.

A Description of the Domestic Violence Clinic

The Domestic Violence Clinic is a law school clinic in which graduate students represent low-income survivors under the direction of a licensed attorney.

Every year, the Domestic Violence Clinic is offered as a class at the University of Oregon School of Law, during both of the law school semesters (fall and spring) and during the summer. The Domestic Violence Clinic comprises several different opportunities for students. Students can

learn about protective orders, other civil legal matters, and/or receive advanced training in either of these areas.

In the last year, 20 students participated in the Clinic as enrolled students, earning 60 credit hours. When attorney supervisors are not teaching students, they carry their own caseload and represent clients.

The Survivors We Serve

In calendar year 2018 (Jan. 1, 2018 – Dec. 31, 2018), the Domestic Violence Clinic served 314 survivors through its various components.

Survivors find our services essential. Low-income survivors need comprehensive legal services for matters related to family, housing, benefits, consumer, and employment for their safety and wellbeing. The National Evaluation of the Legal Assistance to Victims Program reported that, “[C]lients overwhelmingly reported a positive change in their lives as a result of receiving legal services.” Inst. for Law & Justice, National Evaluation of the Legal Assistance to Victims Program 12, 174-78 (2005).

Unfortunately, there is a tremendous need for these services. The Oregon Department of Justice conducted a gaps and needs assessment survey in 2016. It identified free/affordable civil legal services as a large service gap, second only to the lack of affordable housing. *See STOP VAWA Priority Survey 2016*, p. 13, 24.

Below are a few representative comments from our clients about our services:

- “I have a new life and so do my children. My family is healing, and color has come back to our world. Without the aid we were gifted, we could easily be dead.”
- “I just wanted to thank you from the bottom of my heart for all of your help in this process, for the first time in years I felt like I had someone from the legal side finally standing up for me and making sure my wants were heard. I cannot thank you enough for helping me get back some of my power in this whole process and for always helping me understand what was going on.”
- “I was actually given negative, incomplete, and inaccurate information elsewhere. That experience made me hesitant to believe that I had any legal recourse toward protecting myself. The UO DV Clinic not only educated me about the actual legal standing of my situation they helped me make an informed decision to work with the legal services to secure my safety and my child's safety.
- “[The DVC attorney] saved me. I was scared and worried and his help was just what I needed. He is kind and professional and I am extremely thankful. Thank you once again for all you've done to help me!!!”

- “I was so scared when I started this process and questioned not only how to get safe but even if I should prioritize my safety. Today I am able to sleep at night because I know I am free. That means everything, and it’s like I have a future in front of me again and I haven’t felt that way in a very long time.”

The Students We Educate

The Clinic also makes a difference in law students’ lives. “Law School clinics perform a valuable service in training students to become skilled lawyers who are sensitive to the needs of domestic violence victims.” Nat’l Evaluation of the Legal Assistance to Victims Program 14 (Inst. for Law and Justice 2005). In fact, as a Clinic student said to incoming students: “[T]his is going to be one of the best, if not the best, experience you can have during law school... You are becoming a part of a network of people fighting for women, their rights, and their safety.”

Of course, as we educate students to do this important work, we populate Oregon with competent and committed attorneys, willing and able to support survivors and/or engage in other important acts of public service. Students leave with a competency to represent victims of violence well and a determination to do so, often providing pro bono services to low-income individuals after graduation. In fact, a survey of Domestic Violence Clinic alumni found:

- 87% responding said they have worked to help victims of domestic violence, sexual assault, or stalking since leaving law school.
- Of those graduates who said they went on to work with survivors after law school, 55% did so as a paid lawyer and 45% did so as a pro bono lawyer.
- Of the graduates responding, 78% indicated that they anticipated working with victims of domestic violence in the future.
- 100% responded affirmatively when asked, “Did your experience with the DVC make you more willing and/or capable of helping victims of domestic violence, sexual assault, and stalking?”

The Domestic Violence Clinic is the only program at the University of Oregon in which law students can gain hands-on detailed knowledge and experience about representing survivors of domestic violence, stalking, and sexual assault. In the last year, 20 law students participated in the Clinic’s programs as enrolled students, and a good number more participated as volunteers.

