

POWER ACT PRESENTATION

IMPROVING PRO BONO REPRESENTATION
FOR
VICTIMS OF DOMESTIC VIOLENCE

October 4, 2022

12:06 p.m.

HOST: HONORABLE KAREN FRINK WOLF

Panelists:

Darcie N. McElwee, United States Attorney

Francine Garland Stark

Patrisha McLean

Rick Doyle, Esquire

Elizabeth Stout, Esquire

1 JUDGE WOLF: All right, we're going to get
2 started because we're just about ten past.

3 So thank you all for being here. This is such a
4 wonderful turnout. I'm very excited to be hosting the
5 third POWER Act presentation. And for those of you who
6 have not participated before, let me just tell you a
7 little bit about what the POWER Act is and why we're
8 here today.

9 So the POWER Act is an act that was enacted by
10 Congress in 2018. Its -- its full name is the Pro bono
11 Work to Empower and Represent Act. And that Act
12 requires each judicial -- each federal judicial district
13 in the nation each year to lead at least one public
14 event in partnership with a domestic violence service
15 provider or coalition and a state or local volunteer
16 lawyer project.

17 The goal is to promote pro bono legal services as a
18 critical way in which to empower survivors of domestic
19 violence, dating violence, sexual assault, and stalking,
20 and engage citizens in assisting those survivors.

21 A lot of attorneys, of course, are on today, but
22 this event was opened also to law students and to the
23 public. I hope we have them as well because as we'll
24 hear about later this is a collaborative effort -- a
25 collaborative effort. It literally takes a village or

1 ten villages to defeat domestic violence and support
2 survivors, and that's what this program is all about.
3 It's not just about having a bunch of lawyers on the
4 line and beating them over the heads to involve
5 themselves in pro bono. There will be a little of that,
6 I promise, but there are lots and lots of ways to become
7 involved.

8 So our program today coincides with National
9 Domestic Violence Awareness and Prevention Month. This
10 has been a month that is -- that is -- has been in place
11 since 1987, I believe, in order to bring attention to
12 this terrible problem and help everybody to work
13 together to find solutions and support.

14 I want to read to you a couple of things from the
15 Proclamation from the White House on September 30th
16 regarding Domestic Violence Awareness and Prevention
17 Month. So, during this month we continue to shine light
18 on the causes of this scourge, strengthen the ability of
19 federal, state, tribal, territorial, and local officials
20 to take action, and call on all communities to
21 strengthen prevention efforts. The Administration is
22 working to ensure that all survivors have access to
23 justice and the support they need for their hearing --
24 for their healing and well-being.

25 It goes on later to say: As we continue the

1 essential work of ending domestic violence, we can all
2 help build a culture where abuse is not tolerated and
3 where survivors are heard, supported, and protected. We
4 can express our gratitude to the remarkable people and
5 organizations that offer care and critical services to
6 survivors of domestic violence, and we must remain
7 committed to building a better world where all people
8 can feel safe and respected and leave -- and live free
9 from abuse.

10 You're going to meet today, if you don't know them
11 all already, some of those remarkable people and
12 organizations that do offer this care and support who
13 lead the charge every single day, and I hope with the
14 assistance of lawyers on the screen today and beyond we
15 can all work together to strike out domestic violence.

16 I'm going to give you some sobering statistics and
17 then we'll move on and talk about our -- our wonderful
18 panel. So, statistically one in four women and one in
19 nine men will experience domestic violence in their
20 lifetime. Native American women are two to three times
21 more likely to experience violence than any other race.
22 In Maine between 5,000 and 6,000 protection from abuse
23 orders are filed each year, and in Maine courts process
24 between 4,000 and 5,000 criminal cases of domestic abuse
25 and violence each year.

1 The more sobering statistic I think is that the
2 majority of all domestic violence incidents are never
3 reported to the police. And of course domestic violence
4 affects not just those who are victims and then
5 survivors. In 2021, 221 children in Maine accessed
6 emergency shelter with their parents at a domestic
7 violence resource center.

8 Another statistic that's important, legal services
9 are second only to medical services as the most
10 requested need of victims. However, of all women who
11 reported needing legal services, 64 percent received no
12 assistance from an attorney, and that's a national
13 statistic.

