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# The Violence Against Women Act Project: Teaching a New Generation of Public Interest Lawyers

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# THE VIOLENCE AGAINST WOMEN ACT PROJECT: TEACHING A NEW GENERATION OF PUBLIC INTEREST LAWYERS

*Minna J. Kotkin*[*]

## INTRODUCTION

The passage of the Violence Against Women Act[1] ("VAWA") in 1994 represents a triumph of public education and awareness about what sexual assault and domestic violence really mean. It stands for the proposition that a violent act by a man against a woman is not just a private act, subject to traditional criminal and tort law remedies, but an act that implicates our public perception of civic freedom. It declares that women have a civil right to be

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[*] Professor of Law and Director, Federal Litigation Clinic, Brooklyn Law School; Rutgers University, J.D.; Barnard College, B.A. I want to thank Sara Kay, clinical instructor at Brooklyn Law School, who teaches the clinic with me, for her invaluable assistance in directing the Violence Against Women Act ("VAWA") Project, and Julie Goldscheid, staff attorney at NOW Legal Defense and Education Fund, with whom we have worked closely on the Project. Portions of part II of this Article are adapted from a paper entitled *The Role of Advocacy in Clinical Legal Education* that Stacy Caplow, professor of law and director of clinical programs at Brooklyn Law School, and I presented in June 1995, at a conference convened by the Modern Language Association on "The Role of Advocacy in the Classroom." In addition, thanks to Elizabeth Schneider for her thoughts about the Project and this piece, and to Julie Kowitz, for her research assistance. Finally, the students who have worked on the VAWA Project, Vincent Green, Kara Gross, Patrick Henigan, Clinton Hughes, Karen Hughes, Ross Levi, Ryan Lilienthal, Catherine Lipowitz, Patrick McGuinness, Judy Moon, Erin Raccah, Tejash Sanchala, Kathleen Sanders, Nancy Slahetka, Adrian Springer and Josh Zuckerberg, deserve the real credit.

[1] Violence Against Women Act of 1994, Pub. L. No. 103-322, Title IV, 108 Stat. 1902 (codified as amended in scattered sections of 8, 18 and 42 U.S.C. (1994)).

free of violent attack and provides a remedy in federal court,[2] thus acknowledging the historic failure of the states to adequately protect this right. Even in these bleak times for public interest law, VAWA's enactment holds out hope for the efficacy of law as an agent of social change.

The history of VAWA's passage and its terms are addressed elsewhere in this symposium. This essay looks at the Act from a different perspective: its potential for teaching law students about becoming social action lawyers within the context of a law school clinical program. The VAWA Project ("Project") began from the premise that by involving students in the process of constructing this new civil right, they could gain an understanding of the power of the law to effect change, both through public education and through judicial action, and thereby recapture some of the optimism and energy that fueled an earlier generation of public interest lawyers.

Part I of this Article discusses the genesis of the VAWA Project, developed as part of Brooklyn Law School's Federal Litigation Program, and examines its implementation over the last year. Part II considers the Project in light of the history and goals of clinical legal education. Part III offers some conclusions about what the Project can teach us about the possibilities of training a new generation of public interest lawyers.

## I. THE GENESIS OF THE VAWA PROJECT

Unlike most of the other contributors to this symposium, I came to VAWA, not as an advocate and specialist in the area of violence against women, but rather as a litigation skills teacher specializing in employment discrimination. For the last twelve years, I have directed Brooklyn Law School's Federal Litigation Program, which was designed with two purposes in mind: to assist the local federal courts in providing representation to *pro se* litigants, and to provide students with training in pretrial litigations skills, primarily discovery and motion practice, at the federal level. The clinic's caseload is composed largely of individual discrimination actions:

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[2] 42 U.S.C. § 13981 (1994).

the typical action involves an employee asserting that his or her termination was motivated by consideration of race, national origin, gender, age, or more recently, disability. These cases comprise a substantial percentage of *pro se* filings; few private lawyers, even in New York, are willing to undertake such actions without a substantial retainer, and then only when the facts suggest a high probability of success, thus allowing for the possibility of recovering attorney's fees from the defendant employer.

In some respects, these cases make excellent teaching vehicles. The students' caseload is limited to two or three matters over the course of the academic year. They have the benefit of close supervision through a student-faculty ratio of eight to one. This teaching environment enables students to fully assume the lawyer's role: they interview and counsel our clients, negotiate with our adversaries, take and defend depositions, draft and argue motions, and most importantly, develop case theory and plan case strategy. In rare circumstances, they may even try an action in federal court, although, as with the federal court docket in general, the great majority of our cases end in negotiated settlements.

Given its goals, the program has been a success. Students do indeed learn about pretrial litigation skills, and the program does provide limited but not insignificant assistance to the courts. The program is popular, even though it is notorious for its time requirements. It attracts many, but not exclusively, students with a strong interest in pursuing public interest careers.

My concerns about the program stem from the underlying messages that these students learn about civil rights practice. Our clients file their claims *pro se* with the firmly held belief that they have suffered discriminatory treatment, that they will have their day in court and that their rights will be publicly vindicated. What they, and the students who represent them, experience instead is the endlessly protracted and often highly adversarial and difficult course of employment litigation in federal court. Both the process and the substantive law works against clients achieving their goals. Their cases go on for years, delayed by discovery disputes and motion practice in which clients rarely have a role.[3] The law of

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[3] *See generally* Minna J. Kotkin, *Discovery in the Real World*, 46 FLA. L.

employment discrimination, moreover, does not lend itself to remedying subtle forms of discrimination. Most employers today are well-versed in keeping the paper record needed to support termination decisions. They document good reasons for their actions, often making it difficult if not impossible to ferret out the subjective judgments that suggest differences in treatment on the basis of race or gender. Witnesses typically are still employed by the defendant, and objective testimony is hard to come by. Nevertheless, tenacious advocacy often produces not insignificant monetary offers. Given the pressure exerted by the judiciary to avoid these types of trials, the delays in obtaining a trial date and the uncertainty of a successful result, our clients almost uniformly choose to settle.

What do students learn from this experience? They begin the process of learning litigation skills and developing habits of critical self-reflection that will enable them to continue to improve. They learn to listen to clients and to respect their decisions. But many of them come away from this experience with a host of negative messages about law and litigation. The process is overly and unnecessarily adversarial, despite our efforts to employ a problem-solving approach. The law is rigid and ill-suited to eliminating racism and sexism from the workplace. Regardless of the merits of their claims, clients rarely obtain the public vindication that they seek. Moreover, the program does not teach or offer experience in skills that in fact occupy much of the time of public interest lawyers: public education and outreach efforts, case development and planning and analysis of legal theories for precedent setting claims. I questioned whether we were producing young lawyers disillusioned and cynical about the ability of the law and lawyers to effect social change—before even graduating from law school.

The VAWA Project grew out of these concerns about what students were and were not learning. Despite the fears of the federal judiciary that the passage of VAWA would result in a flood of litigation,[4] not one action had yet been filed in the spring of

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REV. 115 (1994) (discussing in detail the problems of discovery in employment discrimination matters).

