



THURSDAY, SEPTEMBER 17, 2020

## "PRO BONO WORK TO EMPOWER AND REPRESENT ACT – FOCUS ON THE FOUR CORNERS"

Free CLE Webinar Co-Sponsored with the Colorado Bar Association

3 General/1 Ethics CLE credits approved.

12 noon - 2:30 p.m.

**(NOTE EXTENDED TIME FOR THIS PROGRAM)**

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### Speakers and Attached Materials:

- **WELCOME AND INTRODUCTION - Chief Judge Philip A. Brimmer, U.S. District Court for the District of Colorado**
  - Handout, American Bar Association - Domestic & Sexual Violence and Pro Bono, [page 4](#).
- **Lori Laner, Domestic Violence Program Specialist, Ute Mountain Ute Tribe**

- **Kelsey Lansing, Victim Advocate/Tribal Outreach Coordinator, Sexual Assault Services Organization, Durango**
  - Sexual Assault Services Organization – Be a First Responder, Volunteer, Be an Ally, [page 18](#)
- **Gina Lopez, Rural & Indigenous Communities Specialist, Colorado Coalition Against Sexual Assault, Towaoc**
  - Colorado Coalition Against Sexual Assault – Freedom from Violence, [page 20](#)
- **Lisa Manzanares, Victim Services Program Coordinator, Southern Ute Tribe**
  - Handout, The Southern Ute Victim Services Program, [page 36](#)
- **Lindsay Marshall, Colorado Legal Services, Durango**
  - Brochure, Colorado Legal Services, [page 38](#)
- **Norma Peabody, Victim Support Service Supervisor, Ute Mountain Ute Tribe**
  - Victim Support Services - “Tú éi Nú nág ít” - (Healing from Within), [page 40](#)
- **Ethics CLE presented by James Wilder, Colorado Supreme Court Attorney Regulation Office, Denver**
  - The Ethics of Pro Bono Representation, [page 42](#)
- **CONCLUDING REMARKS - Magistrate Judge James M. Candelaria, U.S. District Court for the District of Colorado**

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The POWER Act is the federal "Pro Bono Work to Empower and Represent Act of 2018" (P.L. 115-237). The U.S. District Court for the District of Colorado, the Faculty of Federal Advocates, and the Colorado Bar Association are partners in offering this FREE CLE focusing on pro bono and volunteer opportunities in Southwest Colorado. Representatives from Colorado Legal Services and the Sexual Assault Services

Organization in Durango and the Colorado Coalition Against Sexual Assault in Towaoc will discuss pro bono and other volunteering opportunities with the goal of increasing the provision of pro bono legal services for Native American victims of domestic violence, dating violence, sexual assault, and stalking.

In addition, Chief Judge Philip A. Brimmer will speak about the POWER Act and its purpose and goals. OARC attorney James Wilder will present a 50-minute ethics CLE titled "Ethics & Pro Bono Representation," discussing limited representation principles when volunteering through non-profit legal organizations. Magistrate Judge James M. Candelaria will make concluding remarks.

If you aren't an FFA member but would like to join and take advantage of the member discount, please click [HERE](#) to join prior to registering for this event.

# THE POWER OF PRO BONO

A Judicial Toolkit for  
**POWER** Act Implementation



AMERICAN **BAR** ASSOCIATION™

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Commission on Domestic  
& Sexual Violence

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Standing Committee on  
Pro Bono and Public Service

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This toolkit offers free resources from the ABA for implementing the federal Pro Bono Work to Empower and Represent Act of 2018 (POWER Act), focused on helping victims of domestic, dating, sexual, and stalking violence gain access to critical pro bono legal services.

The POWER Act authorizes the chief judge in each federal judicial district to host at least one public event annually to promote free legal services for survivors of these types of gender-based violence.

This toolkit provides:

- Basic information on domestic, dating, sexual, and stalking violence
- Tools to identify statutorily-required training partners
- Resources for planning a POWER Initiative training event

The repercussions of domestic, dating, sexual and stalking violence are heartbreaking. A lawyer's skilled assistance is critical for survivors to be safe, regain stability, and move forward with their lives. Research shows that the availability of civil legal services in a community greatly reduces the likelihood of domestic violence. Pro bono assistance is crucial because the supply of trained lawyers is far below the demand. Your leadership on the POWER Act will make an enormous difference in the lives of victims and their children.

As you engage with this important work, please do not hesitate to call on the expertise of the ABA's Commission on Domestic & Sexual Violence and Standing Committee on Pro Bono and Public Service for technical assistance and support.



Andrew King-Ries, Chair  
ABA Commission on Domestic  
& Sexual Violence



David Bienvenue, Chair  
ABA Standing Committee on Pro  
Bono and Public Service



PUBLIC LAW 115–237—SEPT. 4, 2018

132 STAT. 2447

Public Law 115–237  
115th Congress

## An Act

To promote pro bono legal services as a critical way in which to empower survivors of domestic violence.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Pro bono Work to Empower and Represent Act of 2018” or the “POWER Act”.

### SEC. 2. FINDINGS.

Congress finds the following:

(1) Extremely high rates of domestic violence, dating violence, sexual assault, and stalking exist at the local, State, tribal, and national levels and such violence or behavior harms the most vulnerable members of our society.

(2) According to a study commissioned by the Department of Justice, nearly 25 percent of women suffer from domestic violence during their lifetime.

(3) Proactive efforts should be made available in all forums to provide pro bono legal services and eliminate the violence that destroys lives and shatters families.

(4) A variety of factors cause domestic violence, dating violence, sexual assault, and stalking, and a variety of solutions at the local, State, and national levels are necessary to combat such violence or behavior.

(5) According to the National Network to End Domestic Violence, which conducted a census including almost 1,700 assistance programs, over the course of 1 day in September 2014, more than 10,000 requests for services, including legal representation, were not met.

(6) Pro bono assistance can help fill this need by providing not only legal representation, but also access to emergency shelter, transportation, and childcare.

(7) Research and studies have demonstrated that the provision of legal assistance to victims of domestic violence, dating violence, sexual assault, and stalking reduces the probability of such violence or behavior reoccurring in the future and can help survivors move forward.

(8) Legal representation increases the possibility of successfully obtaining a protective order against an attacker, which prevents further mental and physical injury to a victim and his or her family, as demonstrated by a study that found that 83 percent of victims represented by an attorney were

able to obtain a protective order, whereas only 32 percent of victims without an attorney were able to do so.

(9) The American Bar Association Model Rules include commentary stating that “every lawyer, regardless of professional prominence or professional workload, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer”.

(10) As leaders in their legal communities, judges in district courts should encourage lawyers to provide pro bono resources in an effort to help victims of such violence or behavior escape the cycle of abuse.

(11) A dedicated army of pro bono attorneys focused on this mission will inspire others to devote efforts to this cause and will raise awareness of the scourge of domestic violence, dating violence, sexual assault, and stalking throughout the country.

(12) Communities, by providing awareness of pro bono legal services and assistance to survivors of domestic violence, dating violence, sexual assault, and stalking, will empower those survivors to move forward with their lives.

### **SEC. 3. DISTRICT COURTS TO PROMOTE EMPOWERMENT EVENTS.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter for a period of 4 years, the chief judge, or his or her designee, for each judicial district shall lead not less than one public event, in partnership with a State, local, tribal, or territorial domestic violence service provider or coalition and a State or local volunteer lawyer project, promoting pro bono legal services as a critical way in which to empower survivors of domestic violence, dating violence, sexual assault, and stalking and engage citizens in assisting those survivors.

(b) **DISTRICTS CONTAINING INDIAN TRIBES AND TRIBAL ORGANIZATIONS.**—During each 2-year period, the chief judge, or his or her designee, for a judicial district that contains an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) shall lead not less than one public event promoting pro bono legal services under subsection (a) of this section in partnership with an Indian tribe or tribal organization with the intent of increasing the provision of pro bono legal services for Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, and stalking.

(c) **REQUIREMENTS.**—Each chief judge shall—

(1) have discretion as to the design, organization, and implementation of the public events required under subsection (a); and

(2) in conducting a public event under subsection (a), seek to maximize the local impact of the event and the provision of access to high-quality pro bono legal services by survivors of domestic violence, dating violence, sexual assault, and stalking.

### **SEC. 4. REPORTING REQUIREMENTS.**

(a) **REPORT TO THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.**—Not later than October 30 of each year, each chief judge shall submit to the



132 STAT. 2448

PUBLIC LAW 115–237—SEPT. 4, 2018

Director of the Administrative Office of the United States Courts a report detailing each public event conducted under section 3 during the previous fiscal year.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than January 1 of each year, the Director of the Administrative Office of the United States Courts shall submit to Congress a compilation and summary of each report received under subsection (a) for the previous fiscal year.

(2) REQUIREMENT.—Each comprehensive report submitted under paragraph (1) shall include an analysis of how each public event meets the goals set forth in this Act, as well as suggestions on how to improve future public events.

## **SEC. 5. FUNDING.**

The Administrative Office of the United States Courts shall use existing funds to carry out the requirements of this Act.

Approved September 4, 2018.