14 So we're going to talk about whether Maine has made
15 improvements, whether we have made progress, but
16 obviously there is so much work still to be done.

17 Our panel today, I'm going to introduce them. First
18 Darcie McElwee who is the United States Attorney for the
19 District of Maine. She has been in place for just about
20 a year now, and we're very excited about that. Before
21 she was the U.S. Attorney, Darcie was Assistant U.S.
22 Attorney in Maine for 19 years primarily prosecuting
23 violent crimes such as sex trafficking, interstate
24 domestic violence, and child exploitation. Prior to
25 that she served on the state side as an Assistant

1 District Attorney in Penobscot and Piscataquis Counties
2 from '98 to 2002.

3 Francine Garland Starck is the executive director of
4 the Maine Coalition to End Domestic Violence. It has
5 been Francine's work for over 35 years to impact this
6 area in a major way. She is -- and I'm going to let her
7 tell you a little bit about the Maine Coalition in a
8 moment.

9 Francine has served on the Governor's Commission on
10 Domestic Violence and Sexual Abuse and the Domestic
11 Abuse Homicide Review Panel. Her perspective is one
12 that's important. Her work is inspired by her
13 grandmother and her sisters' experience of domestic --
14 experiences of domestic abuse and violence and her own
15 history of sexual violence.

16 Patrisha McLean. Patrisha is an artist,
17 photojournalist, and founder/president of Finding Our
18 Voices, a survivor-powered grassroots nonprofit breaking
19 the silence of domestic abuse across Maine and giving us
20 pictures of what domestic violence survivors look like.
21 The photographs that you saw as you were waiting for the
22 program to start are -- are hers, and we'll talk about
23 that in a little bit more.

24 Patrisha has a story as well, a story of somebody
25 who was a person of means but found herself struggling

1 to find resources and assistance in the system in her
2 own story of domestic violence.

3 Rick Doyle is on our panel. Rick is the managing
4 attorney at NextStep Domestic Violence Project in
5 Hancock and Washington Counties. Important to point
6 that out for lots of reasons, not the least of which is
7 that in Maine's most underserved populations in our most
8 rural areas where access to justice is difficult to
9 begin with, in this important realm of domestic violence
10 it becomes truly critical.

11 Next, Elizabeth Stout. Liz is the executive
12 director of the Maine Volunteer Lawyers Project. She
13 came on as executive director of VLP in September of
14 2020 following in the footsteps of another access to
15 justice champion, the late Juliet Holmes-Smith.

16 Liz has always been a step ahead when it comes to
17 access to justice, starting incubator low-bono service
18 in 2015. She leads the charge for another program in
19 Maine involving rural access to justice.

20 Really proud to have our entire panel here today,
21 and I -- they all have such important stories to tell
22 and hopefully will make you feel that this is an area
23 that is important for action and -- and work on your
24 part.

25 So, with that I'm going to call upon Patrisha to

1 tell us a little bit about her story and her experience
2 in the court system, and her experience with survivors,
3 and how attorneys and the public generally can help. So
4 Patrisha. You're on mute. It's not a day without a --
5 without a mute malfunction. There you go.

6 MS. MCLEAN: Thank you, Judge Wolf, for inviting
7 me to be on this panel, and thank you everybody who has
8 given the time, too, all the lawyers out there and legal
9 people who have joined us.

10 I started Finding Our Voices four-and-a-half years
11 ago after my husband at the time was arrested for
12 domestic violence and there were headlines everywhere,
13 but the headlines in my community in the Camden Herald
14 are what were I guess most upsetting because we were the
15 family on top of a hill, and I always thought we were
16 looked upon as a golden couple, and all of a sudden my
17 secret of 29 years was out when he was arrested for
18 domestic violence. And people all around me just
19 started to let me know, after that, that it happened to
20 me, it happened to me, it happened to me. It was
21 everywhere and I just hadn't known that. So this was to
22 let everyone else know, wow, look what's going on, like
23 this is everywhere but it's hidden.

24 And the photos that you saw in the beginning are I
25 think 20 out of 43 women now, Maine survivors who are on

1 these posters that we're taking around to everywhere.