[4] ADMINISTRATIVE OFFICE OF THE U.S. COURTS, ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS 58

1995, almost a year after VAWA's passage. At that time, I contacted the NOW Legal Defense and Education Fund ("NOW LDEF"), which had chaired a national task force that lobbied for the passage of VAWA, and then established a legal clearinghouse to monitor its implementation, about working with Brooklyn Law School's clinical program on a project to develop litigation under VAWA. Together with Julie Goldscheid, the staff attorney at NOW LDEF primarily responsible for VAWA, I planned the VAWA Project to begin in September 1995, designed to supplement the employment discrimination caseload of the sixteen students enrolled in the Federal Litigation Program.[5]

The first stage of the students' work involved researching some of the critical issues that were sure to arise in the course of litigation. In teams of four, the students prepared research memoranda on the following issues. First, which state and federal crimes meet the criteria of a "crime of violence," defined in VAWA as an act that would constitute a felony under state or federal law and that involves violent acts against a person or against property if the acts put a person at risk of physical injury?[6] Second, how will the courts assess the requirement of gender motivation or animus, and what types of evidence will meet this standard?[7] Third, what equivalent or analogous state statutes will provide guidance to the

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(1991) (expressing the State Chief Justices' concern that permitting collateral recourse under VAWA would increase litigation to levels far exceeding the number of cases presently pending in the federal judiciary).

[5] The VAWA Project joins a number of other clinical programs that address the problem of domestic violence. "Currently, more than [20] law school clinics and at least six seminars are devoted to representation of battered women." Naomi Cahn & Joan Meier, *New Approaches to Poverty Law, Teaching and Practice: Domestic Violence and Feminist Jurisprudence: Towards a New Agenda*, 4 B.U. PUB. INT. L.J. 339, 339 (1995); *see also* Mithra Merryman, *A Survey of Domestic Violence Programs in Legal Education*, 28 NEW ENG. L. REV. 383, 384 (1993) (stating that although many clinical education programs cover domestic violence, only 12 American law schools have clinical programs that specifically assist battered women). These programs generally have a broader focus, however, providing a range of legal services to victims. *See infra* note 11.

[6] 42 U.S.C. § 13981(d)(2).

[7] *See* Sally Goldfarb, *The Civil Rights Remedy of the Violence Against Women Act: Legislative History, Policy Implications & Litigation Strategy*, 4 J.L. & POL'Y 391, 398 (1996).

federal courts, and under what circumstances have state courts found violations of those statutes?[8] Finally, in a VAWA action, what is the preclusive effect of prior judicial proceedings (for examples, criminal proceedings and applications for orders of protection) involving the same or a related set of facts?[9] The students devoted six weeks to the investigation of these issues, and then each team presented its findings to the group. This phase of the Project required the students to delve into the legislative history and to gain an in-depth familiarity with VAWA. Some of this material could have been presented through lecture or readings of secondary sources. Our hope, however, was that independent research would provide a more active learning experience, and give the students confidence in their expertise about VAWA.

The next stage involved the organization of an outreach effort, designed to educate the public and to identify potential plaintiffs for litigation that would begin the process of judicial construction of the Act. Students broke into two groups, one with the task of locating organizations and service providers in the New York area who have contact with women who are or might be victims of violence. The other group's project was to prepare a draft of a brochure that would provide the basic outlines of the VAWA remedy and would alert the public to the availability of legal representation through the clinic and NOW LDEF.[10] The language of the draft brochure was discussed and debated during several classes, and students with graphic design and desktop publishing experience put it in final form. The "outreach" group developed a list of potential organizational contacts. The students then developed oral presentations to be given to groups that expressed

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[8] *See* Elizabeth M. Schneider, *The Civil Rights Remedy of the Violence Against Women Act: Legislative History, Policy Implications & Litigation Strategy*, 4 J.L. POL'Y 427, 432-34 (1996) (discussing the federal Hate Crimes Statistics Act, 28 U.S.C. § 534 (1994)). A number of state hate crime statutes include gender as a protected characteristic; see Marguerite Angelari, *Hate Crime Statutes: A Promising Tool for the Fighting Violence Against Women*, 2 AM. U. J. GENDER & L. 63, 68 n.20 (1994).

[9] *See* Betty Levinson, *The Civil Rights Remedy of the Violence Against Women Act: Legislative History, Policy Implications & Litigation Strategy*, 4 J.L. & POL'Y 401, 403-07 (1996).

[10] *See infra* Figure 1.

interest in learning more about VAWA. Using in-class role plays, we critiqued the presentations and tailored them to fit particular audiences.

With the written and oral material prepared, the students were ready to go out into the community. Since the late fall, they have distributed over 6000 brochures about VAWA to over 150 organizations, including district attorney's offices, rape crisis centers, hospitals, victim services programs, immigrant assistance groups and women's shelters. They have given over forty presentations about VAWA, to audiences ranging from a half dozen to one hundred and fifty. The brochure has been translated into Spanish and Russian, with more foreign language versions in the works.

Throughout this process, one of the students' greatest concerns about the VAWA Project was, once our outreach effort was underway, how would we handle the flood of clients with VAWA claims, given our limited resources, and how would we select the "best" first cases to create helpful precedent and an expansive reading of VAWA. For example, the students debated at length whether it would be easier to prove gender-based animus in a case involving sexual assault or domestic violence? Another concern that was discussed frequently involved the ethics and morality of our not providing general legal services to victims of violence who contacted us for help, in family court proceedings, for example.[11]

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[11] Most domestic violence clinical programs share a focus on low-income populations and offer assistance to women seeking protective orders. *See* Cahn & Meier, *supra* note 5, at 342-43. Many offer additional services as well. Students participating in Catholic University's Families and the Law Clinic represent clients in other family law matters such as divorce, child custody and child support. Cahn & Meier, *supra* note 5, at 342. CUNY's Battered Women's Rights Clinic also represents clients seeking these family law remedies, and engages in legislative advocacy and community education. Cahn & Meier, *supra* note 5, at 342. At George Washington's Domestic Violence Advocacy Project ("DVAP"), in addition to representing women in protection order proceedings, students have developed a system of documenting complaints about police responses to domestic violence calls, and have developed a legal advocacy program at a local hospital. Cahn & Meier, *supra* note 5, at 342. DVAP students also have worked with public defenders' offices on the criminal defense of battered women who have killed their abusers. Cahn & Meier, *supra* note 5, at

This first concern has not materialized. Although we have received dozens of telephone inquiries in response to the brochures and presentations, only a handful of potential clients have been interviewed. For a variety of reasons, we have been unable to undertake representation of any of them as yet. In several matters, the acts of violence occurred prior to September 1994, the effective date of VAWA. In others, criminal proceedings are underway, and it seems advisable to let that process conclude before considering civil remedies. Several of the potential defendants were without assets. Another matter still under consideration raises the troubling issue of whether the sexual assault of a female child by a family member is within the purview of VAWA.