Indirect Benefits for the State of Oregon

Apart from serving Oregon survivors and educating students at the University of Oregon who often practice law in Oregon after graduation, the Domestic Violence Clinic confers some indirect benefits on all Oregonians.

The Domestic Violence Clinic Lowers the Amount of Domestic Violence

The Domestic Violence Clinic helps lower the rate of domestic violence in Oregon. Economists have found that “the provision of legal services significantly lowers the incidence of

domestic violence." Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 CONTEMP. ECON. POL'Y. 169 (2003). The economists explained that access to legal services is the *only* service that decreased the likelihood that women will be battered. Shelters, hotlines and counseling programs for battered women had no significant impact on the likelihood of domestic abuse, although they are vitally important crisis-intervention services. However, "the availability of legal services in the county of residence has a significant, negative effect" on the overall incidence of domestic violence.

Legal services decrease the likelihood of abuse because lawyers help domestic violence survivors obtain protective orders, custody of their children, child support, divorce, and sometimes public assistance, thereby helping women achieve physical safety and economic power so that they can leave their abusers. Farmer and Tiefenthaler said that legal services were a good place to invest resources since "legal services are the most expensive support service, the service to which the fewest women have access, and[it is] the only service that decreases the likelihood women will be battered."

Lowering the rate of violence is imperative because of the high costs of intimate partner violence for the state. The costs of intimate partner sexual and physical assault in Oregon exceeds \$50 million each year, nearly \$35 million of which is for direct medical and mental health care services. See Or. Dep't of Human Services, Office of Disease Prevention and Epidemiology, *Costs of Intimate Partner Violence Against Oregon Women* 13 (2005), available at www.oregon.gov/DHS/ph/ipv/docs/IPVCosts.pdf. These costs fall on all Oregonians, either directly through the government-funded Oregon Health Plan or through increased health insurance premiums. *Id.* This figure does not include the costs of the criminal justice system or the social service system.

The Domestic Violence Clinic Allows the University of Oregon to Compete Successfully for Grants and Students

The Domestic Violence Clinic has been able to leverage its state-funded services to build the program and thereby offer more services to low-income community members and students. Because the Account ensures that the Clinic will exist the following year, the Clinic can compete for a variety of grants. The Clinic receives or has received competitive grant funding from the federal Violence Against Women office, the state Department of Justice, and private foundations.

This grant funding has been used both to establish Student Survivor Legal Services and to expand the Clinic's focus beyond representation in protective order cases to representation in a range of civil legal matters. In addition, private funding has allowed us to set up an internship in Klamath Falls with Klamath Falls Legal Aid so that students can learn about a rural poverty law practice that serves survivors.

The Account also allows us to offer the Clinic every year. This is a great benefit to law students who often have challenges planning their schedules. It also allows us to attract wonderful law students to the university. Every year, a number of students mention that they chose the University of Oregon School of Law because of its Domestic Violence Clinic.

Details about the Domestic Violence Clinic and the Domestic Violence Clinical Legal Education Account

The Domestic Violence Clinic has 6 FTE (not including the Faculty Director). The staff includes four lawyers (one of whom is on a post-graduate fellowship), one paralegal/office manager, and one advocate from Womenspace. Everyone is a UO employee, except the Womenspace Advocate, with whom the DVC subcontracts. The Clinic is housed in a UO facility. The Faculty Director of the Domestic Violence Clinic is a tenured member of the law faculty. The Clinic's supervisors are assistant clinical professors. With the exception of the funds the Domestic Violence Clinic receives from the Domestic Violence Legal Education Account, the DVC is supported by competitive federal and state grants.

HB 2961 (2007) created the Domestic Violence Clinical Legal Education Account, originally funded by court fees. HB 2710 (2011) transferred the Domestic Violence Legal Education Account to the General Fund and made the Domestic Violence Clinical Legal Education Account a Targeted Program within the Oregon University System budget. *See* ORS §21.007(5). State appropriations are approximately \$180,000/year or \$360,000 a biennium.