2 I have -- I have taken them personally, big posters,
3 to about 80 plus towns in Maine and talked to -- went
4 into about 4,000 different stores and had conversations
5 on Main Streets all over Maine about domestic violence.

6 And I'm here to let everybody know that from the
7 conversations that I have it's almost like every --
8 every second person that I have talked to will say that
9 either they have been terrorized by an intimate partner
10 or their mother was a victim, which then I'll say well
11 you also were because you grew up in it, a sister or
12 something like that.

13 And of the women on our posters, those are 43
14 survivors, I would say like maybe a third are still
15 being terrorized even beyond getting out of the
16 relationship in post separation abuse and -- through the
17 courts most likely. Because these guys weaponize the
18 courts and the children to keep their power and control
19 because domestic abuse, right, is all about power and
20 control.

21 We have something called a Get Out Stay Out Fund in
22 Finding Our Voices which helps women to get out and stay
23 out of DV, and we pay for things like car repairs, and
24 apartment rent, U-Haul, things like that, but almost the
25 thing that -- the thing that we -- echoing what Judge

1 Wolf said in her earlier, the thing that we're asked for
2 over and over again are legal consultations.

3 And I'm so grateful, of course, to Pine Tree and
4 Volunteer Lawyer Project and then the legal services in
5 the domestic abuse agency -- agencies, but it's a drop
6 in the bucket of what is required. And the horrible
7 thing is a lot of times women in domestic violence will
8 be told to represent themselves. Like how can you do
9 that? You're -- you have just gotten out of this
10 situation, you're terrified for your life, you're
11 terrified for your children's life, your whole world has
12 been turned upside down, and the perpetrator will often
13 have a lawyer.

14 And of course why will the perpetrator have a
15 lawyer? Because financial abuse is in basically every
16 case of domestic abuse, and that was the case with me
17 also.

18 So the perpetrator has the money, he has the lawyer,
19 and the victim has to represent herself or -- with all
20 these other services they're wonderful, but they're
21 limited. So they need help representing themselves in
22 -- with PFAs, which are often can be available, but also
23 for the criminal case.

24 And because, for instance, for me my victim advocate
25 didn't tell me about -- I had no idea about the -- the

1 court hearings that were coming up. So I was in touch
2 with my -- with the victim advocate, and I wanted to be
3 there, I wanted to -- I was -- I was cooperating, I
4 wanted to testify, and then I was told all of a sudden
5 that there was going to be a deferred disposition. I
6 didn't know what that meant. These terms were just
7 being thrown at me.

8 And at the time -- at this time I had engaged Chris
9 MacLean, who is a wonderful lawyer, and he was
10 representing me, and he let me know that -- the victim
11 advocate said to me there is a hearing coming up but
12 you -- you don't need to attend it, and my lawyer said I
13 think you should attend it -- attend it. It was
14 actually the sentencing date. And I -- I have heard
15 from women that they are retaining -- they need a lawyer
16 just to be able to keep up with things like that because
17 it's not happening by the victim witness advocates,
18 which it should be.

19 I just want to give you a few examples of just some
20 things that through our Get Out Stay Out Fund that
21 lawyer consultations have paid for and how they have
22 helped women, and these are things that I am hoping that
23 lawyers out there will step up and do pro bono. This
24 sometimes is just one hour, two hours, maybe three or
25 four hours if they could do. That would just change so

1 much if they would offer to do that for prioritizing
2 women in domestic violence.

3 And the reason I feel that needs to be prioritized
4 is because of the -- the -- the shift with the -- it's
5 just all wrong. Like the perpetrators have the rights
6 and the perpetrators have the means because of the
7 financial control, so it's just a way to level that
8 field. And then I will tell a little bit of my own
9 situation after that, but just some -- a few examples.

10 So a woman got in touch with me and her -- her
11 ex-husband, he was in prison twice for his violent
12 assault to her, and she had an active PFA on him. So
13 she was -- at this point she -- she texted him something
14 about you have got -- get your life in order, because
15 his life was a mess and he was still haranguing her, and
16 he used that text to get -- to file for a protection
17 from abuse order against her saying that -- that she was
18 threatening his life.