The second concern is an ongoing problem. Many women who call our office need basic social and legal services. Students make referrals to appropriate agencies, but our inability to provide those services raises questions about whether the Project is actually accomplishing much towards the ultimate goal of preventing violence against women. The Project thus poses the perennial debate in the public interest community between service and law reform goals.

The clinic's experience and difficulty with identifying potential VAWA claims in the New York area seems to mirror national efforts. Although the VAWA civil rights remedies have been in effect for almost two years, only two actions have been filed. The first, which has generated some public attention,[12] is pending in the federal court for the Western District of Virginia and concerns the sexual assault of a female college student by members of the football team at Virginia Polytechnic Institute and State University.[13] The second action, filed in the District of Connecticut, alleges an ongoing pattern of domestic violence.[14] In both cases, motions to dismiss the VAWA claim have been filed on

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[12] *See, e.g.*, Nina Bernstein, *Civil Rights Lawsuit in a Rape Case Challenges Integrity of a Campus*, N.Y. TIMES, Feb. 11, 1996, § 1 (Nat'l Desk), at 1.

[13] Brzonkala v. Virginia Polytechnic Inst. & State Univ., No. 95-CV-1358-R (W.D. Va. filed Mar. 4, 1996).

[14] Defendant's Motion to Dismiss at 1-2, Doe v. Doe, No. 95-CV-2722 (D. Conn. filed Feb. 12, 1996).

the ground that VAWA is unconstitutional because its enactment exceeded Congress' powers under the Commerce Clause[15] and Section 5 of the Fourteenth Amendment.[16] NOW LDEF and other

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[15] Congress' power to enact the Violence Against Women Act derives from two sources: the Commerce Clause, Article I, Section 8 of the Constitution, and Section 5 of the Fourteenth Amendment. The Commerce Clause assigns to Congress the power "[t]o regulate Commerce with foreign nations, and among the several States . . . ." U.S. CONST. art. I, § 8, cl. 3. In *United States v. Lopez*, 115 S. Ct. 1624 (1995), the United States Supreme Court set out three categories of activity that Congress can regulate under the Commerce Clause power: "the use of the channels of interstate commerce;" "the instrumentalities of interstate commerce, or persons or things in interstate commerce" and "activities that substantially affect interstate commerce." *Id.* at 129-30 (citations omitted).

In the cases filed based on VAWA, the defendants argued that gender-motivated violence does not fall within any of the three categories. They asserted, *inter alia*, that the Commerce Clause does not give Congress plenary police power over state activities, that to extend the Commerce Clause to gender-motivated violence because people have the right to travel eviscerates any limit on Congress' power and that the VAWA does not implicate economic activity. *See, e.g.*, Defendant's Motion to Dismiss at 8-9, *Doe* (No. 95-CV-2722). Plaintiffs have countered that many individuals who commit gender-motivated violent acts cross state lines to do so, as do women to escape gender-motivated violence, thereby implicating the first and second *Lopez* categories. In addition, Congress made extensive findings of fact that support the substantial effect of gender-motivated violence on interstate commerce. For a full discussion of Congress' findings, see Violent Crime Control and Law Enforcement Act of 1994, H.R. CONF. REP. NO. 711, 103d Cong., 2d Sess. (1994) and Violence Against Women Act, S. REP. NO. 138, 103d CONG., 1st Sess. (1994).

[16] Section 5 of the Fourteenth Amendment empowers Congress to enforce, by appropriate legislation, the Fourteenth Amendment's guarantee of equal protection under the laws. U.S. CONST. amend. XIV, § 5. Under the Equal Protection Clause, Congress has broad powers to fashion proper remedies for past or prospective violations of equal protection. A federal civil rights remedy rectifies local biases and fills gaps in the substance and enforcement of existing state laws. *See* Katzenbach v. Morgan, 384 U.S. 641, 648-50 (1966). Traditionally, the Fourteenth Amendment has protected citizens' rights only against state and not private action. *See* The Civil Rights Cases, 109 U.S. 3, 11 (1883). Private action can be imputed to the state only in the limited circumstances in which the state has encouraged the activity or has exerted coercive power sufficient to render the act that of the state. *See* Blum v. Yaretsky, 457 U.S. 991, 1003 (1982) (ruling that private action that "sufficiently receive[s] the imprimatur of the [s]tate" can be attributed to the state itself). Hence challengers have argued that VAWA does not reach the private action of those who commit

public interest and women's rights organizations have sought leave to appear as amicus curiae in both cases, and have been granted leave in the West Virginia case. The clinic is serving as co-counsel with NOW LDEF in the amicus representation.

What have students learned from the Project? Perhaps they have gained some additional experience in interviewing and counseling, but not one pleading has been drafted; not one deposition has been taken; not one court appearance has occurred. Students have researched and drafted portions of the amicus curiae briefs, but that sort of skills training is available in many legal education contexts other than an in-house clinical program.[17] Whether the students

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gender-motivated violent acts.

Congress, however, since the enactment of the post-Civil War Ku Klux Klan Act, has proscribed deliberate attempts by private actors to interfere with constitutionally protected rights. *See* 42 U.S.C. § 1985(3) (1994) (providing civil cause of action against private individuals for conspiracy to interfere with civil rights). The Supreme Court has upheld such statutes as constitutional under the Fourteenth Amendment. *See* Griffin v. Breckenridge, 403 U.S. 88 (1971) (holding extension of § 1985(3) to private actors constitutional). In this respect, therefore, VAWA is unremarkable in reaching conduct commonly considered "private."

[17] Clinical education is a method of teaching through which students are confronted with problem situations of the sort that lawyers confront in practice. Students solve these problems in role, subject to intensive critical review and supervision. Live-client clinics add the dimension that student lawyering occurs, at least in part, in real situations rather than simulated ones. In-house clinics provide supervision and review of the student's actual case experience by clinical teachers rather than practitioners outside the law school. In-house clinics arose partly in response to the belief of clinic educators that student supervision by practitioners was "problematic for a methodology in which teaching was not incidental to the enterprise but rather its primary function." ASSOCIATION OF AMERICAN LAW SCHOOLS REPORT OF THE COMMITTEE ON THE FUTURE OF THE IN-HOUSE CLINIC, REPORT OF THE SUBCOMMITTEE ON PEDAGOGICAL GOALS OF IN-HOUSE, LIVE-CLIENT CLINICS, *reprinted in* 42 J. LEGAL EDUC. 511, 511-12 (1992) [hereinafter AALS Report]. Essentially, good lawyers do not necessarily make good teachers; they are less likely to have the training, experience or time to devote to teaching that the full-time clinical teacher does. *See id.*

These concerns notwithstanding, students arguably can gain similar skills in other law school contexts, for example moot court, in which students research, draft and edit briefs and argue before mock judges. Students on student-run journals also get extensive research, writing and editing experience. Moreover,

have learned valuable skills and values other than those traditionally associated with client representation clinics should be evaluated in light of the history and mission of clinical legal education.