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### LEGISLATIVE HISTORY—S. 717:

#### CONGRESSIONAL RECORD:

Vol. 163 (2017): Aug. 1, considered and passed Senate.

Vol. 164 (2018): July 17, considered and passed House, amended.

Aug. 15, Senate concurred in House amendment.

# Domestic & Sexual Violence and Pro Bono



## What is Domestic Violence?

Domestic violence is a pattern of coercive behaviors used by a person to maintain control over an intimate partner. Coercive behaviors can include isolation, psychological abuse, sexual violence, economic control, manipulation of children, stalking, threats, intimidation, and physical assaults.

### National Domestic Violence Statistics

#### Domestic Violence Dynamics:

National Coalition Against DV, [Dynamics of Abuse](#)

National DV Hotline, [What Is Domestic Violence?](#)

National Resource Center on DV, [About Domestic Violence](#)

## What is Sexual Violence?

Sexual violence is any type of unwanted sexual contact, including words and actions of a sexual nature against a person's will and without their consent. A person may use force, threats, manipulation, or coercion to commit sexual violence.

### National Sexual Violence Statistics

#### Sexual Violence Dynamics:

National Sexual Violence Resource Center, [About Sexual Assault](#)

Rape, Abuse, & Incest National Network, [Types of Sexual Violence](#)

## What is Stalking Violence?

Stalking is a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear.

### National Stalking Violence Statistics

#### Stalking Violence Dynamics:

Stalking Prevention, Awareness, and Resource Center, [Definition & FAQs](#)

SPARC, [Stalking & Intimate Partner Violence](#)

# WHY IS LEGAL ASSISTANCE FOR VICTIMS IMPORTANT?

*I asked my client why she was crying ... She smiled and said that hers were tears of joy from having so many advocates, after feeling powerless for so long. More than the legal victory we won, her feeling of empowerment was an important measure of success. Her husband was a wealthy man and now she, too, had resources—the experience gave her strength, in addition to justice.*

*Similar resources are ready and waiting throughout the United States to help those in need. Well-meaning attorneys and publicly minded law firms are eager to take on pro bono cases and help others access justice. Regretfully, too few nonprofit organizations maximize their engagement.*

Layli Miller-Muro, Founder of Tahirih Justice Center<sup>[1]</sup>

## Skilled legal representation is critical to successful intervention and accountability.

- Legal services are second only to medical services as the most-requested need of victims. However, of all women who reported needing legal services, 64 percent received NO assistance from an attorney. <sup>[2]</sup>
- LSC-funded programs are the nation's primary source of legal assistance for victims of domestic violence. <sup>[3]</sup>
- According to one study, 83 percent of victims represented by an attorney successfully obtained a protective order, as compared to just 32 percent of victims without an attorney. <sup>[4]</sup>
- In 86 percent of cases where a victim received a protection order, the abuse stopped or was greatly reduced. <sup>[5]</sup>
- “[T]he provision of legal services significantly lowers the incidence of domestic violence...Because legal services help women with practical matters such as protective orders, custody, and child support they appear to actually present women with real, long-term alternatives to their relationships.” <sup>[6]</sup>

## California Bar Association: Pro Bono FAQ

## CTLawHelp: Frequently Asked Questions About Taking Pro Bono Cases

## Michigan State Bar: Common Questions About Pro Bono

**ABA Model Rule 6.1** encourages attorneys to provide **50 hours** of legal services annually to those who cannot pay.

Pro bono cases can be taken directly by an attorney or attorneys may receive case referrals through organizations that support pro bono work. These organizations typically screen cases beforehand for merit and financial eligibility before referring cases to pro bono attorneys. Most organizations will provide malpractice insurance to volunteers.

Organizations may provide training to attorneys on substantive areas of law in return for the attorney agreeing to take on a matter, especially in high need areas of practice, such as family law and domestic violence. These organizations should also provide ongoing assistance and oversight to pro bono volunteers, especially those who are working on a case outside of their typical practice area.

[1] Layli Miller-Muro, *The Power of Many*, 2011 Stan. Social Innovation Rev. 25.

[2] Michele C. Black et al., Ctrs. For Disease Control & Prevention, *Intimate Partner Violence in the United States – 2010*, at 56 (2014), available at [https://www.cdc.gov/violenceprevention/pdf/cdc\\_nisvs\\_ipv\\_report\\_2013\\_v17\\_single\\_a.pdf](https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_single_a.pdf).

[3] Legal Services Corp., *LSC 2016 Annual Report 5* (2017), available at <https://lsc-live.app.box.com/s/2z769d3pkv6o9qx5hb1njuz3w11yq7gl>; Legal Services Corp., *2017 By the Numbers: The Data Underlying Legal Aid Programs 41* (2018), available at <https://lsc-live.app.box.com/s/z0war4502dbngggwyd8h22ati36c8smr>

[4] Jennifer S. Rosenberg & Denise A. Grab, Inst. for Pol’y Integrity, N.Y.U. Sch. Of L., *Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence 1, 9* (2015).

[5] Meda Chesney-Lind, *James Ptacek, Battered Women in the Courtroom: The Power of Judicial Response*, 35 Crime, L. & Soc. Change 363 (2001) (reviewing James Ptacek, *Battered Women in the Courtroom: The Power of Judicial Response* (1999)).

[6] Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 Contemp. Econ. Pol’y 158 (2003).

# WHAT CAN VOLUNTEERS DO IN GENDER-BASED VIOLENCE CASES? (AND WHAT IF THEY DON'T WANT TO LITIGATE?)

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## Types of Volunteers:

- Litigators
- Transactional attorneys
- Policy attorneys
- Research attorneys
- Retired/inactive attorneys
- New attorneys
- Experienced attorneys
- Non-attorneys, including paralegals, administrative staff, and civilians

## Types of cases:

- Civil Protection Order
- Divorce & Property Division
- Child Custody & Support
- Child Welfare/Juv. Justice
- GAL/Child's Attorney
- Immigration
- Disability
- Income Maintenance
- Consumer Debt
- Employment
- Expungement/Vacatur
- Housing
- Education
- Health Care
- Privacy
- Tribal law
- Military law
- Torts/Insurance
- Criminal law



## Types of legal opportunities:

- Advice and counsel clinics & hotlines
- Legal information at self-help centers
- Brief or extended representation  
(*e.g. from protection orders to immigration to complex family*)
- Impact litigation or policy advocacy  
(*e.g. appeals, legislation/lobbying*)
- Litigation support (*e.g. depositions, experts, stenographers, transcripts*)
- Community education & outreach  
(*e.g. Know Your Rights*)
- Transactional or other legal assistance to nonprofit organizations (*e.g. subpoena defense, general counsel*)
- Mentoring other volunteers



## Types of nonlegal opportunities:

- Public awareness (*e.g. op-eds, articles, brochures, websites, social media...*)
- Outreach (*e.g. staffing info booths, campaign drives, fundraising, etc.*)
- Training support (*e.g. donating space, registration system, nametags, photocopying, lunch...*)



## Types of time commitment:

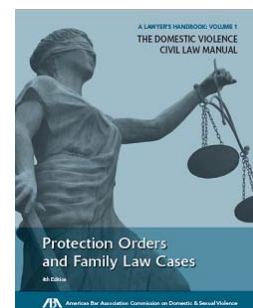
There are widely varying levels of time commitments and opportunities for limited scope representation.

## A Lawyer's Handbook, Vol. 1

### Civil Law Manual: Protection Orders and Family Law Cases (4th Ed.)

[Order Copies](#) [FMI click here](#)

This long-awaited update of the popular resource manual is designed to guide the victim's attorney through the process of representing domestic violence victims in either protection order or family law cases. The Fourth Edition includes updated references and sample documents, an expanded discussion of assessing client needs to promote safe and effective legal outcomes, and re-designed layout and chapter division.

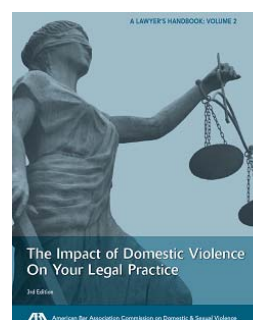


## A Lawyer's Handbook, Vol. 2

### The Impact of Domestic Violence on Your Legal Practice (3rd Ed.)

[Order Copies](#)

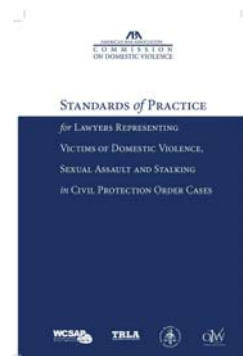
This updated and expanded edition aids attorneys in every field of practice to represent clients responsibly by helping them recognize domestic violence and how a legal matter may be affected by domestic violence. More than 25 authors contributed to this comprehensive reference, making it a valuable tool in assisting attorneys with the intersection of domestic violence and the law.



## Standards of Practice

[Download a Copy](#) [Order Copies](#)

With "black letter" adopted by the ABA House of Delegates, these Standards of Practice are intended to improve the quality of legal representation of victims of domestic violence, sexual assault and stalking.



## Comprehensive Issue Spotting

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This screening and referral tool for civil attorneys--a companion to the Standards of Practice--is designed to facilitate effective and holistic client-centered representation. The tabbed booklet encourages attorneys and clients to identify areas beyond civil protective orders in which clients may need legal assistance, and provide them with information to make informed decisions regarding additional resources.



