

Domestic Violence Newsletter

Committed to Ending Family Violence



Integrated Domestic Violence Court to Open This December

By Amanda Warner, University at Buffalo Law Student

This bi-monthly newsletter is published by Haven House, Neighborhood Legal Services, Inc., and Volunteer Lawyers Project, Inc., to provide information to the community and to agencies regarding the civil legal services available to victims of domestic violence in Erie County. Your feedback and suggestions for future articles are welcome. You can reach us at Neighborhood Legal Services, at the address below, Attn. Domestic Violence Newsletter, or by email at snosenchuck@nls.org.



Integrated Domestic Violence (IDV) Courts are specialized Supreme Court Parts with the goal of better servicing families experiencing domestic violence. Normally, domestic violence victims and their families working within the current court structure in New York State have to appear in multiple courts in front of multiple judges in order to address their criminal, family and matrimonial issues. This can create many problems, for litigants and their attorneys, as well as for the courts. Besides the inconvenience and difficulties victims face when having to return to court numerous times, including loss of work time, frequent contact with their abuser, and child care difficulties, additional problems arise when different judges in different courts grant conflicting orders, leaving both victim and perpetrator unclear

about their rights and responsibilities. The IDV Courts, with their "one family-one judge" philosophy, hope to remedy these problems by promoting more informed judicial decision-making, consistency, reduction of court appearances, enhance services to victims, and emphasized defendant accountability.

The first IDV Court in New York state was Brooklyn Domestic Violence Court, which opened in June of 1996. Its mission was to improve response to domestic violence in Kings County. According to the New York State Division of Criminal Justice Services, the Brooklyn Domestic Violence Court now serves as a model for other domestic violence courts in New York State as well as states throughout the country. Since it's opening, six more IDV courts have been implemented as pilot projects

throughout New York State. Judge Judy Harris Kluger was asked to survey and observe the six pilot projects and make recommendations regarding expansion of the pilot courts to other parts of the state. Upon her recommendation, New York State Chief Justice Judith S. Kaye announced in her 2003 State of the Judiciary Address a three-year comprehensive plan to expand IDV courts statewide. Judge Kluger has been appointed as the Deputy Chief Administrative Judge to spearhead this effort.

Erie County has been selected as one of five additional New York courts that will operate an IDV Court by the end of 2003. While the existing pilot projects have chosen different kinds of cases as the linchpin to getting into IDV Court, Erie County has decided that criminal cases involving domestic

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NLS Welcomes Cindy Chandler to the Domestic Violence Project



We would like to extend a warm "welcome back" to Cindy Chandler, Neighborhood Legal Services' (NLS) newest staff attorney. Some of you may remember Ms. Chandler as the attorney with the Family Law Unit at NLS with the Domestic Violence Program from 1996-1998. During that period, NLS received a two-year Interest on Lawyers Account(IOLA) grant for an attorney to work with the Domestic Violence Program. Ms. Chandler is now joining NLS as a permanent staff attorney in the Family Unit and we expect that she will pick up where she left off. She will be assigned family offense and child support matters. We expect that she will work closely with Haven House to assist with community education programs about family law matters.

Since 1998, Ms. Chandler has worked as a staff attorney with the Monroe County Legal

Assistance Corporation in Rochester, New York and The Legal Aid Society's Juvenile Rights Division as a law guardian in the Bronx. She is excited to return to the Western New York area after the fast paced, crowded and busy courthouses in New York City. When asked why she wanted to return to Buffalo, she remarked, "There are so many petitions filed daily in the Bronx Family Court that only emergency petitions (like family offense matters) are accepted after 9 a.m. People are given slips to return to file other types of matters in the evening because there are just too many petitions for the intake judge to

handle in one business day. I am most excited to see Erie County's innovative system, I have heard such good things about it and the new Courthouse."

As a graduate of Albany Law School's class of 1993 she expected to enter criminal law as a prosecutor, but found herself accepting a job as an attorney with the law school's clinical program. "I accompanied law students assigned to represent petitioners on family offense petitions in Rensselaer County Family Court." After which she continued as counsel on the matters while the students were on summer break. Additionally, she drafted

motions to the appellate court and clemency petitions to the Governor for women who were incarcerated after killing their abusive partners. "I became aware of the pervasiveness of Domestic Violence while at the clinic. I began reading articles on the cycle of violence and I was amazed about how difficult it was for some survivors to get help. I think there have been many improvements in our justice system over the last ten years. I find that Family Court petitioners are better informed about their options today. I think that public attention to domestic violence has aided the increase in protection we afford victims and survivors." With her variety of Family Court experience, including a brief period as a Hearing Examiner Assistant for the Office of Court Administration, Ms. Chandler is a great addition to NLS and the Erie County Family Court.