## II. HISTORY AND GOALS OF CLINICAL LEGAL EDUCATION

Clinical legal education is commonly defined as a methodology by which students act in the role of lawyers under faculty supervision, and through reflection upon their experience, begin the process of learning both the necessary skills and the principles of professional responsibility critical to becoming effective advocates.[18] Its relationship to the inculcation of ideals of social justice and law reform has had a checkered history.[19]

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externships and summer jobs often provide ample opportunity for experience in and supervision of these lawyering tasks.

[18] *Id.*; *see also* Anthony G. Amsterdam, *Clinical Legal Education—A 21st-Century Perspective*, 34 J. LEGAL EDUC. 612, 616-17 (1984) (describing the method of clinical legal instruction); Gary Bellow, *On Teaching the Teachers: Some Preliminary Reflections on Clinical Education As Methodology*, *in* CLINICAL EDUCATION FOR THE LAW STUDENT: LEGAL EDUCATION IN A SERVICE SETTING 374, 379 (Meilen Press, Inc. 1973) (describing clinical education's underlying method as student performance of a role within the legal system and the use of this experience as the "focal point for intellectual inquiry"); Carrie Menkel-Meadow, *The Legacy of Clinical Education: Theories About Lawyering*, 29 CLEV. ST. L. REV. 555, 565-66 (1980) (describing use of clinical education to emphasize interpersonal elements of lawyering).

[19] The reluctance to teach principles of justice derives in part from the perception that justice—a loose concept—can be abused and manipulated to serve any end. It has been criticized as unscientific and too close to principles of natural law. *See generally* David Barnhizer, *The Justice Mission of American Law Schools*, 40 CLEV. ST. L. REV. 285 (1992) (surveying history of reluctance to teach principles of justice in legal education and advocating its inclusion). For a discussion of teaching social justice in the clinical realm, see Fran Quigley, *Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics*, 2 CLINICAL L. REV. 37, 38 (1995) (advocating that a complete legal and particularly a complete clinical educational experience "should include lessons of social justice") and Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305, 306-07 (1989) (critiquing legal education today and advocating substantive changes in law teaching).

The modern era of clinical education began in the mid-1960s at a time when both the federal government and private foundations were supporting legal services and public interest law organizations with unprecedented amounts of funding and enthusiasm.[20] This sponsorship reinforced and expanded the emerging view of law as an instrument of social change, exemplified by the development of legal strategies during the civil rights era. Students attending law school were no longer satisfied with the ivory tower. They wanted the tools to become legal activists, demanding "relevance" in their legal education.[21]

These two trends converged to form a common model of a law school clinical program in which students worked as interns in legal services and civil rights organizations.[22] As a result of this confluence of legal education and legal service, the law school became involved in a critique of the system of justice and indirectly participated in the delivery of legal services. In its earliest incarnation, therefore, clinical education extended beyond the twin

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[20] The concept of lawyering training dates back to at least the 1920s, see, e.g., Jerome Frank, *Why Not a Clinical Lawyer-School?*, 81 U. PA. L. REV. 907, 909-10 (1933). This article concerns itself with the modern clinical education movement. For a full history of clinical education, see Robert Condlin, *The Moral Failure of Clinical Education, in* THE GOOD LAWYER: LAWYERS' ROLES AND LAWYERS' ETHICS (D. Luban ed., 1983) and George S. Grossman, *Clinical Legal Education: History and Diagnosis*, 26 J. LEGAL EDUC. 162 (1974).

[21] *See* Lester Brickman, *CLEPR and Clinical Education: A Review and Analysis, in* CLINICAL EDUCATION FOR THE LAW STUDENT: LEGAL EDUCATION IN A SERVICE SETTING, *supra* note 18, at 56, 57-58 (1973); Robert A. Gorman, *Clinical Legal Education: A Prospectus*, 44 S. CAL. L. REV. 537, 554-55 (1971). Law school faculties were not immune from the spirit of the times; they, too, began to criticize the traditional curriculum and to express concern for service to the disadvantaged. *See generally* H. Packer & T. Ehrlich, NEW DIRECTIONS IN LEGAL EDUCATION (1972); *Clinical Legal Education: Reflections on the Past Fifteen Years and Aspirations for the Future*, 36 CATH. U. L. REV. 337 (1987). This discussion gives an excellent sense of the climate of the early clinical movement from those who were involved at the time.

[22] One of the first law review symposia on clinical legal education, published in 1971, describes a number of clinical programs and reveals the preeminence of this model. *See* Gorman, *supra* note 22, at 540 (stating that the "most common form of clinical program involves the assignment of law students to a legal aid clinic or Community Legal Services offices").

educational goals of teaching professional skills and professional responsibility, to expose both students and the institution to the public service ethic and duty.

This alliance between law schools and outside legal services organizations might have remained the dominant, although limited, model of clinical legal education were it not for the intervention of the Ford Foundation.[23] In the late 1960s, the Ford Foundation began to provide funding for the establishment of clinical programs within the law schools themselves, with the goals of improving the teaching of lawyering skills, as well as increasing the availability of legal services to the poor and developing a consciousness of the need for legal services in the academic community.[24] It was believed that the goals of skills acquisition could be accomplished just as well through service to the poor and unrepresented. Exposure to professional skills and responsibility in this context would teach students about representing clients whose needs and problems were very different from their own. Perhaps the student actually would help the client and while so doing develop a sense of professional responsibility and a concept of the law as a means of helping others that might even outlast law school.

During the next phase in the development of clinical education, law schools began to provide financial support for in-house programs, creating an environment for more thoughtful supervision and time for reflection. The lawyers staffing these programs were

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[23] In 1968, Ford created the Council on Legal Education and Professional Responsibility ("CLEPR") with a guarantee of funding for five years and a promise of funding for an additional five for the development of clinical programs by law schools themselves. By funding student law practice in a variety of settings—clinics within the law school as well as internships in local agencies and law offices—CLEPR hoped to introduce students to both the professional skills and professional responsibilities of the practicing bar. *See* Gorman, *supra* note 21, at 537.

[24] CLEPR clearly was directed toward these goals. An announcement of its formation published in the *New York Law Journal* states that programs seeking funding "should reinforce and broaden the existing social concerns of certain law students and professors through direct contact with injustice and misery . . . . " *See* Allen Redlich, *Perceptions of a Clinical Program*, 44 S. CAL. L. REV. 574, 577 n.17 (1971) (quoting June 13, 1968 announcement in the *New York Law Journal*).

largely drawn from the legal service and public interest community, many of whom already had been supervising student interns.[25] The fledgling in-house clinicians generally replicated the service models with which they were accustomed, and designed programs along the lines of their own experiences. Those with law reform backgrounds continued in that vein, while former legal services lawyers concentrated on individual client representation.

Both law schools and the organized bar accepted this version of student practice, at least in part because it did not involve "real" (i.e. paying) clients and was good "practice" for the "real world." As long as in-house clinics continued as peripheral elements of the "regular" curriculum, law schools tolerated their comparatively modest presence.[26] Idealism, a service mentality, and explicit political reformist goals could flourish—as long as clinical education and clinical educators were marginalized and isolated from the mainstream of the law school.