**The ABA Commission on Domestic & Sexual Violence offers best practice resources for gender-based violence attorneys at low- or no cost.**



## Tool for Attorneys to Screen for Domestic Violence

[Download a Copy](#)      [Order Copies](#)

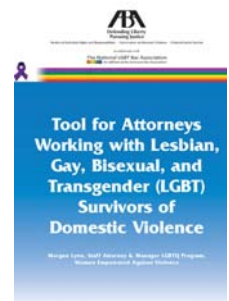
It is important for all attorneys representing individuals to screen their clients to determine if they are victims of domestic violence so that they may most effectively, ethically, and safely represent them. The Screening Tool provides clear, effective ways to properly screen a client for domestic violence in an easily accessible format.



## Tool for Attorneys Working with LGBT Survivors of Domestic Violence

[Download a Copy](#)      [Order Copies](#)

It is likely that some of your clients are LGBT, whether or not they are "out" to you. Domestic violence committed in LGBT relationships is similar to DV committed in heterosexual relationships, but it is also different in some important ways. This tool provides an understanding of these differences in order to foster ethical and effective representation to LGBT survivors.



## Litigating for Deaf Clients

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Representing victims who are d/Deaf in domestic violence cases requires more than hiring an American Sign Language interpreter at your expense or passing notes as a means of communication. This publication details practical skills and steps to take to develop an integrated language access plan for work with victims who are d/Deaf. This includes steps to take for emergency, or "unscheduled" court dates, issues of confidentiality for victims who are d/Deaf, and the importance of linguistic accuracy for positive litigation outcomes.

## Use of Electronic Evidence in Domestic Violence Litigation

[Download a Copy](#)      [Order Copies](#)

Technology seemingly pervades every aspect of modern interaction and communication. In domestic violence cases, it is no different, as abusers have adapted to exert coercive control over their partners using technology and the Internet. Preserving and entering this evidence at trial is playing an increasingly critical role in domestic violence litigation. This publication details a four-step framework and sample direct examination questions that will assist attorneys in analyzing the utility and practicality of introducing electronic evidence into domestic violence litigation.





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de transformar...

**Servicios  
confidenciales y  
gratuitos  
en tu idioma**

...tú vida

...y tú mundo.

...conviértete en un ALIADO

Aprende de las realidades  
y mitos acerca de la  
violencia sexual  
Aprende que la violencia  
sexual es una manera  
de opresión  
Educate acerca de las  
dinámicas de opresión:  
sexismo, racismo,  
clacismo, heterosexis-  
mo, machismo, etc.  
Reconoce los privilegios que  
tienes en la sociedad  
Colabora en la lucha encon-  
tra de los comporta-  
mientos opresivos en tu  
medio  
Apoya a las organizaciones  
que se enfocan en la  
justicia social y ayuda  
para los oprimidos

Tú tienes el poder  
para .....AYUDAR con sólo

Escuchar al sobreviviente y  
proteger su privacidad  
Decirle "No fué tu culpa"  
y "Te creo"  
Impulsarlos a que tomen  
sus propias decisiones  
Referirlos a SASO o a que  
busquen atención  
médica, legal o terapias  
Decirles que hay esperanza  
y que pueden sobrevivir



Apoyando a los sobrevivientes  
de asalto sexual y trabajando  
para prevenir la violencia  
sexual desde 1977.

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para asistirles... ¡llámenos!

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**¡Ya basta!  
Porque así lo  
exigimos.**



Supporting survivors and  
working to prevent sexual  
violence since 1977.

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Survivor Support Groups  
Prevention Education  
First Responder Trainings  
Volunteer Opportunities

**24-Hour Hotline  
970-247-5400**

Advocates are waiting...  
call today!

Office: 970-259-3074  
[www.durangosaso.org](http://www.durangosaso.org)

**No more!**

Because we  
**SASO.**<sup>18</sup>



SASO is dedicated to providing advocacy to victims of sexual assault and providing education and prevention programs aimed at increasing public awareness and safety. SASO seeks empowerment for ALL victims of sexual assault regardless of immigration status, sexual orientation, religion, gender, income level, race/ethnicity, age, disability.

You have the power to heal and transform your life.

**Call 24-hours a day at  
(970) 247-5400**

**All of SASO's services are  
Free and Confidential.**

Dedicated and personal advocates are waiting to:

- Believe, listen and validate you
- Empower you by providing choices through referrals to counselors, healthcare providers, or other professionals (such as Native American, LGBTQ Anti-Violence, Latino/a, Human Trafficking, Intimate Partner Violence agencies, and others)
- Give expert guidance through the hospital, law enforcement and court systems in La Plata and San Juan Counties and the Southern Ute Indian Tribe
- Educate you about how to be a "First Responder" and support person for a loved one who has been assaulted

**No more! Because we SASO.**

### Volunteer

#### 24-Hour Crisis Hotline Advocate

Advocates provide over the phone and in-person information and support about hospital, law enforcement, and court procedures, and give survivor's empowerment to access resources themselves.

#### Child Assault Prevention Program (CAPP)

Empowering youth can prevent sexual abuse of our children. Join us in teaching elementary-aged children about their rights to be "Safe, Strong, and Free!"

#### Bystander Intervention Facilitator

Facilitate dialogues with middle and high school youth and college students focused on intervening effectively as bystanders.

#### Council on Sexual Violence Prevention

Help outreach to oppressed communities in the 4 Corners to increase awareness of individual and social impacts of sexual violence by providing support and empowerment.

#### Board of Directors

Help guide the future of SASO and help with fundraising and outreach of SASO's message.

You have the power to heal and transform your world.

### Be an Ally

Know the facts and challenge the myths about sexual violence.

Understand that sexual violence is a tool to oppress others.

Educate yourself about oppressive hierarchies:

sexism, racism, classism, ableism, ageism, sizeism and heterosexism.

Acknowledge where you have privilege in our society.

Interrupt oppressive behavior by those around you.

Support or join organizations focusing on social justice for oppressed people.

Want to contribute but don't have time to commit on a regular basis?

Short-term projects... Donate...

Attend a First Responder Training...

Sexual Assault  
Services Organization  
PO Box 2723  
Durango, CO 81302  
24-Hour Hotline: 970-247-5400  
Office: 970-259-3074  
www.durangosaso.org



FREEDOM FROM SEXUAL VIOLENCE

# WELCOME

# Introduction



- **Gina Lopez, Ute Mountain Ute (She/Her)**
- **Work from home in Towaoc**
- **Background:**
  - Previous Progm Coord Victim Services (UMUT)

# We are CCASA

- Founded 1984
- State-wide, member agency
- Work rooted in: anti-oppression, social change, survivor-centered, accountability, collaboration and





# CCASA Teams

- Communications
- Programming Team
- Policy Work

# Policy Work

## Survivor-led bills

- Statute of Limitations
- Title IX



# Consider joining the CCASA Policy Committee!!



# Communications

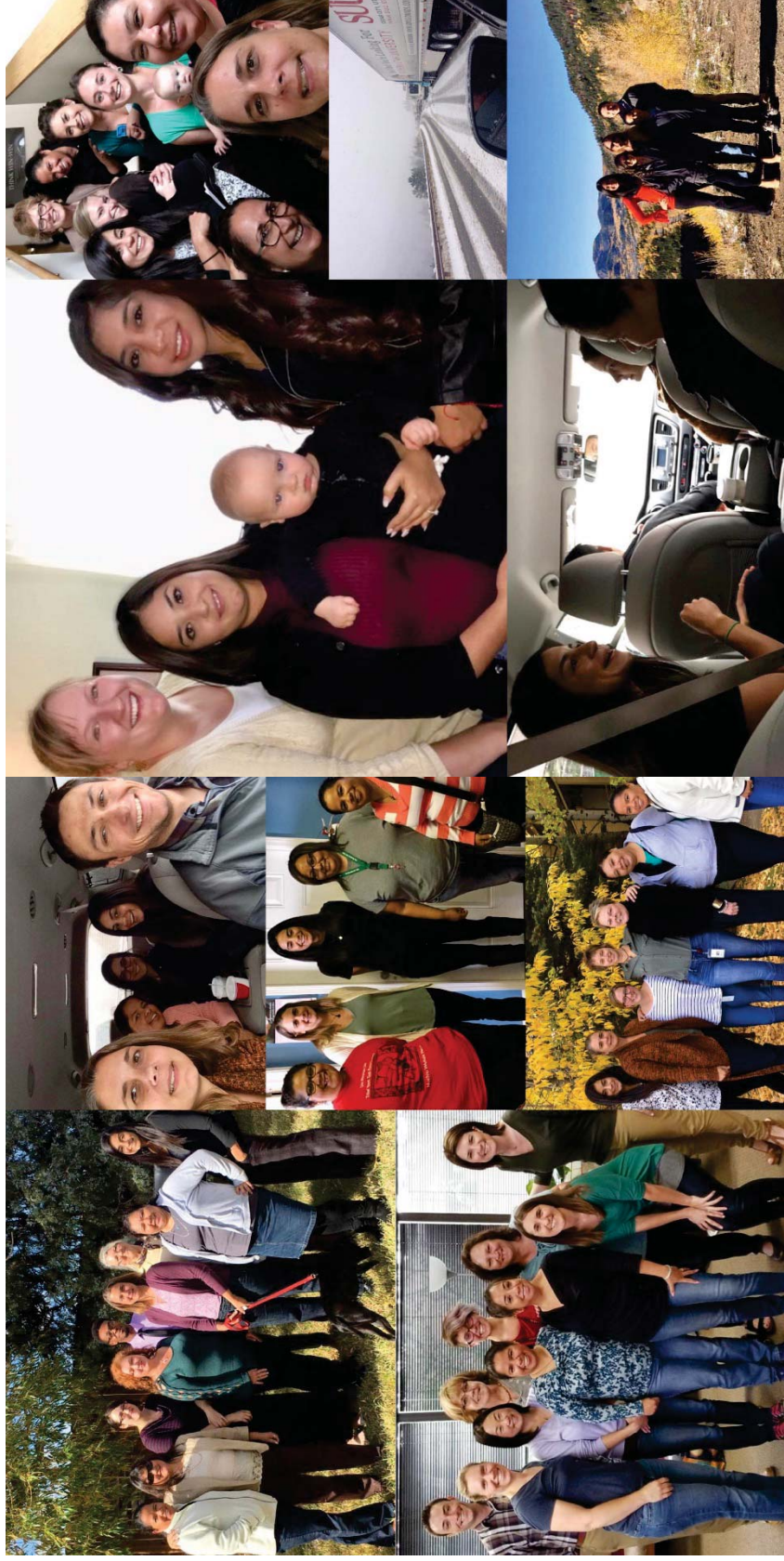
- E-Blasts
- Media
- Blogs
- STF = Survivor Task Force