19 This woman -- a lot was riding on this because if
20 she had been -- if he had granted the PFA on her she was
21 afraid that -- she wanted to get a loan to get a trailer
22 and rebuild her life, and she was afraid that that
23 would -- she -- it would -- she would not be able to get
24 a bank loan if he had a PFA on her, which was a totally
25 ridiculous thing that he -- that he would. So we got a

1 lawyer consultation for her, it was just about an hour,
2 and the lawyer just gave her kind of like a cheat sheet
3 of what to say in court and to prevail on this.

4 And I was in court with her and it was remarkable to
5 me that it kind of could have gone both ways because the
6 judge was listening to him, he was listening to her, but
7 in the end she prevailed.

8 Another one, a situation, a woman referred to us by
9 her English as a second language teacher in the Lewiston
10 area. She had four kids, they were living -- the four
11 kids and her ex had like gone to another state with his
12 new girlfriend and she just she needed help filing for
13 divorce. She had no idea how to do that.

14 Another woman was living in an apartment owned by
15 her ex's parents. When she left her ex he -- the
16 parents evicted her. Even though there was domestic
17 violence there.

18 Another one, a woman's ex-husband damaged the
19 apartment she was living in and the landlord was coming
20 after her for the damages. These are just simple
21 things.

22 But then there is the situations where there is
23 boxes and boxes of court records because these guys are
24 continually bringing the women into court and harassment
25 and they're not -- they're violating the contempt

1 without any repercussion and on and on, so sometimes it
2 does take a little more work.

3 And I just want to give an example of something I
4 saw that was so wrong where a woman got in touch with me
5 and she -- her -- her abusive ex who had beat her up all
6 the time, he took the children. He -- this happens all
7 the time. He took the children, he was in contempt, he
8 didn't bring the children back, and she just couldn't --
9 he had a lawyer, she didn't have a lawyer, she couldn't
10 get her children. And it was over Christmas, she hadn't
11 seen them for about two weeks.

12 So the judge was ordering a conference, and he had a
13 lawyer, she didn't have a lawyer. She asked me if I
14 would sit in the conference with her to provide some
15 support, so I did.

16 And the lawyer -- what the conference was about was
17 that they were trying to serve her with papers for a
18 court motion because he was filing a court motion, and
19 she didn't want to accept those papers because every
20 time there was a court activity it was -- it was sinking
21 her further and further because of this harassment, and
22 the judge wouldn't listen to that.

23 The judge was all about why aren't you, you know,
24 giving your address for the court papers, and she was
25 just trying to say that he has had my children for two

1 weeks and not given -- and the judge wouldn't even
2 address that. And so it was the judge, it was her, it
3 was his lawyer, and I wasn't able to say anything, and
4 they were just completely sinking her and she had no
5 voice in this, and I just thought that was so wrong.

6 And -- so, anyway, who needs representation, who
7 needs legal representation of the domestic violence
8 victims out there? It's not just poor people. Well, it
9 is poor people because what happens is every domestic
10 violence women ends up basically being poor a lot of
11 times because of the financial abuse.

12 So we had four homes. When I walked out, when I
13 left my husband, everything was in his name. I had
14 nothing in my name. We had been together for 29 years.
15 The four homes were in his name. My car was in his
16 name. I had had some savings that I had built up over
17 all this time, and he, knowing that I was trying to
18 leave, he invested them in what turned out to be
19 Brazilian junk bonds so it had half the money left.

20 And so I -- I was able to afford a lawyer -- first
21 of all, finding a lawyer. And that's the other thing.
22 You ask around -- I never knew that -- anything about
23 lawyers before this happened and before my ex was
24 arrested, I didn't know anything about this. So I was
25 asking all around all my friends for lawyers, and they

1 were giving me suggestions of people who were not family
2 law lawyers, they were all different kinds of lawyers.

3 So, first of all, it's finding a lawyer who knows
4 about family law, but then it's also finding a lawyer
5 who knows about domestic violence. And that's what I
6 would urge all of you, anyone who is going to take
7 anything on pro bono, and I really hope you will, you
8 know, read Lundy Bancroft's Why Does He Do That? Inside
9 the Minds of Angry and Controlling Men, and just get
10 some education about domestic violence so you understand
11 it because that is critical for really helping women to
12 understand the dynamic of the power and control.