In the mid-1980s, the emphasis in clinical education began to shift from its origins in law reform and service delivery and its roots in a justice ideal, to a largely skills focused curriculum.[27] In hindsight, several factors combined to produce this transformation. First, students changed. Incoming law students lacked the ideological commitment of their predecessors to a vision of law as a tool of empowerment for the poor and disadvantaged.[28] Indeed, these

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[25] *See* David Barnhizer, *The University Ideal and Clinical Legal Education*, 35 N.Y.L. SCH. L. REV. 87, 87 (1990) (noting that clinical teachers in the early days of the modern clinical movement came predominantly from legal services or public interest backgrounds); Michael Meltsner & Philip G. Schrag, *Report from a CLEPR Colony*, 76 COLUM. L. REV. 581, 582 (1976).

[26] *See* López, *supra* note 19, at 321, 324 (describing how skills courses are few in number, and "tactfully set off to the side from the 'regular' curriculum" but noting that this marginal status is profoundly at odds with relatively high regard in which clinical courses are held by law students).

[27] *See* Karl E. Klare, *The Law School Curriculum in the 1980's: What's Left?*, 32 J. LEGAL EDUC. 336, 342 (1982) (noting "a tendency [of clinical education] toward drift[ing] away from its initial political moorings").

[28] Some commentators charge that even if law students do not arrive as careerists, the current law school curriculum does little to challenge and much to reinforce those values. *See* Jill Chaifetz, *The Value of Public Service: A Model for Instilling a Pro Bono Ethic in Law School*, 45 STAN. L. REV. 1695, 1696

students were more careerist, particularly as financial toll of legal education increased and the private bar was in a boom period.[29] Even committed students were lured away from low-paying public interest jobs into law firms.[30] Students increasingly made the connection between work experience in law school and their own post-graduate marketability, making them more practical in their choices of clinical activities.

At the same time, clinical teachers themselves began to rearrange their priorities, moving away from their service oriented origins to focus more on scholarship and skills. As the clinical movement aged beyond its 1960s roots, newly hired clinicians did not have the historical attachment to law reform or legal services models. Moreover, as clinical teachers became more entrenched in the law school community, they sought greater legitimacy and parity with their non-clinical colleagues.[31] Clinical teachers fought for tenure track status, and in 1983, the ABA amended its accreditation requirements to require that law schools provide skills teachers with the opportunity for job security equivalent to tenure.[32] In many instances, scholarship requirements were imposed to justify long-term faculty status.[33] This required them

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(1993); Howard S. Erlanger & Douglas A. Klegon, *Socialization Effects of Professional School: The Law School Experience and Student Orientations to Public Interest Concerns*, 13 LAW & SOC'Y REV. 11, 13-14 (1978).

[29] *See generally* ROBERT V. STOVER, MAKING IT AND BREAKING IT: THE FATE OF PUBLIC INTEREST COMMITMENT DURING LAW SCHOOL (1989) (discussing the decline of law students who pursue careers in public interest law).

[30] *See* Irving R. Kaufman, *Many Students Enter Law School with Minds Full of Ideals But End Up Graduating with Bags Full of Debt*, NAT'L L.J., Oct. 22, 1990, at 13; Ken Myers, *Administrators Are Worrying About Graduates' Growing Debt*, NAT'L L.J., May 20, 1991, at 4.

[31] *See* AALS Report, *supra* note 17, at 556; Frank W. Munger, *Clinical Legal Education: The Case Against Separatism*, 29 CLEV. ST. L. REV. 715, 721-22 (1980).

[32] AMERICAN BAR ASSOCIATION, STANDARDS FOR APPROVAL OF LAW SCHOOLS AND INTERPRETATIONS 37 (1995). Standard 405(c) provides in pertinent part: "A law school should afford to full-time faculty members whose primary responsibilities are in its professional skills program a form of security of position reasonably similar to tenure and perquisites reasonably similar to those provided other full-time faculty members . . . ." *Id.* at 38.

[33] *See* AALS Report, *supra* note 17, at 556-58.

to begin writing and, to support this effort, to limit their caseloads, student-faculty ratios, and to even change their teaching techniques from live-client representation to simulation. The influence of legal services and law reform models on clinical education was declining. Finally, the voice of the organized bar was increasingly pressuring law schools to provide essential skills training, particularly as employers saw these efforts on their own part as not economically advantageous.[34]

Thus, once perceived as a radically new teaching methodology that also infused ideological social goals into law schools, clinical legal education began to serve very different ends: career development for students and efficiency for the private bar.[35] Pressures from both within and without the law school combined to depoliticize clinical legal education, moving it away from its origins to

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[34] *See generally* AMERICAN BAR ASSOCIATION, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992) [hereinafter MACCRATE REPORT] (discussing the failure of law schools to train students to become full-fledged practicing attorneys). For reactions to the MacCrate Report from clinical education faculty, see generally *Symposium on the MacCrate Report: Papers from the Midwest Clinical Teachers Conference,* 1 CLINICAL L. REV. 349 (1994).

[35] However, it should be noted even if clinical education no longer presumes an exclusive focus on service to the disadvantaged and social change through the law, those opportunities are available at most law schools to students who seek them, whereas they simply did not exist 30 years ago. *See* MACCRATE REPORT, *supra* note 34, at 236-40. While the institutionalization of clinical education may have broadened its scope to encompass depoliticized skills training, it has also served to protect those programs and teachers that retain an ideological focus, and to guarantee their acceptance as an integral part of the academy. It would be highly unlikely today for law school administrators, faculty, or students to challenge the legitimacy of an internship or clinical program on the basis of its explicit political content.

Moreover, the acceptance of advocacy training itself, in any form, as an appropriate pursuit in legal education can be interpreted as an infusion of liberal ideology into the traditional curriculum. Any serious training in advocacy requires a consideration of client goals and the social and political forces, as well as the supposedly neutral legal doctrine, that impacts upon the achievement of those goals. Thus, even in its domesticated form, clinical education has changed the nature of the legal academy, providing law students with a more critical perspective on the role and function of law.

what one commentator has labelled "the new orthodoxy" of vocational education.[36]

Moreover, it had become an accepted premise that skills could best be acquired using individual cases as the learning environment, so that students could effectively function in the lawyer's role without being overwhelmed or doing too much damage. Programs organized around explicit law reform agendas virtually disappeared. Creating new law that would benefit disempowered groups was at best a hoped for by-product of individual client representation in clinical programs, not a top priority.[37]

In the 1990s, there has been some resurgence of social justice concerns in clinical education, but the focus has been on developing theories of client empowerment and on transforming the political consciousness of students, rather than on substantive law reform. Today, much of scholarship written by clinical teachers addresses these two themes: developing new models of lawyering that better reflect clients' goals and values;[38] and using the experience of

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[36] Avrom Sherr, *Clinical Legal Education at Warwick and the Skills Movement—Was the Clinic a Creature of Its Time?* 1, 4-5 (on file with author). This shift is indicative of the politically neutral terrain on which the clinical education debate is occurring today. In addition, divorcing clinical education from client representation and moving it squarely in the direction of internships and simulation is more cost effective and more universal, and certainly can deliver on the promise of more skills training. This depoliticization of clinical education, in the pursuit of economy and efficiency, however, threatens with extinction the idealism and service ethic that energized and informed clinical education in its early days.