# Programs Team

- Training, Technical Assistance
  - SART, SAATI TtT, Anti-O
- Curriculum Development
  - SA Advocacy training, manual
- Oriented to strengthen and identify marginalized communities
  - CLLN, CoCA



# Member Site Visits & Surveys' s



# Rural & Indigenous Specialist

- Gina Lopez, Ute Mountain Ute member
- Remote position – provide meaningful, on-the-ground support
- Regional, SW Colorado
- Statewide – Advocacy training, culturally informed, respectful and education



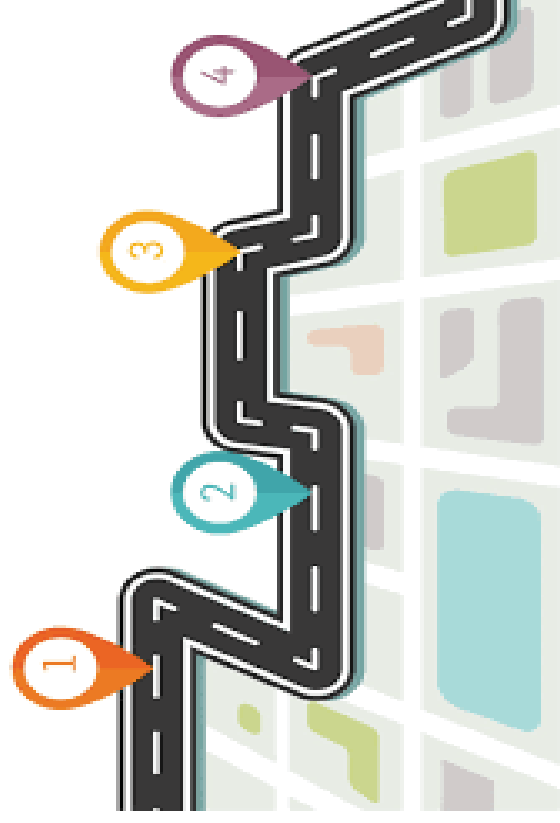
# Rural & Indigenous Specialist

- Acknowledgement of the original inhabitants in the lands of Colorado
- Honor for those tribal communities that remain
- Education about NA/Indigenous identities and issues that remain
- Including historical/generational traumas to inform respectful responses



# NA Survivors – Resource Mapping Project

- Resource mapping specific to NA survivors
- Culture, expertise within agencies, competency
- Partnering with National NA orgs



# NAUHZCASA FV

## Navajo Apache Ute Hopi Zuni Coalition Against SA & FV





# CCASA Resources

- CCASA publications: Reporting options, healing, PREA, teen resources and more
  - Online format = free
  - Hard copies of brochures/booklets = membership agencies are free
  - Visit CCASA YouTube channel
  - Statewide SARTS Program Coordinator, Jenna Harper (Jenna@CCASA.org)

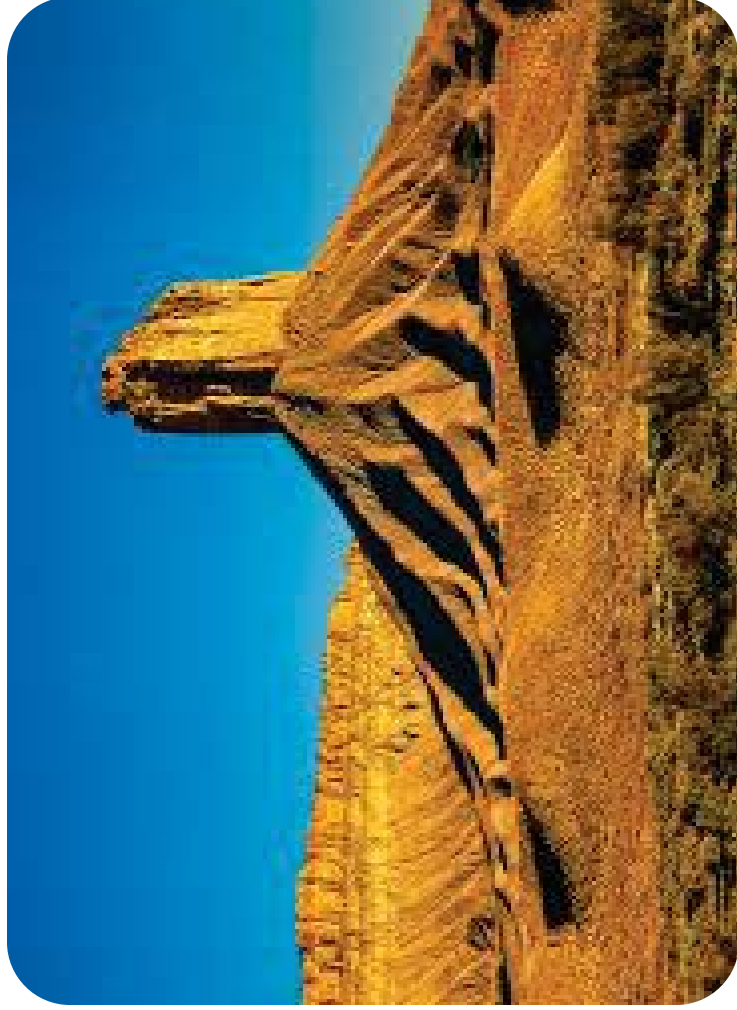


Ladonna BraveBull Allard, Standing Rock Sioux

“The abuse of women is well known in history, and tells you a lot about what is happening to our Earth”



# Thank you!



Gina Lopez,  
CCASA-RICS  
[Gina@ccasa.org](mailto:Gina@ccasa.org)



# Victim Service Program

## Mission Statement

The mission of the Southern Ute Victim Service Program is to provide comprehensive, coordinated services to ensure the safety and well being of victims involved in a crime within the exterior boundaries of the Southern Ute Indian Reservation.

## Objectives/Goals

The Victim Services Program provides assistance to victims of crime in the forms of counseling, referrals, support through the criminal justice, and court system, as well as, provides shelter, in special cases for both primary and secondary victims.

This program has contracted a therapist to provide individual therapy to serve approximately 25 people during the one year contract.

The Victim Services Program currently works collaboratively with Violence Prevention Coalition of Southwest Colorado to provide a 911- cell phone loan program to assist primary victims involved in a domestic violent relationship.



## Resources:

- Southern Ute Police Dept. 563-4401
- Southern Ute Victim Services (After hours 563-4401) 563-0245
- Southern Ute Tribal Court 563-0240
- Southern Ute Prosecutor 563-3111
- Alternative Horizons (24 Hrs) 247-9619
- Sexual Assault Services (24 hrs) Organization 247-5400
- Southwest Safe House 259-5443
- Durango Community Shelter 259-1255



## ▶ Victim Service Program

149 CR 517  
P.O. Box 737 #14  
Ignacio, CO 81137

Phone: 970-563-0245  
Fax: 970-563-0347  
E-mail: [lmanzana@southernute-nsn.gov](mailto:lmanzana@southernute-nsn.gov)  
E-mail: [jgomez@southernute-nsn.gov](mailto:jgomez@southernute-nsn.gov)  
E-mail: [rtompson@southernute-nsn.gov](mailto:rtompson@southernute-nsn.gov)

Tel: 970-563-0245

## **THE SOUTHERN UTE VICTIM SERVICES PROGRAM**

The Southern Ute Victim Program is located in the Law Enforcement Department of the Southern Ute Justice Complex. The program was created in order to provide comprehensive, coordinated services to victims of crimes on the Southern Ute Reservation.