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Domestic Violence Websites

American Bar Association's Commission on Domestic Violence

www.abanet.org/domviol/

Since its inception in 1994, the Commission on Domestic Violence has emerged as a nationally recognized entity that provides training and educational materials to attorneys and other professionals who serve victims of domestic violence. The Commission's mission is to mobilize the legal profession to provide access to justice and safety for victims of domestic violence. The website contains important information on Internet safety for victims of domestic violence.

Buffalo and Erie County Library

www.buffalolib.org/

The Buffalo & Erie County Library provides open and equal access to information and technology through the Central Library, 15 city branches, 36 contract library facilities and mobile and outreach services. Visit their website for useful information on how to obtain a library card that will allow you to safely search the Internet and look up the various websites mentioned in this newsletter.

Things To Think About When Hiring an Attorney

By Sharon L. Nosenchuck, Esq.

The following are ten tips to help you have a better relationship with your privately retained attorney.

If you are retaining a private attorney to represent you (this means that you are paying for an attorney):

1. Ask people you know to recommend someone who they have worked with before who they like. However, remember, that many attorneys are no longer general practitioners, but concentrate their practice only in certain areas. An attorney who drafted a will for your grandmother may not accept a family law case.
2. If you do not know anyone who has used an attorney, you may want to contact the Lawyer Referral Service of the Erie County Bar Association at 852-3100. Lawyers who are part of the Lawyer Referral Service must meet minimal requirements in order to be listed.
3. You may want to interview a few attorneys before retaining (hiring) an attorney. Even if the attorneys do not have free consultations, it may be worthwhile for you to spend some money now so that when you do hire an attorney to represent you, you feel comfortable with that attorney.
4. When you retain an attorney,

make sure that you understand at the beginning how that attorney will charge you. Read your retainer agreement carefully.

- Find out in advance if your attorney charges you by the hour or if you are paying a flat fee for a particular service.
 - Find out if the attorney will charge more money if you are going to trial or if the initial retainer fee runs out.
 - Find out if you have to pay a certain minimum amount per telephone call. Some attorneys will charge you for a minimum of ten or fifteen minutes of time, even if you only speak to them for a few minutes.
 - Will your attorney charge you for photocopies?
 - Who is responsible for disbursements such as filing fees? Often, these are extra charges, not included in your original retainer fee.
5. Be aware that nobody can guarantee results. It is not that your attorney is trying to "waffle" when you ask him or her a question, it is just that a lot of things are out of the control of the attorney.
 6. Find out if your telephone support staff at your attorney's office, are you charged for speaking with them.

7. You should receive billing statements from your attorney on a regular basis. You should review your bill carefully. If you have questions, find out who is the right person in your attorney's office to discuss this with. You should not be charged for discussing your bill with your attorney or his staff.
8. If you feel that you have been overcharged on a bill, first try to discuss it with your attorney before taking any other action. Try to give your attorney the benefit of the doubt. Maybe there was a mistake made on your bill or maybe there was a justification as to why something took so much time.
9. Usually, the more work you ask your attorney to do, the more you will have to pay him or her. Find out from your attorney if there is any work that you can do to help him or her that would lessen your expenses. Sometimes, there may be research that you can do at the County Clerk's Office that might save your attorney time and you money.
10. Unfortunately, hiring an attorney is expensive. You must decide yourself if your attorney is worth the cost of hiring him or her. Often, having an attorney makes the legal process much easier to understand and saves time, money, and grief in the long run. However, only you can decide if it is worth it to hire an attorney.



Lawyer Referral and Information Service

The Lawyer Referral and Information Service (LRIS) is a service to the public provided by the Erie County Bar Association. Lawyers who are participants must be a member of the Erie County Bar Association, must carry and continue to carry professional liability (malpractice insurance), and must utilize written retainer agreements. The retainer agreement must provide for arbitration of any fee dispute which arises between a client and their lawyer.