13 For instance when they -- in -- in a settlement, you
14 know, my lawyer at the time who was not Chris MacLean,
15 it was someone else, put it in that before every -- any
16 court motion there has to be mediation. You can't
17 mediate with an abuser.

18 I think I'm a little worried about going over time,
19 so I'm -- there is a lot to say, but basically just to
20 say that ostensibly I looked like I had -- I was a woman
21 of means, but because of the power and control dynamic
22 and I -- I -- I was looking at really having nothing,
23 and so I could have been in a situation where I could
24 have used a pro bono lawyer just to -- just to rescue
25 me, protect me, and keep me from completely sinking.

1 And if any of you are interested, just Finding Our
2 -- hello@findingourvoices.net, get in touch with me and
3 to offer some pro bono help for the women that we are
4 trying to keep above water and their children as well.
5 Thank you.

6 JUDGE WOLF: Thank you, Patrisha. I'm now going
7 to turn to Francine. I would like her to tell you a
8 little bit about the Maine Coalition and what it does
9 and then talk about the important policy work that
10 speaks to some of the issues that Patrisha discussed, in
11 particular educating not just the public but those
12 involved in the system, judges, lawyers, others,
13 regarding the particular dynamics that are in play in
14 this area, so Francine.

15 MS. STARK: Thank you so much, Judge Wolf, and
16 thank you Patrisha. It's always -- it's always helpful
17 to hear so many examples of how difficult it is for
18 people from all walks of life to navigate the legal
19 system and how great the need is.

20 The Maine Coalition to End Domestic Violence
21 advocates for the rights of all people to live free from
22 domestic abuse and all forms of violence. We take a
23 transformative justice approach in our work as
24 articulated by the late South African Archbishop Desmond
25 Tutu who said that justice requires three things: No.

1 1, that the truth be told; No. 2, that to whatever
2 extent possible the harm be repaired; and, No. 3, that
3 the conditions that produce the injustice be changed.

4 We take this approach at both the individual
5 survivor level and in our state level public policy
6 work.

7 The Maine Coalition to End Domestic Violence
8 represents the eight regional domestic violence resource
9 centers and the Immigrant Resource Center of Maine that
10 provides culturally specific services, and these
11 resource centers provide assistance 24/7. It gives
12 people access to confidential trauma-informed responsive
13 advocates who are prepared to listen deeply giving
14 survivors the opportunity to tell their truths, to
15 describe their experiences.

16 Advocates support survivors in seeking what those
17 particular survivors see as justice, collaborate with
18 them to envision pathways to safety, opening the door to
19 healing, and connecting them with resources so they and
20 their children can live free from abuse and change the
21 circumstances of their lives.

22 On the statewide level on an average day, MCDV's
23 network is assisting as many as 500 individuals on a
24 given day and responding to at least 80 crisis calls.

25 In 2021 Maine's Domestic Violence Resource Centers

1 provided services to over 11,000 people and we fielded
2 over 17,000 helpline calls, had an additional nearly
3 40,000 calls to support people. We are -- we are
4 overwhelmed with the demand for our services.

5 More than 5,600 of the survivors that we helped we
6 assisted with legal matters, and nearly 1,000 received
7 assistance with shelter, transitional or permanent
8 housing. And survivors accessing our services
9 overwhelmingly report that they feel better informed
10 about resources available to them and that they feel
11 better able to plan for their safety.

12 We represent our membership to bring those lived
13 experiences of survivors to the state and national
14 policy making spaces to lead and inform lawmaking
15 institutional policy and practice and community
16 understanding regarding the root causes of abuse and
17 violence as well as pathways to justice.

18 Our movement started in the 70s. It was organized
19 by groups of survivors and their allies in towns and
20 cities across the state, and the first domestic violence
21 agencies collaborated to create the Maine Coalition in
22 1977 to do the state level policy work we continue
23 today. And over the past 45 years our public policy
24 work began with that landmark legislation of 1980 that
25 created the protection from abuse order statute and

1 required law enforcement to treat crimes against family
2 or household members the same as crimes involving
3 strangers.