Most victims are not aware of the services available to them and research supports the belief that victims of crimes recover and return to more normal lives if support services are provided soon after victimization. Victims Services Programs set up in Law Enforcement Agencies can fill a void in referral, crisis intervention and support. Law enforcement agencies are reaping an added bonus; Officers have more time for active patrol while feeling comfortable that the victim is receiving adequate follow-up resources. Investigations can do their work more effectively because victim services personnel are answering the victim's questions about the process of the investigation and offering support during interviewing.

## **HOW THE VICTIM SERVICES PROGRAM HELPS VICTIMS OF CRIMES**

The Victim Service Program is designed to provide a support and information system to victims immediately by responding to the scene of the crisis, the clinic or the law enforcement agency handling the case. This is usually the time when most victims feel alone, afraid and have feelings of hopelessness and helplessness. Victim assistance includes such aid as 24/7 on call victims advocate, crisis interventions, counseling, emergency transportation, victim notification, court accompaniment, victim impact

## **WHY THE PROGRAM IS NEEDED**

Victim/Witness programs have been set up in the District Attorney's offices all over the country to help victims through the prosecution process. Counseling services and support groups are set up to assist in transition from victim to survivor. Victim Compensation is available that can assist in financial matters such as counseling, broken locks, injuries, ect.

statement, assistance with civil protection orders, child custody and divorce cases, other agencies referrals, victim/witness assistance, restitution recovery, temporary housing and security measures. Such services are vitally important for victims and their families as they wind their way through the Justice System and try to recover from life-shattering experiences.

If you are a victim of a crime act, you may be eligible for assistance, feel free to call the Southern Ute Victim Services Program at 970-563-0245 to obtain information.

## **Victim Service Program**

49 CR 517  
P.O. Box 737 #14  
Ignacio, CO 81137

Phone: 970-563-0245  
Fax: 970-563-0347  
E-mail: [Imanzana@southernute-nsn.gov](mailto:Imanzana@southernute-nsn.gov)  
E-mail: [jgomez@southernute-nsn.gov](mailto:jgomez@southernute-nsn.gov)  
E-mail: [nthompson@southernute-nsn.gov](mailto:nthompson@southernute-nsn.gov)

## CLS OFFICES

### **Alamosa**

603 Main Street  
Alamosa, CO 81101  
(719) 589-4993

### **Boulder**

315 W. South Boulder Rd.  
Louisville, CO 80027  
(303) 449-7575

### **Colorado Springs**

617 S. Nevada Avenue  
Colorado Springs, CO 80903  
(719) 471-0380

### **Denver**

1905 Sherman St., Suite 400  
Denver, CO 80203  
(303) 837-1313

### **Durango**

835 E. 2nd Ave., Suite 300  
Durango, CO 81301  
(970) 247-0266

### **Fort Collins**

211 West Magnolia  
Fort Collins, CO 80521  
(970) 493-2891

### **Frisco**

PO Box 2694  
Frisco, CO 80443  
(970) 668-9612

### **Grand Junction**

200 N. 6th Street, Suite 203  
Grand Junction, CO 81501  
(970) 243-7940

### **Greeley**

800 8th Avenue, #202  
Greeley, CO 80631  
(970) 353-7554

### **Hayden**

PO Box 1555  
Hayden, CO 81639  
(970) 276-2161

### **Leadville**

PO Box 1904  
Leadville, CO 80461  
(719) 486-3238

### **Migrant Farmworker Division**

#### **(All Counties)**

1905 Sherman St., Suite 400  
Denver, CO 80203  
(303) 866-9366

### **Pueblo**

1000 W. 6th Street, Suite 1  
Pueblo, CO 81003  
(719) 545-6708

### **Salida**

1604 H Street, Suite 201  
Salida, CO 81201  
(719) 539-4251

## COLORADO LEGAL SERVICES



Our mission is to provide access to high quality, **civil** legal services in the pursuit of justice for **low-income** persons and members of vulnerable populations throughout Colorado.

---

**We are located at:**  
**835 E. 2nd Avenue,**  
**Suite 300**

Durango, Colorado 81301  
(toll free) 1-888-298-8483  
(local) 970-247-0266



**Colorado Legal Services (CLS)** is a private, non-profit corporation founded in 1925.

**Its mission** is to provide meaningful access to high quality civil legal services in the pursuit of justice for low income persons and members of vulnerable populations throughout Colorado.

The program is **funded** by the Legal Services Corporation, United Way, and a variety of other public sources and private contributors.

**Financial eligibility** is based on nationwide poverty guidelines set annually by the federal government and approved by the CLS Board of Directors.

**CLS provides legal advice and representation to low income eligible persons in civil matters.** The office protocols vary somewhat around the state but are based on community and client needs and mainly defending clients from actions which threaten their ability to meet their basic human needs. **You must make an application and qualify for services through your local office before receiving services.**

**Services are not available for criminal cases, traffic disputes, or fee-generating cases (such as personal injury and worker's compensation).**

**CLS attorneys, paralegals, and volunteers offer assistance in the following areas:**

**Family Law**

Domestic violence issues, protection orders, dissolutions, custody, and child support (when occurring with a dissolution or custody case).

**Housing Rights**

Public and subsidized housing evictions, foreclosures, and landlord/tenant disputes.

**Public Benefits**

Social Security, welfare, disability benefits, food stamps, child care, unemployment compensation, Medicaid, Medicare, and some healthcare issues.

**Consumer Law**

Bankruptcy, debt collection, public utility shutoffs, the Low Income Energy Assistance Program, and other consumer issues.

The **Durango Office** services the following counties:

- La Plata
- Archuleta
- Montezuma
- Dolores
- Hinsdale
- San Juan
- Ouray
- San Miguel
- Southern Ute & Ute Mountain Ute Reservations

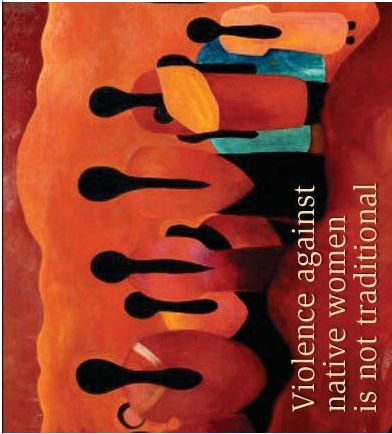
**For more information about our program, general legal information and other recourses, visit our website at: [www.coloradolegalservices.org](http://www.coloradolegalservices.org)**

**APPLY FOR OUR PROGRAM:**

- Online ([www.coloradolegalservices.org](http://www.coloradolegalservices.org))
- In person (at office address)
- By phone (970-247-0266)

*In limited cases, some financially eligible clients may be referred to attorneys outside of CLS. Colorado Legal Services has a **Volunteer Attorney Program** that provides pro bono assistance to low income individuals who otherwise cannot afford legal representation. The members of the VAP are local private attorneys who donate their time and expertise to selected cases, free of charge.*





Program funded by:

OWW Rural Domestic Violence,

I H S Behavior Health Grants: MSPI and DVPI

This project was supported by grant No 2017-WR-AX-0037 awarded by the office on violence Against Women, U.S. Department of Justice. The opinions, finding, conclusions, and recommendation expressed in this publication/program/exhibition are those of the author (s) and do not necessarily reflect the views of the Department of Justice, Office of Violence Against Women.” Also, funded by BH15H500068 and BH16H500078



**NORMA PEABODY**

Rural Domestic Violence Advocacy Coordinator/Supervisor  
[NPeabody@utemountain.org](mailto:NPeabody@utemountain.org)

**KIMBERLY MULTINE**

Domestic Violence Prevention

**WENDY LANER-SPAULDING**

Suicide Prevention Case Manger  
[WLaner-spalding@utemountain.org](mailto:WLaner-spalding@utemountain.org)

**Victim Support Services**

440 Sunset Blvd  
 Towoac, CO 81334

Phone: 970-564-5470  
 Fax: 970-564-5482

Revised 7/20/2019



**Victim Support Services**

**“Tú éi Nú nág ít”  
 (Healing from Within)**







### Goals

The overall goal of Victim Support Service Program is to advocate on behalf to victims of crime as well as those who suffer from suicidal ideation (s). To inform and educate on services, programs available, victims' rights, and the UMUT Tribal criminal justice system.

### SERVICES

Victim Support Services will provide culturally appropriate prevention, intervention, postvention, and advocacy supportive services free of charge.

Western and traditional spiritual practices are available upon request.

All services will be provided in a supportive and safe environment that will help with healing and the ability to self-advocate with confidence.



### TYPE OF SERVICES

Awareness topic areas:  
Advocacy

Human Trafficking

Stalking

Domestic Violence

Dating Violence

Sexual Assault

Substance Abuse /Suicide Prevention

### Victims Advocacy

Services: Case management, Crisis intervention, Danger Assessments, Referral services, and Court advocacy



# GOAL: ACCESS TO JUSTICE

“A lawyer shall be mindful of the deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.”