For more information call the Erie County Bar Association at 852-3100, or visit their website at www.eriebar.org.



Helpful Legal Websites

Bar Association of Erie County

<http://www.eriebar.org/>

This website contains helpful information about legal issues. It has information about the courts, public resources, and the local legal community. In addition, it lists information regarding the People's Law School, which provides courses of general interest to the community. If you wanted to educate yourself regarding a particular topic such as bankruptcy by finding out general information, the People's Law School might be a good start prior to discussing your individual matter with an attorney. It could save you time and money by providing you with basic knowledge regarding a particular legal topic.



New York State Bar Association

<http://www.nysba.org/>

This website contains helpful information for both the lawyer and the lay person. Under the "Public Resources" section, it lists various pamphlets on legal topics of interest that can be downloaded for free.

DV Statistics

- 4 million American women experience a serious assault by an intimate partner during an average 12-month period.
- Domestic violence is thought to be more prevalent among immigrant women than among U.S. citizens.
- In homes where partner abuse occurs, children are 1,500 times more likely to be abused.

For more Statistics, visit www.abanet.org/domviol/stats.html.

ECBA's Client Fee Dispute Resolution Program



As a service to the public, the Erie County Bar Association provides arbitration to resolve lawyer-client fee disputes. This service is available for civil fee disputes. There is a fee charged to both the lawyer and

the client to use this service. The fee is based upon the amount in dispute. Disputes valued below \$6,000 are assigned to a single attorney arbitrator. Disputes valued at \$6,000 or above are assigned to a panel of three ar-

bitrators, two of whom are not lawyers. All arbitrators are carefully screened volunteers. To find out more information, contact the Administrator of the Fee Dispute Resolution Program at the Bar Association at (716) 852-8687

Internet Safety for Victims of Domestic Violence

If you use your home computer, you may want to take some precautions, as your internet and e-mail activity can be traced by your abuser. The American Bar Association website www.abanet.org/domviol/internet.html gives some suggestions for precautions to take when using your home computer. However, they suggest that "[t]he safest way to find information on the internet is to go to a safer computer." Suggestions include using the computer at the local library or a friend's or relative's computer. See the website for more information on other suggested precautions.

If you do not have access to a computer or do not want your abuser to know about your internet activity, you may want to use a computer at your local library branch. You can use the computers at your local Erie County Public Library for free, as long as you have a library card in good standing. All branches in the Erie County Public Library System have public access computers. The computers should be available during the hours that the library is open. However, you will be charged by the page (ten cents per page) if you print.

To get a library card, you need proper identification. When you walk into the library, ask a person at the desk how to get a library card. It is a quick and easy process. In addition to public computer access and books, all libraries have videos, DVD's, and audiotapes that you can borrow for free. However, if you do not return these items on time, you will be charged a fine. If the fines exceed five dollars, your library privileges will be suspended immediately.

Integrated Domestic Violence Court to Open This December

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violence will bring a family to its IDV Court.

On July 2, 2003, the IDV Steering Committee hosted an informational panel discussion on the implementation of Erie County's IDV Court. The panel participants included Judge Judy Harris Kluger, Judge Sharon Townsend, Judge Janice M. Rosa, Judge John O'Donnell, and Judge Eugene F. Pigott, Presiding Justice, Appellate Division, 4th Department. In attendance were many members of the domestic violence community, including judges, private attorneys, legal services attorneys, domestic violence advocates, and social services agencies and organizations.

Judge Rosa began by introducing the panel, and Judges Pigott and Townsend gave the welcoming addresses. Judge Kluger commended Erie County's Steering Committee on "raising the bar" for other IDV pilot projects by coordinating the forum and including input from many different stakeholders in the community. She went on to discuss the IDV Court's mission statement and key principles, namely the adoption of a comprehensive approach to deal with cases involving domestic violence, including more timely case resolution, offender accountability, victim safety, integration of social services, and the reduction of conflicting judicial orders.

Judge Rosa discussed the IDV Court's introduction to Erie County, acknowledging the stakeholders' important role as a local working group giving input on the specific needs and concerns of Erie County throughout the process of implementation. Judge Rosa identified key issues to which

the Steering Committee is committed to working out, including:

- protocols for eligibility for the IDV Court,
- movement of cases quickly from the originating court to the IDV Court,
- maintenance of each separate case's integrity and confidentiality,
- achieving courthouse safety for victims by providing separate waiting rooms, training security personnel, and remaining respectful of the privacy needed between litigants and attorneys,
- monitoring orders of protection, support, and visitation and protection
- maintaining defendant compliance with the orders.