[37] For example, the AALS/ABA guidelines for clinical programs published in 1980 stated: "The primary purpose of clinical legal studies is to further the educational goals of the law school, rather than to provide service." ASSOCIATION OF AMERICAN LAW SCHOOLS-AMERICAN BAR ASSOCIATION COMMITTEE ON GUIDELINES FOR CLINICAL LEGAL EDUCATION, GUIDELINES FOR CLINICAL LEGAL EDUCATION 14 (1980).

[38] *See, e.g.*, Ruth Buchanan, *Context, Continuity, and Difference in Poverty Law Scholarship*, 48 U. MIAMI L. REV. 999, 1038 (1994); Robert D. Dinerstein, *Clinical Texts and Contexts*, 39 UCLA L. REV. 697, 706-07 (1992) (reviewing two models of client counseling); Stephen Ellman, *Lawyers and Clients*, 34 UCLA L. REV. 717, 744-45 (1992); Richard Marsico, *Working for Social Change and Preserving Client Autonomy: Is There a Role for "Facilitative" Lawyering?*, 1 CLINICAL L. REV. 639, 647 (1995); Louise G. Trubek, *Lawyering*

representing traditionally disempowered groups to raise students' consciousness about oppression and difference.[39] These efforts are a triumph of clinical education, and they have begun to infuse the academy and law practice with a richer understanding of the social and legal conventions that hamper equal access to justice. In large part, however, these theoretical works, and the clinical methodologies and programs that attempt to put them into practice, can be described as "client centered," rather than "law centered."[40]

Where does the VAWA Project fit into the development of clinical education? It is explicitly not "client centered," in the sense that it is not directed towards providing service for a particular client population. Thus, it represents a departure from what has become the mainstream approach in clinical teaching. Indeed, at first glance it may seem to be a departure from the basic premise

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*for Poor People: Revisionist Scholarship and Practice*, 48 U. MIAMI L. REV. 983, 987-88 (1994) (surveying recent writings of members of the Project Group of the Interuniversity Consortium on Poverty Law). *See generally* Ruth Buchanan & Louise G. Trubek, *Resistances and Possibilities: A Critical Look at Public Interest Lawyering*, 19 N.Y.U. REV. L. & SOC. CHANGE 687, 692-94 (1992); Gerald López, *Reconceiving Civil Rights Practice: Seven Weeks in the Life of a Rebellious Collaboration*, 77 GEO. L.J. 1603 (1989); Lucie E. White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.*, 38 BUFF. L. REV. 583 (1994).

[39] *See, e.g.*, Buchanan & Trubek, *supra* note 38, at 688-90; AALS Report, *supra* note 17, at 515-16 (noting that clinics provide opportunity for students to engage in service, accomplish such representation and expose students to the effect of our legal system on poor people); Trubek, *supra* note 38, at 986-88. *See generally* Clark D. Cunningham, *The Lawyer as Translator, Representation as Text: Towards an Ethnography of Legal Discourse*, 77 CORNELL L. REV. 1298 (1992).

[40] Client-centeredness places emphasis on the client's active involvement in helping to solve his or her legal problems. This theory urges that attorneys become aware of and counteract the vast power imbalances inherent in the attorney-client relationship, and that the attorney assist the client in taking as much part in his or her representation as possible. Client-centeredness highlights the knowledge and resources that a client already possesses when the client encounters the legal system, and seeks to identify and use those resources in addressing the client's legal problem. This focus on the client aims both to empower clients and to help attorneys and clients remember that the client should retain control of matters intimately affecting the client's life. *See supra* notes 35 and 36.

of clinical education that students act in the role of lawyers representing clients, in order to acquire direct experience in lawyering skills. It might be argued, in fact, that students would learn as much interning at NOW LDEF, for example, doing research about VAWA and perhaps answering telephone inquiries about VAWA. In-house clinical programs are supposed to offer a different model for student learning, premised on greater individual responsibility for client representation.[41] Moreover, the Project is very much "rights" focused, thus also representing a departure from clinical methodology that has been informed by critical legal theory,[42] which argues that efforts towards the vindication of individual and group legal rights eventually results in the depolitici-zation of movements seeking radical change, and assists in the maintenance of the status quo.[43]

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[41] *See* AALS Report, *supra* note 17, at 511-13; MACCRATE REPORT, *supra* note 34, at 236-41. Some clinicians favor externship clinics, in part because of their decreased cost. *See generally* Robert J. Condlin, *"Tastes Great, Less Filling": The Law School Clinic and Political Critique*, 36 J. LEGAL EDUC. 45 (1986) (claiming that externship clinics do not drain law school resources). Others find externships more problematic. *See, e.g.*, Kenney Hegland, *Condlin's Critique of Conventional Clinics: The Case of the Missing Case*, 36 J. LEGAL EDUC. 427 (1986) (criticizing the failure of in-house clinical instructors to provide students with meaningful critiques); Henry Rose, *Legal Externships: Can They Be Valuable Clinical Experiences for Law Students?*, 12 NOVA L. REV. 95, 95-96 (1987); *supra* notes 17 & 18.

[42] One manifestation of this influence has been the focus on community development work that approaches lawyering as a collaborative process between lawyers and communities through which lawyers assist communities in forging their own strategies for resistance and achieving justice. *See, e.g.*, Peter Gabel & Paul Harris, *Building Power and Breaking Images: Critical Legal Theory and the Practice of Law*, 11 N.Y.U. REV. L. & SOC. CHANGE 369, 370 (1982-83); López, *supra* note 19, at 308-09; López, *supra* note 38, at 1608; Marsico, *supra* note 38, at 654-58; Lucie E. White, *Collaborative Lawyering in the Field? On Mapping the Paths from Rhetoric to Practice*, 1 CLINICAL L. REV. 157, 157-161 (1994); Lucie E. White, *Mobilization on the Margins of the Lawsuit: Making Space for Clients to Speak*, 16 N.Y.U. REV. L. & SOC. CHANGE 535, 538-40 (1987-88); William P. Quigley, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, 21 OHIO N.U. L. REV 455, 457-59 (1994).