**Preamble: A Lawyer’s Responsibilities**



# Pro Bono Ethics



**E. James Wilder**  
Assistant Regulation Counsel  
Office of Attorney Regulation Counsel  
Colorado Supreme Court





## Regulatory Objectives

In April 2016, the Colorado Supreme Court adopted the regulatory objectives, which are now the Preamble to Chapters 18-20 (the rules that govern the regulatory system).



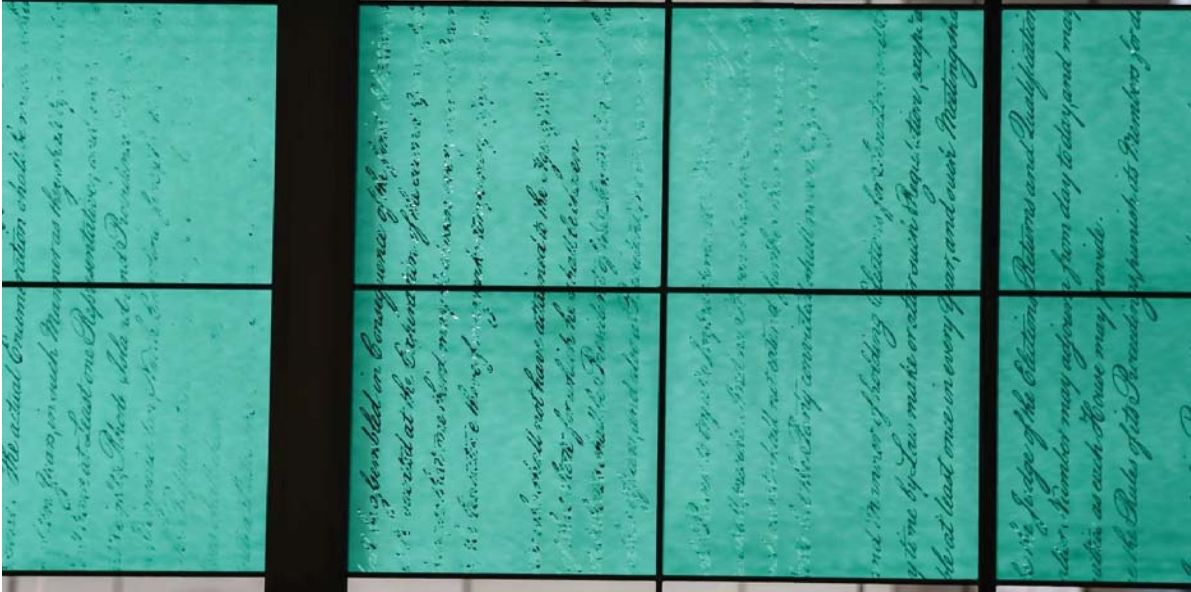
## REGULATORY OBJECTIVES

Colorado was the first state to adopt the objectives and formally announce our purpose for regulation.

Our office looks to these objectives when gauging our initiatives and role in the legal community.

### Objective #6

Promoting **access to justice** and consumer choice in the availability and affordability of competent legal services



# Voluntary Pro Bono Service Encouraged



## Colorado Rule of Professional Conduct 6.1

Every lawyer has a professional responsibility to provide legal services to those unable to pay.”



# ACCESS TO JUSTICE



*Legal Rights*



*Legal Clinics*



*Ghost Writing*

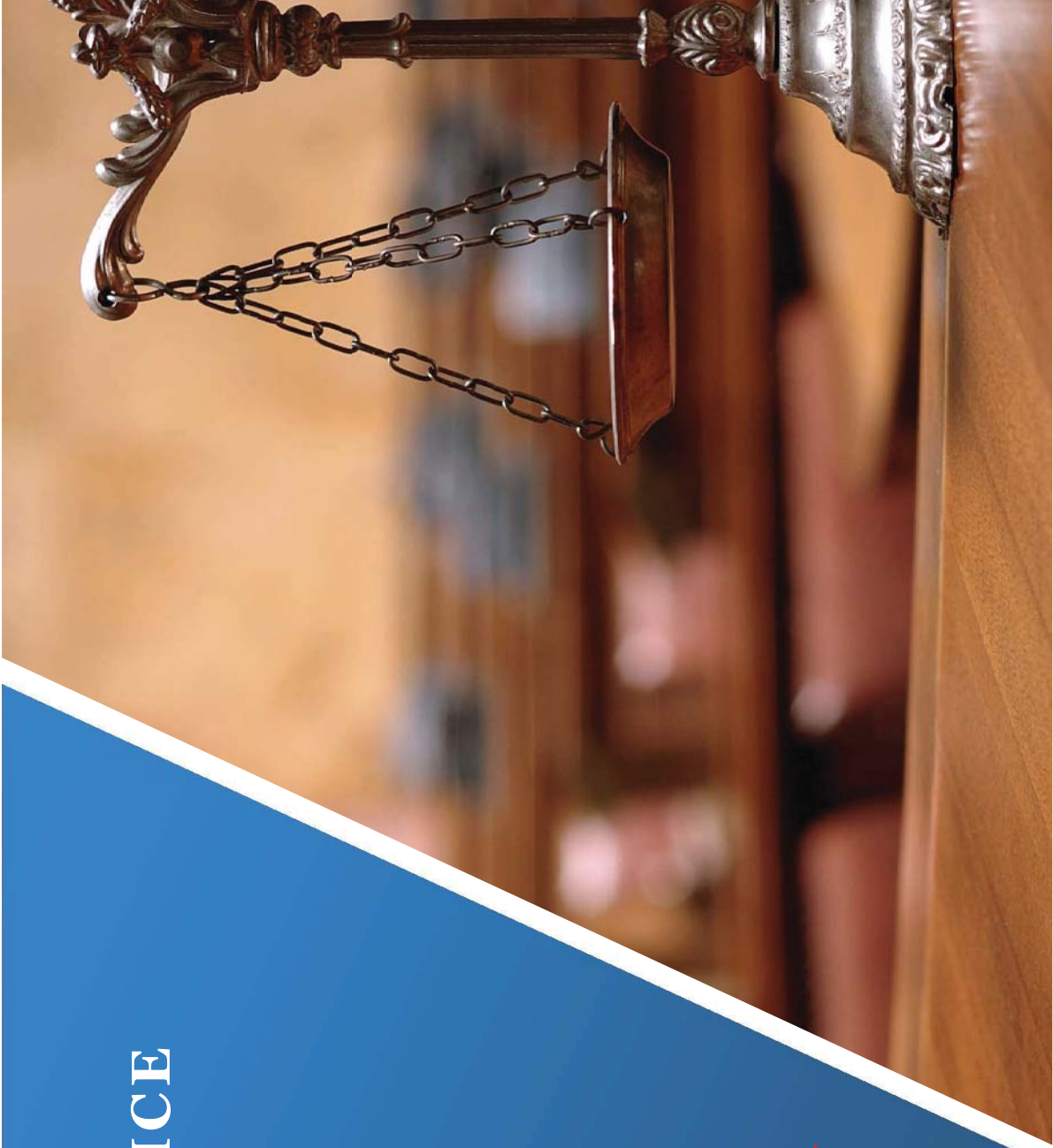
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**FEDERAL PRACTICE**

**REQUIRES COURT ORDER**

D.C.COLO.LAttYR 2(b)(1) and

LAttYR 5(a)-(b)



# ACCESS TO JUSTICE



## *Unbundled Legal Services*

Limited Representation



## *Modest Means Representation*

Low fee representation

✓ **Resource:** *Successful Business*

**Planning:** *Serving the Moderate*

**Income Client handbook**



## *Pro Bono Representation*

No fee representation either limited or full representation



## **THE GOOD NEWS: NOT MANY COMPLAINTS**

**Unbundled Legal Services  
has not been a significant  
problem with OARC.**

**C.R.P.C. 6.2 limits rules  
regarding conflicts of  
interest when working  
at a legal night.**





Distinguish between  
providing legal  
information as  
opposed to  
legal advice.

**Particularly for clinics  
and legal nights:**

Depending on the situation,  
you may create  
an attorney-client  
relationship.

**KEY TO SUCCESS**  
*know your role*

## LEGAL

## INFORMATION

Legal information is aimed at helping the recipients of the information understand their rights and responsibilities and the appropriate procedures for redressing those rights and fulfilling those responsibilities. **It is general in nature and not tailored to the unique facts of the individual's situation**, although when legal information is offered to individuals, the provider may have enough knowledge about the person's situation to choose generally what information is appropriate.”

ABA Standards for the Provision of Civil Legal Aid, Standard 3.6—Provision of Legal Information

## LEGAL ADVICE

Legal advice in contrast is *specific to the unique circumstances of the inquirer*. It is strategic in that it offers an approach that is tailored to the fact situation of the asker and goes *beyond mere general advice appropriate for all persons* who confront the same issue. The giving of legal advice is legal representation and creates an attorney-client relationship.

ABA Standards for the Provision of Civil Legal Aid, Standard 3.6—Provision of Legal Information





**WHO MAY  
PROVIDE LEGAL  
INFORMATION?**

—

Lawyers and non-lawyers may  
provide legal information.