4 Over its first 30 years MCDV's public policy focus
5 concentrated on the criminal legal system, and today
6 Maine has one of the most robust sets of laws in the
7 country in terms of the criminal justice system's
8 ability to respond rapidly and with consequence to those
9 who commit domestic violence crimes.

10 What we know, however, is that while between four
11 and 5,000 criminal cases are processed in Maine's courts
12 each year, the majority of domestic violence crimes are
13 not reported to law enforcement. And for those cases
14 that are reported, rarely are those arrested for
15 domestic violence crimes sentenced to substantial jail
16 time. Even though the statutory framework provides for
17 that possibility, we know that these individuals are
18 living in our communities. Many have children.

19 What kind of society and legal framework will keep
20 adults and children safe in communities where someone
21 known to have done them harm is also residing and likely
22 to continue presenting a threat to their safety? This
23 is a critical question for us to wrangle with. The
24 answer is not simple, but the civil justice system is a
25 critical component.

1 In the past several years MCDV's public policy work
2 has shifted to a greater focus on the civil justice
3 system and intersecting issues such as economic justice,
4 health care access, housing access, and child welfare.
5 Our work frequently involves our member programs and
6 community partners collaborating with us in gathering
7 information, putting together data and writing reports
8 that have resulted in statutory changes and policy
9 standards that take the lived experiences survivors into
10 account.

11 As a result of our work, people seeking licensure to
12 be mental health professionals in our state need at
13 least 12 hours of domestic violence specific content in
14 order to obtain and retain their licensure. We also do
15 reports and have taken on the role of supporting the
16 quality assurance standards and training of the domestic
17 violence intervention programs for those who commit
18 domestic violence crimes.

19 In 2017 MCDV partnered with New Ventures Maine to
20 conduct a survey of over 140 survivors regarding their
21 experience of economic abuse specifically as a tactic of
22 domestic abuse. And this is of particular interest to
23 folks who are talking about working in issues of divorce
24 and -- and parental rights because these survivors
25 81 percent cited economic abuse as a barrier to their

1 being able to get free. Sixty two percent of survivors
2 said that their abuser had interfered with their ability
3 to maintain employment. Everything from turning off the
4 alarm to hiding the car keys to assaulting them before
5 they went to work. Fifty seven percent of survivors
6 reported that the abuser had incurred debt in their name
7 and didn't pay it, and 72 percent of abusers lied about
8 whether they had paid the bills. And we also know that
9 survivors reported 85 percent of the time that this
10 really impacted their ability to meet just the
11 children's basic daily needs.

12 In the past two years in the legislature we
13 championed bills that have been enacted that do a number
14 of important things. We have clarified and recodified
15 the protection from abuse order statute. We have
16 increased the education requirements for judicial
17 officers regarding domestic violence, child abuse,
18 neglect and maltreatment issues. We have increased
19 domestic violence and violence-related training
20 requirements for guardians ad litem both to be rostered
21 and as continuing education. We added economic abuse as
22 an exceptional circumstance to be considered by a court
23 when determining spousal support or the distribution of
24 property, allocating responsibility for repairing those
25 harms to the persons who have caused them. We have

1 amended the Maine Human Rights Act to prevent employers
2 and housing providers from discriminating against
3 survivors on the basis that they have sought and
4 obtained protection from abuse orders. And we have
5 increased the statute of limitations for civil suits
6 based on assault and battery and false imprisonment from
7 two years to six.

8 So key to accessing these civil remedies for harms
9 committed by abusive ex partners and spouses is legal
10 representation. Yet such legal representation is so
11 difficult to obtain for most domestic abuse survivors in
12 our state. It's expensive, and in rural Maine there are
13 a few -- are very few attorneys available.

14 As Patrisha noted, it's crucial that our legal
15 systems have a deep understanding of domestic violence
16 and abuse dynamics.

17 We are so pleased that our collaborative
18 relationship with the judicial branch will bring the
19 Battered Women's Justice Project to Maine to provide a
20 full day of training to family court professionals,
21 including judges, next fall.