[43] *See* Gabel & Harris, *supra* note 42, at 370; Elizabeth M. Schneider, *The Dialectic of Rights and Politics: Perspectives from the Women's Movement*, 61

Thus, the VAWA Project is not primarily about teaching traditional lawyering skills, or about developing students' political consciousness through exposure to disempowered and marginalized individuals or groups of clients. In the largest sense, its goal is to empower students: to encourage them and give them a sense of optimism and confidence as they contemplate careers in public interest law. Legal education generally produces the opposite result. As well documented by a number of scholars, a high percentage of students enter law school with public service goals; over the course of three years that percentage decreases dramatically.[44] Clinical education in general may serve as a partial antidote to this trend, but I suggest that its recent emphasis on training in traditional lawyering skills has reduced its impact on preserving students' original motivations. Thus, in some respects, the VAWA Project resembles earlier incarnations of clinical education, when students were integrated into law reform efforts at public interest organizations, and shared in the hopefulness and energy of those efforts.

Within the general notion of student empowerment, the VAWA Project can be viewed in terms of its more specific goals. First, it was hoped that the experience would demystify, and perhaps also deglamourize, public interest practice, particularly the work involved in law reform efforts and thereby make it more accessible and "known" to students. The students would gain confidence that they could in fact plan and direct an organized effort to use the law

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N.Y.U. L. REV. 589, 593-98 (1986) (examining CLS scholars critique of rights analysis). *See generally* Alan David Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049 (1978) (suggesting that the Supreme Court's Fourteenth Amendment interpretation after *Brown* served to maintain institutionalized oppression of African Americans while seemingly granting them greater protection of their rights); Karl E. Klare, *Judicial Deradicalization of the Wagner Act and the Origins of Modern Legal Consciousness, 1937-1941*, 62 MINN. L. REV. 265 (1978) (describing how the Supreme Court's interpretation of the Wagner Act reshaped organized labor's early demands for greater workplace control into contractual collective bargaining rights that safeguarded management power).

[44] *See* STOVER, *supra* note 29, at 117-20; E. Gordon Gee & Donald W. Jackson, *Bridging the Gap: Legal Education and Lawyer Competency*, 4 B.Y.U. L. REV. 695, 657-59 (1977); *see* sources cited *supra* notes 28 & 29.

as an instrument of social change. They could see that such efforts need not be solely the province of experienced lawyers at nationally known public interest organizations. Second, it was hoped that students would gain an expanded conception of "lawyering skills," and an appreciation of the non-litigation oriented tasks to make up the work of many public interest lawyers. Moreover, we wanted students to learn that these skills, such as community education and outreach, require no less careful thought and preparation than litigation tasks. In addition, we hoped that students would gain confidence in their abilities along these lines, and realize these skills call upon and make relevant of many of their pre law school competencies. Third, we hoped that students would begin to understand that social action lawyering takes place in the community as well as in the courts. Litigation is only one part of a law reform effort, just as mastery of litigation skills is only one part of learning to be an effective public interest lawyer.

## III. A New Generation of Public Interest Lawyers

How well has the VAWA Project accomplished these goals? Rather than speculate, I recently asked the sixteen participating students to reflect upon their experience over the last year, and to respond to a short questionnaire about what they had learned (if anything) from the Project in terms of skills and about law reform efforts and public interest practice; how the experience compared with their work on clinic cases and whether their views about a potential career in public interest law had changed.

Obviously, when a faculty member asks students to evaluate his or her teaching, there is a great potential for distorted responses. While I specified that the evaluations could be submitted anonymously, that they need not respond at all, and that I wanted their honest views, I do not discount the possibility that issues of hierarchy and power may color students' answers. Nevertheless, given that the responses are somewhat uniform in their both positive and negative observations, my sense is that they fairly reflect the students' views.

Several students commented favorably about the concrete experiences of public speaking and counseling potential clients:

- [S]peaking with a variety of groups has taught me how to target a presentation to your audience and to anticipate their needs.
- [T]he VAWA experience taught me about counseling skills even more effectively than did my other live cases.
- I enjoyed the opportunity to use skills that went largely unutilized in my other clinic work, such as my public relations, community networking, and public speaking skills.

Many expressed surprise and disappointment, however, about our failure to commence any litigation:

- [I]t has not produced the types of results that I had originally envisioned.
- I didn't know how difficult it is to bring cases under new laws.

I have been disappointed that we have not yet found a viable case.

The elusive 'perfect plaintiff' is hard to come by. I think you have to limit your goals, and look for a 'good' plaintiff.

At the same time, I was pleasantly surprised to find that only one student questioned whether our educational efforts about the Act were an appropriate use of clinical resources:

- I feel that the educational benefit of conducting outreach for two semesters was minimal.

Many of them seem to have concluded that these efforts are as much a part of law reform as litigation. The demystification goals of the Project were clearly expressed by others:

- Through casework, I learned a lot of lawyering skills, such as negotiating and drafting. Through the VAWA, I learned more about the development of law and the interaction between society and the law. More importantly, I learned how we, as legal service providers, can contribute to law reform (the actual mechanics, I mean). I am impressed and please about how many people we have managed to reach through our efforts . . . . I feel confident that I know something about the mechanics of community outreach.
- [Public interest law] is not as glamorous as it is stereotypically portrayed in media and popular culture.

> You do boring work, the same nitty-gritty research and are not thanked, except the personal satisfaction is high.

Other students commented that the Project worked as successful counterpoint to the disappointments they encounter with the litigation process and the law in employment discrimination matters:

- [From my discrimination cases,] I've become somewhat disillusioned about the law's ability to solve problems on plaintiff's behalf . . . . I feel like I'm swimming upstream with Title VII because the courts have gone so far afield from [its] remedial goals.
- [Under the VAWA] the courts haven't defined anything so we have more control and ability to make 'good law' before we're in the position of fighting 'bad law' (as I feel I'm always doing with Title VII).
- The skills utilized and gained through the Project are completely different than those used in my cases. Through my VAWA efforts thus far, there has been no adversarial communication . . . . Everyone that I have talked to is interested in learning about the Act and looks to the Federal Litigation Clinic as a source of information on the law. To the service providers, I am an ally in the battle of protecting victims; we are on the same side. Whereas in my regular casework, my communications are always adversarial, with the exception of my client (and even then the dynamic is not always so clear).

In general, it seems that with a few exceptions, the students have come away from this experience with a richer understanding of public interest law and a more realistic view of public interest practice:

- As jobs in the public sector disappear, it's great to know that we could do this on our own.
- Through the clinical experience, I recognize more of the cons of public interest lawyering than I had when I began law school, nevertheless, my interests in

discrimination and my desire to bring about social change outweigh my apprehensions.

- I think I have to lower my expectations and look to the "big picture" of public interest law. . . . [R]ather than focusing on the disappointments . . ., I should focus on the fact that what I do . . . helps the overall system.