## **Chief Justice Directive 13-01**

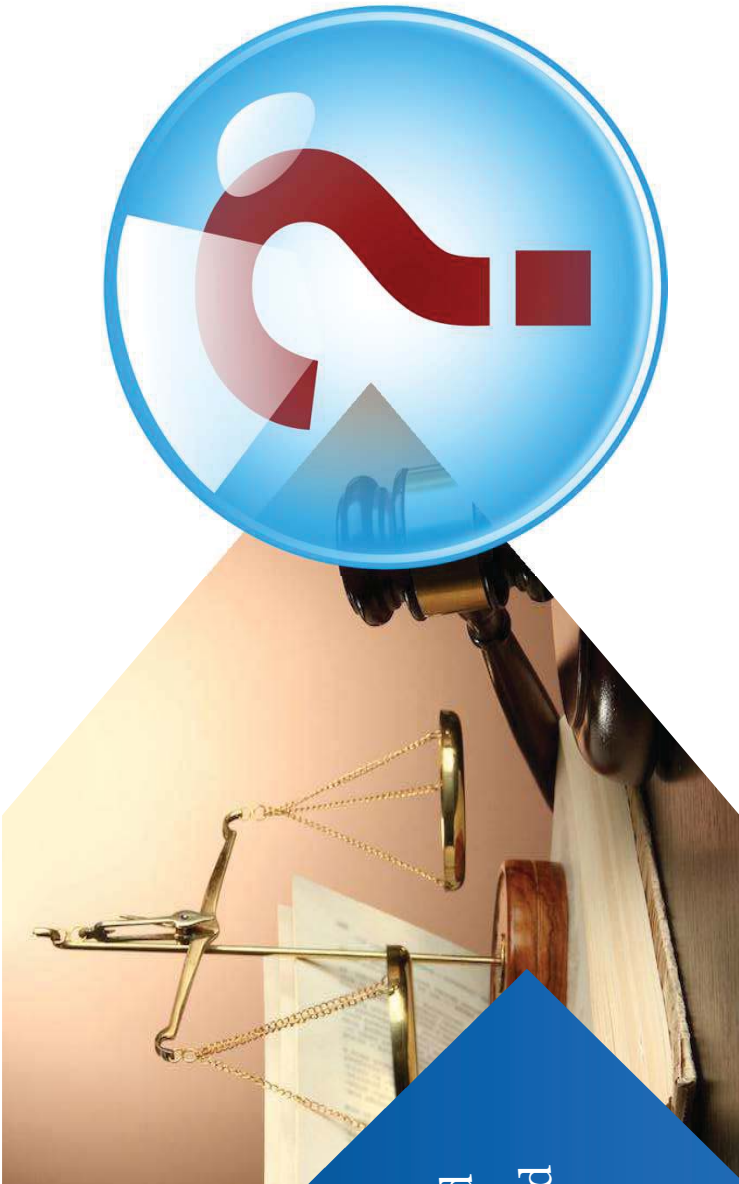
Directive Concerning Colorado Courts'

Self-Represented Litigant Assistance

## WHO MAY PROVIDE LEGAL ADVICE?

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Legal advice should only be provided by an attorney when the attorney and client intend to create an attorney-client relationship, limited or otherwise.



### **Note:**

There are state and federal statutory exceptions.

**The relationship of attorney and client** can be inferred from the conduct of the parties.

*People v. Morley*, 725 P.2d 510 (Colo. 1986).



## Analyzing the Attorney-Client Relationship



Payment of fee **is not** necessarily the determining factor.

Signing an agreement **is not** necessarily the determining factor.

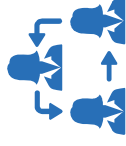
# WHEN DOES REPRESENTATION BEGIN?



Client's mind



Reasonable belief



Subjective test

➤ People v. Bennett, 810

P.2d 661 (Colo. 1991)

## Relationship of attorney

**and client** is sufficiently

established when client

seeks and receives advice of

attorney on legal

consequences of client's past

or contemplated actions.

*Id.* Attorney responds to

informal request for legal

advice or opinion.

See, e.g., *People v. Boyer*,

934 P.2d 1361 (Colo. 1997).



## Analyzing the Attorney-Client Relationship



For legal clinics, there are some modifications to application of the Rules of Professional Conduct. See Colo. RPC 6.5. Otherwise, the Rules apply.

**Start with clearly communicating the scope of the representation.** The clinic may have documentation to explain the limited nature of the representation.

**For all other representations, the Rules apply in their entirety.**

If there is an attorney-client relationship...





# CONFLICTS OF INTEREST



## AT A LEGAL NIGHT

Be aware that Colo. RPC 6.5 limits the application of the conflicts Rules. Rules 1.7 and 1.9(a) only apply “if the lawyer **knows** that the representation of a client involves a conflict of interest.”

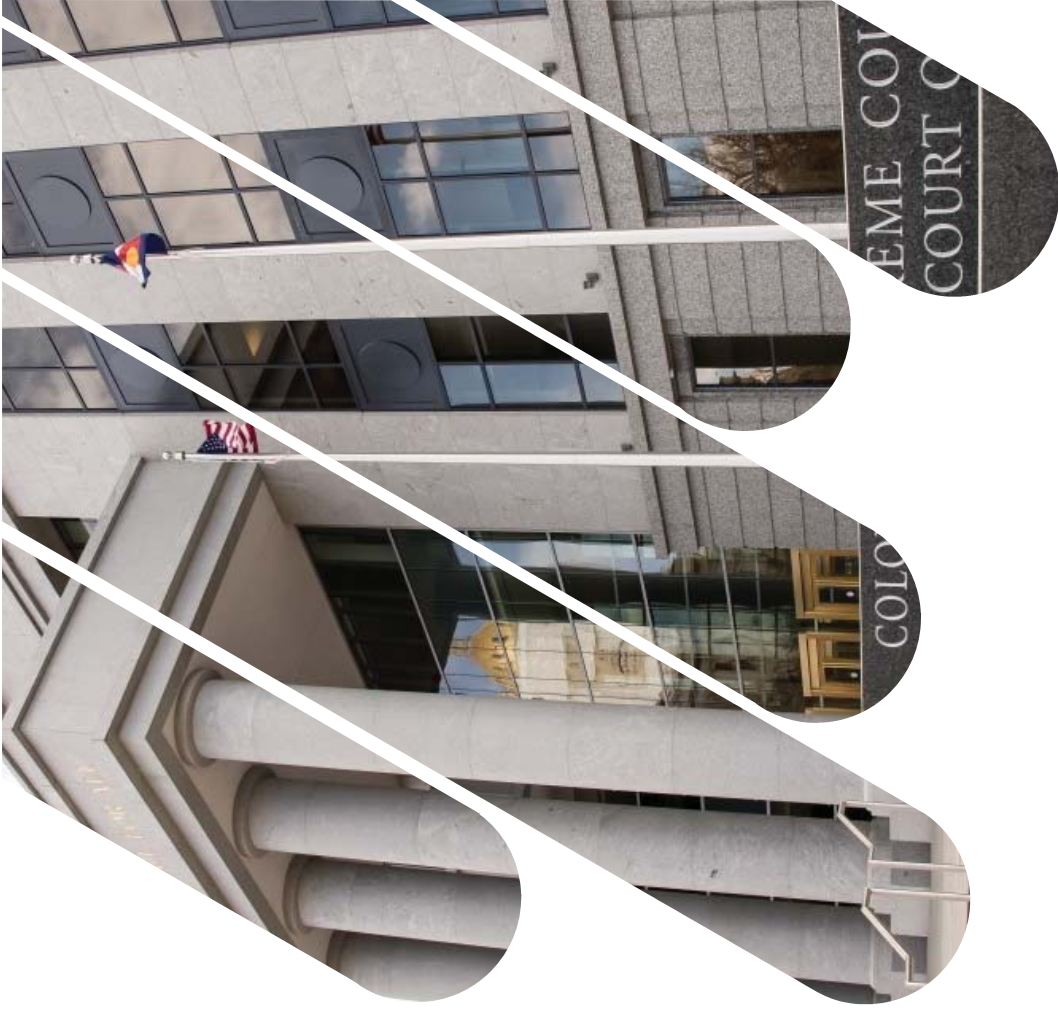
Rule 1.10(Imputations of Conflicts of Interest; General Rule), only applies if the lawyer “**knows**” that another lawyer in the law firm is disqualified under 1.7 and 1.9(a).



## D. C. COLO. LAttYR 5

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[A]n attorney may provide limited representation to an unrepresented party...in a civil action by order granting a motion which defines the scope of limited representation with reasonable particularity . . . .



Are you permitted to provide your business card? In what circumstances?  
➤ See Colo. RPC 7.3 Solicitation of Clients

Are you permitted to provide names of other lawyers who provide the types of services the clinic attendee needs?  
**Note Colo. RPC 6.5, Cmt. 2.**

If the attendee wishes to hire you beyond the clinic, are you permitted to represent the attendee? Are you permitted to charge a fee?

## Know the Parameters of the Program or Clinic







## Colo. RPC 1.18 Duties to Prospective Clients

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A “prospective client” is a person “who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter.”