22 We all know that survivors are in very dangerous
23 circumstances much of the time, particularly at the time
24 they choose to end the relationship with the person
25 abusing them. In my service on the domestic violence

1 homicide review panel we see this over and over again.
2 Having an attorney to navigate the civil legal system is
3 often a critical component of short-term life-saving
4 strategizing, long-term economic stability, and
5 children's ability to thrive beyond abuse.

6 The legal advocates at Maine's domestic violence
7 resource centers can provide emotional support and other
8 practical assistance for survivors that will help make
9 the job of an attorney a little bit easier, will help
10 you keep the time spent with the survivor focused on
11 case strategy and well informed. This is teamwork
12 requiring the whole community to step up and reach out.

13 You can be so helpful by offering pro bono
14 representation or consultation through the Volunteer
15 Lawyers Project or Pine Tree Legal Assistance's
16 coordinated pro bono programs. You can serve on the
17 board of directors of your local domestic violence
18 resource center, or even mine. You can donate to our
19 work.

20 We operate a liberation fund which was created at
21 the beginning of the pandemic with some generous donors
22 to do some of the things that Patrisha was describing
23 that she is doing with the fund at Finding Our Voices.
24 We have distributed over \$300,000 in the -- since the
25 summer of 2020 to meet really practical needs of

1 survivors.

2 So I just want to thank you all for being part of
3 this today, and I really hope that this conversation
4 will inspire folks to find their way to be part of the
5 solution in our magnificent we state where we know each
6 other and care deeply.

7 JUDGE WOLF: Thank you very much, Francine.
8 We're now going to turn to Rick Doyle. So, Rick, as I
9 mentioned, is the managing attorney at NextStep Domestic
10 Violence Project in Hancock and Washington Counties.

11 And, Rick, as somebody who is working with survivors
12 in more remote rural areas of our state, are we doing
13 anything better or are we slipping behind in other ways,
14 and -- and how can we help in -- in that particular
15 demographic?

16 MR. DOYLE: Thank you, Judge Wolf. I think -- I
17 think the answer to -- to your question are we doing
18 better or are we slipping behind is -- from my
19 perspective anyway it's kind of a mixed answer. It's
20 kind of we're doing better in some ways, in other ways
21 we're slipping behind. And I think in important ways
22 we're slipping behind partly as a result of economic
23 factors that are really beyond anyone's control right
24 now.

25 Things were tough when I started this economically

1 for the people that I worked with, and they're --
2 they're tougher today than they were then I think. So
3 it's kind of a mixed -- a mixed bag. But I -- I --
4 as -- as the judge noted, I'm the managing attorney at
5 NextStep.

6 NextStep is a member project of the Maine Coalition
7 to End Domestic Violence, and we operate primarily in
8 Hancock and Washington Counties, as the judge noted.
9 That's -- which may sound like a couple of cozy little
10 counties on the coast, but it's -- geographically it's
11 about the size of Rhode Island, and we're dealing
12 with -- we're appearing in three courts there, in
13 Machias, Calais, and Ellsworth, so it's a -- it's a --
14 it's a pretty broad territory physically for us to look
15 after, and it's all rural.

16 You know, it's -- it's -- all of these issues that
17 crop up in any case crop up with special -- special
18 bite, I think, in rural areas where people may not have
19 access to transportation or child care or indeed a
20 number of other things that people can count on
21 sometimes in more rural areas.

22 I want to note that the -- when I first started this
23 work -- I have been -- I am in my 19th year, I guess,
24 now, so heading toward my 20th anniversary at NextStep.
25 They asked me when they hired me, I think it was the

1 last question in my interview, do you think you can
2 commit to a couple of years at NextStep, and I said,
3 yeah, I think so, and here I am. I -- you know, the
4 work has been very satisfying to me, very challenging,
5 very satisfying, and I just don't really have any plans
6 to go anywhere else at this point.

7 The NextStep -- the mission of NextStep is
8 consistent with what Francine described, we're part of
9 what I think of as -- as a coordinated community
10 response. You know, as a domestic violence resource
11 center we're there to offer services. But those
12 services can't exist in a vacuum, there has to be help
13 from community partners and awareness throughout the --
14 the community of domestic violence in order for our
15 efforts to -- to bear fruit.