Judge Rosa addressed the importance of judicial and non-judicial training, cross-training between stakeholders and court personnel, ongoing assessment of the IDV Court by prosecuting, defense and family court attorneys as well as law guardians, fostering stronger relationships between agencies in the domestic violence community by continuing to have stakeholder meetings, and raising community awareness by holding more informational forums.

The IDV Court's progress will be evaluated by data collection on the quality of victim's access to social services, efficiencies gained, tracking civil and criminal remedies, recidivism rates, the number of

three year orders of protection granted, and defendant compliance with court orders.

Judge O'Donnell discussed the Erie County IDV Court's projected implementation phases.

- For the rest of the summer, stakeholder subcommittees will be meeting to give their input on IDV protocols in anticipation of an IDV Court planning document being completed in August 2003.

In September, stakeholders will again meet to confirm their roles and to draft cooperative protocols for the IDV Court.

- In October, the steering committee will focus on domestic violence education and training for court personnel.

Late November to early December will mark what Judge O'Donnell referred to as the "soft opening" of the IDV Court, a trial run-through where procedural issues can be identified, and stakeholders can work to raise possible solutions to problems that may come up. The official opening of the IDV Court will take place by the end of December, 2003. The IDV Part will be located on the third floor at 25 Delaware Avenue.

After discussing the above-mentioned timeline, Judge O'Donnell reviewed the implementation phases of the IDV Court.

- During phase one, beginning in December 2003, the IDV court will cover criminal misdemeanor cases involving domestic

violence. The steering committee is unsure at this time when the additional phases will be implemented, but they have laid out a rough outline of the order in which they will occur.

- Phase two will include criminal felonies involving domestic violence, as well as custody and visitation proceedings.
- Phase three will incorporate misdemeanor and felony cases currently being dealt with in the city and village courts that involve domestic violence, with phase four being an expansion of phase three.
- Phase five will include abuse and neglect proceedings, and phase six will expand to include juvenile delinquency and PINS cases.

The community forum wrapped up with Judge O'Donnell monitoring a question and answer session addressing questions that had been submitted prior to the presentation by various stakeholders in the domestic violence community.



Based upon information presented in the New York State Division of Criminal Justice Services—New York State Domestic Violence Courts Program Fact Sheet, found at http://criminaljustice.state.ny.us/ofpa_domviolcrtfactsheet.htm, the Erie County Integrated Domestic Violence Court—Frequently Asked Questions Sheet, and the Erie County Integrated Domestic Violence Court Community Forum held July 2, 2003.

The official opening of the IDV Court will take place by the end of December, 2003.

Neighborhood Legal Services, Inc., Volunteer Lawyers Project, and Haven House have received a grant from the U.S. Department of Justice to provide holistic legal services to victims of domestic violence. This program, funded under the Violence Against Women Act (VAWA), is intended to provide civil legal services to women who are transitioning out of violent relationships and who need assistance with multiple civil legal problems. Income restrictions apply. Eligible clients not only can receive legal assistance with family and matrimonial problems, but with other civil legal problems as well, such as public assistance, SSI, housing, etc. To refer clients to our program, write or call Neighborhood Legal Services, Inc., and ask for the Domestic Violence voice mail box.

FEEDBACK

Want more information? Complete this form and **MAIL** to
 Neighborhood Legal Services, Inc.
 295 Main St., Room 495, Buffalo, NY 14203 or **FAX** to: 716-847-0227

- Yes! Include me on your mailing list for this bi-monthly newsletter.
- Please send me a copy of your brochure on the services that Neighborhood Legal Services, Inc. offers to victims of domestic violence.
- Please send me an additional _____ copies of your brochure for distribution within my agency.
- I would like to have a speaker come to my agency and discuss domestic violence and the civil legal system. Please contact me at the address below.
- Please send me information on other services provided by Neighborhood Legal Services, Inc.
- Please send me more information on Volunteer Lawyers Project (VLP).
- Please send me more information on Haven House.

Name _____

Agency _____

Address _____

Phone _____

Fax _____

Email _____



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