## Colo. RPC 1.18 Duties to Prospective Clients



A lawyer shall “not use or reveal information learned in the consultation.”



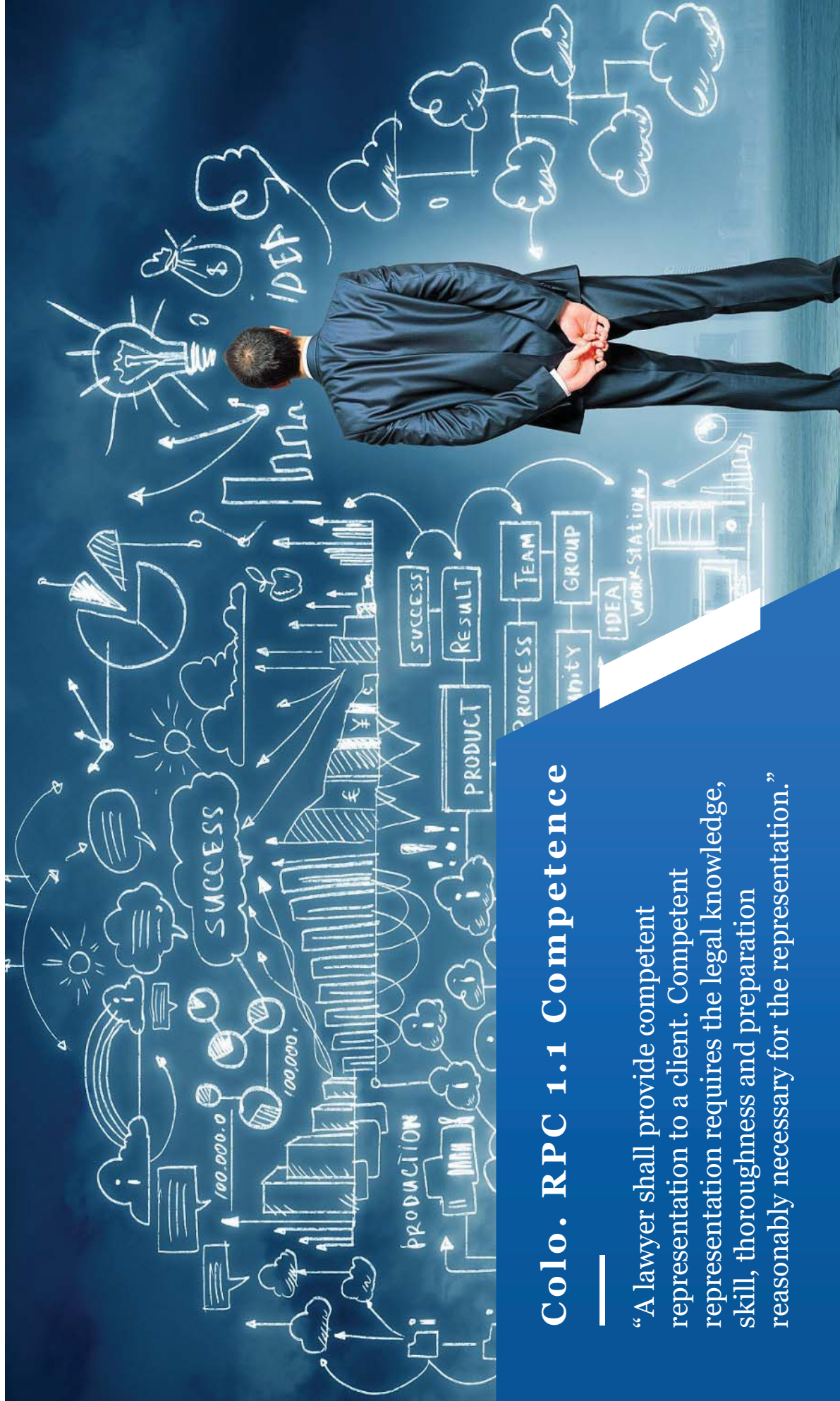
A lawyer may be conflicted in representing another party “if the lawyer received information” that could be “significantly harmful.”



A potential conflict can be waived with “informed consent, confirmed in writing” or through appropriate “screening” and written notice to the prospective client.







## Colo. RPC 1.1 Competence

“A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”



# QUESTIONS TO ASK

If I need assistance/mentoring, who can I turn to?

Is this my field of practice?

Do I have the resources necessary to take on the representation?

**What does the client need?**

Should I refer this case to another lawyer?



## Colo. RPC 1.3 Diligence

“A lawyer shall act with reasonable diligence and promptness in representing a client.”

Allot sufficient time to work on pro bono matters.



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## Colo. RPC 1.4 Communication

Explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

# Colo. RPC 1.4 Communication

**Consult the client.**

Keep the client informed about the status of the matter.

Comply with reasonable requests for information.

**Document, document, document**

Set realistic expectations with the client. Just because it is free/lower cost, does not mean you have unlimited time.





## Colo. RPC 1.5 Fee Agreements

- ✓ Even if it is free, **put it in writing...** (Colo. RPC 1.5(b)).
- ✓ Make sure the scope of the representation is clear.
- ✓ This is especially important with limited/unbundled representation.





## **CONFIRM THE REPRESENTATION ENDED**

Best practice: follow up in writing to confirm representation has ended.

The clinic/program may have documentation to confirm the representation has ended.

**SEE ALSO**  
Colo. RPC 1.16(d) and  
Colo. RPC 1.16A



# YOU AND YOUR PRACTICE

## **REQUIREMENT: SELF-CARE AND GOOD PRACTICE MANAGEMENT**

To participate in any of the access to justice models, you and your practice must be in a place where you can allot time for the representation/participation in the clinic.

# WHO IS YOUR ADVOCATE?

## *Self-care*

- What's going on for you that may impact the representation?
- What's your support system?

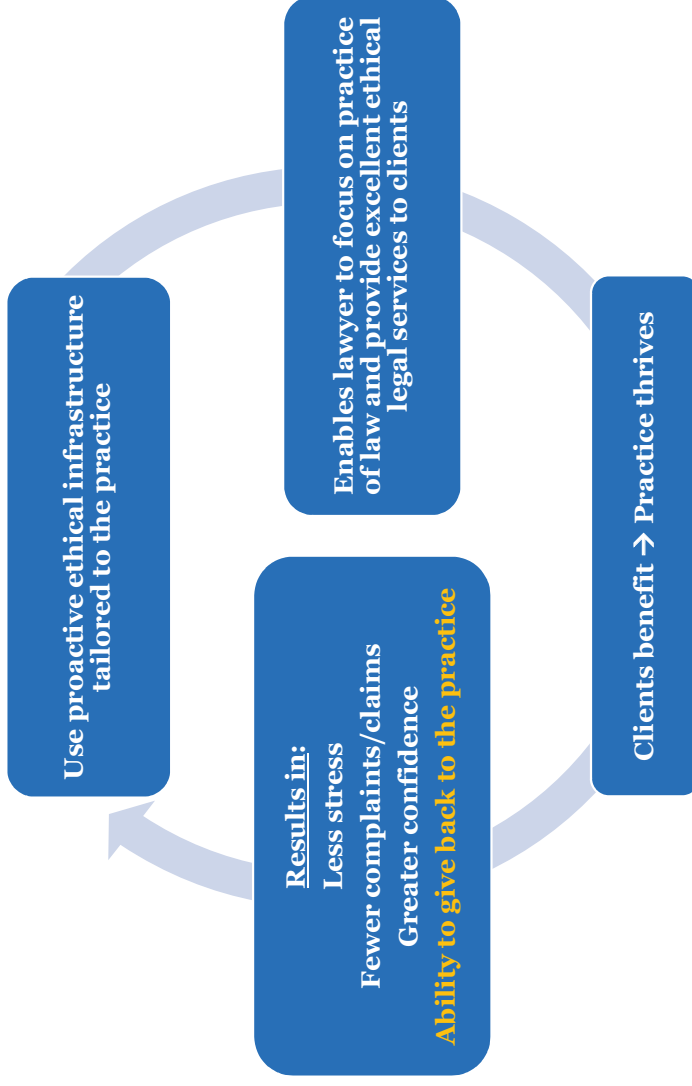
## *Set boundaries (and honor them)*

## *Utilize resources:*

1. Metro Volunteer Lawyers
2. COLAP (lawyer assistance program)
3. CAMP (mentoring program)
4. Federal Pro Se Clinic/CBA



a new practice resource:  
**LAWYER SELF-ASSESSMENT**



**Launched: Monday, October 23, 2017**  
ColoradoSupremeCourt.com > Lawyer Self-Assessment Program





# RESOURCES

For more information about attorney regulation:  
[coloradosupremecourt.com](http://coloradosupremecourt.com)

Colorado Lawyer Assistance Program (COLAP): [coloradolap.org](http://coloradolap.org)

Colorado Attorney Mentoring Program (CAMP): [coloradomentoring.org](http://coloradomentoring.org)  
**Ethics Opinions:**

CBA Ethics Op. 101 Unbundled Legal Services

CBA Ethics Op. 117 Ethical Responsibilities of Attorney in Legal Services and

Pro Bono Programs Concerning Prospective Clients



**THANK  
YOU**