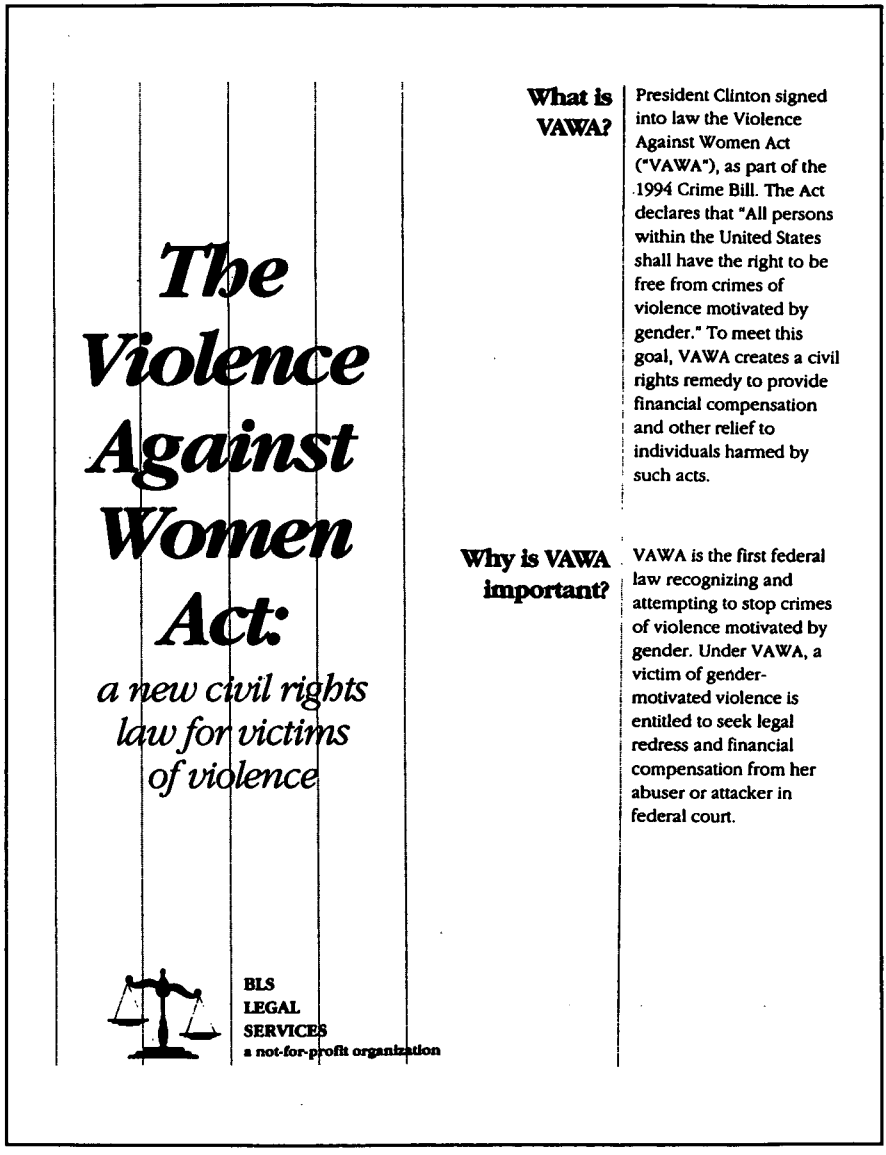
Most importantly, the students' questionnaire responses reflect great pride in their efforts to organize themselves into a functioning public interest law organization with a clear mission and to bring that mission to the community in a useful and constructive way. One student expressed surprise at "the impact that a small number—the clinic—can have on a large and diverse community—New York City." Another comment discusses a student's changing view of the Project over the year:

- Because of the VAWA Project, I now feel confident that I know something about the mechanics of community outreach. Also, and this was no small task, the Project convinced me that legal service providers can actively seek referrals without appearing like used car salespeople. In the beginning, because of my past experience doing telemarketing . . ., I was skeptical . . . the VAWA Project would be akin to making harassing phone calls. Not only was I unaware of the fact that the community at large and other service providers would *welcome* news about VAWA, I also did not realize that we would be seeking referrals by making educational presentations (and I was not convinced that such presentations would still not seem like "selling." So, in filling out this questionnaire, I am also asking you to forgive my cynicism.

From both the students comments and my perceptions of their experience, it seems fair to conclude that the VAWA Project has been at least a partial success in light of the goals discussed in Part II of this essay. The empowerment of students in their pursuit of public interest careers is a legitimate goal of clinical legal education, and may serve a more lasting function than an exclusive emphasis on traditional skills training. The VAWA Project has served that end, as well as provided much needed education to

victims of domestic violence and sexual assault, and their advocates, about this new civil rights remedy.

**Figure 1**



**What is a "crime of violence motivated by gender?"**

A "crime of violence" is any act that is a felony, under either federal or state law, that involves the use or threat of force. An act "motivated by gender" is one that is committed because of a person's gender and is due in part to "animus" based on gender.

**Is a criminal proceeding required?**

No. VAWA does not require the filing of charges, an arrest, prosecution or conviction. As long as the act could be charged as a felony under state or federal law, it can be the basis for a VAWA claim.

**When must you bring a VAWA lawsuit?**

You probably have four years from the time of the violent act to file a VAWA claim. However, you should consult a lawyer as soon as possible.

**If successful in a VAWA lawsuit, you may be entitled to receive:**

- Money damages to compensate for any harm caused by the violent act, such as medical bills, lost time from work, counseling, etc.;
- Financial compensation for pain and suffering;
- Punitive damages to punish the attacker;
- Restraining orders and other court-ordered protection.

**How you can bring a VAWA lawsuit:**

BLS Legal Services may be able to help you bring a civil lawsuit under VAWA. BLS Legal Services Corporation is a not-for-profit organization which provides representation without charge to individuals in matters such as employment discrimination, federal social security appeals and other federal civil rights issues. The staff is comprised of attorneys who are Brooklyn Law School professors as well as law students. BLS Legal Services is also working with the NOW Legal Defense and Education Fund, which maintains a national legal clearinghouse on the Violence Against Women Act.

**You may seek financial compensation in a VAWA lawsuit if:**

- you have been the victim of a violent act or threat of force that could be a felony under federal or state law, and
- you were made a victim of the crime because of your gender.

**Examples of grounds for a VAWA lawsuit:**

- you have been subject to domestic abuse, including rape, by a spouse or partner.
- you have been physically or sexually abused by a parent, step-parent or other relative.
- you have experienced a violent and/or sexual attack by a stranger, or by someone you know, such as date rape.
- you have been forced into prostitution.
- you are a worker who has been physically abused or attacked in the course of your job.

**If you have been abused or attacked**

...and you are in need of support services, including counseling or general legal assistance, the following organizations may be able to help:

**NYC Victim Services Agency**
(212) 577-7777

**Mt. Sinai Hospital Rape Crisis Intervention Program**
(212) 241-5461

**St. Luke's-Roosevelt Hospital Center Rape Intervention/Crime Victim Assessment**
(212) 523-4728

**Domestic Violence Crisis Counseling & Referrals**
(800) 621-HOPE

**If you want to know about pursuing a VAWA lawsuit**

...against your abuser or attacker, please call the following number:
**BLS Legal Services Corp.**
**(718) 780-7994**
9 am – 5 pm, Mon. – Fri.
At other times please leave a message.

**NOW Legal Defense and Education Fund**
**(212) 925-6635**

**BLS Legal Services**
a not-for-profit organization