16 And so I think -- you know, as I said, I have been
17 doing this for going on 20 years. I don't know, I don't
18 remember now what I thought -- what I expected, you
19 know, when I first started this work. I -- but I expect
20 that I had some notions about who would be a victim of
21 domestic violence, you know, what would they look like,
22 and socioeconomic terms, and age, and all of that.

23 And I can tell you that 20 years whatever my -- my
24 thoughts were, whatever my preconceptions were, 20 years
25 of practice in this field has persuaded me that -- that,

1 you know, a victim of domestic violence can be anyone at
2 any time. And I'm always reminded of that when I hear
3 Patrisha talk about her story. She is really good at
4 reminding us that, you know, this is not just one small
5 segment of the population that's -- that's vulnerable to
6 this, this can be anybody regardless of socioeconomic
7 status, race, what have you.

8 And so we're there and we're trying to provide --
9 you know, the legal team at NextStep has the mission of
10 providing civil legal representation and other legal
11 services to survivors of domestic violence. What that
12 means in practice is that I spend a lot of my time doing
13 protection from abuse actions and a lot of my time in
14 family court, too, doing divorces and parental rights
15 actions in other -- other cases.

16 We -- we have -- on the legal team at NextStep we
17 have two attorneys including myself, we have a legal
18 services coordinator who is essentially a paralegal, and
19 then we have two part-time court advocates who wear
20 other hats here at NextStep but who spend a lot of time
21 going to court with people and giving them moral support
22 and other kinds of support when they go in for a PFA or
23 a family matter proceeding. So that's my team. It's a
24 great team. I'm very proud of them. We work really
25 hard to try to provide civil legal representation

1 wherever we can.

2 As you may know, you -- attorneys who are familiar
3 with the PFA action, everything runs on kind of a 21-day
4 clock. You know, there's supposed to be a final hearing
5 within 21 days from the date that -- that this action is
6 initiated. What that means is that my life runs on a
7 21-day clock sometimes, and so what I would like to do
8 is just give you kind of a picture of one 21-day clock.
9 This is made up of composite characters. In other
10 words, these are all things that happened but not -- I
11 tried to deidentify these stories as much as possible.

12 So, about 20 days away from the PFA hearing date we
13 hear from Gina. Gina is 27 years old and I represented
14 her about six months ago in a protection from abuse
15 action. She had filed individually and on behalf of
16 herself. On behalf of her -- her eight-year-old son.

17 We had a contested hearing -- defendant was pro se,
18 had a contested hearing. The Court issued an order
19 individually for -- for Gina and declined on behalf of
20 her son but did award her temporary sole parental rights
21 and responsibilities.

22 Defendant viol -- actually violated that order, that
23 final order, in the courthouse before he left and was
24 charged with violation of a protection order.

25 Recently she has reached out to us because he broke

1 into her home, assaulted a third party, and then left
2 immediately for their child's school covered with blood
3 stating that he was going to pick the child up and
4 indicating that he would take the child out of the state
5 and Gina wouldn't be able to find her again.

6 So Gina came to us, we assisted her in drafting a
7 second PFA complaint, this time on behalf of her son,
8 and -- and I agreed to representation. So that's the
9 first client, and that's -- that comes to us about
10 21 days out from final hearing.

11 A few days later we hear from Ronnie Jo who is
12 42 years old. She was in an unmarried relationship and
13 had their three children of that relationship. She was
14 brutally assaulted by her domestic partner and sustained
15 severe injuries that would re -- will require surg --
16 multiple surgeries to correct. The minor children were
17 all present during the assault. Mandated report was
18 made to DHHS by law enforcement, DHHS opened an
19 assessment.

20 Ronnie Jo actually did her own PFA statement. She
21 handwrote the statement, filed it with the court, and
22 then we heard from her a few days after the temporary
23 order had issued. There again I agreed to -- to
24 representation.

25 And then a couple of days after we take Ronnie Jo on

1 we hear from Sophie who is age 62. Sophie actually has
2 a protection order against her former -- her husband who
3 is incarcerated for -- because of a crime that's not
4 related to Sophie.

5 He has -- she -- he threatened Sophie before the
6 trial that led to his conviction. She got a protection
7 from abuse order on her own, and now that protection
8 from abuse order is set to expire.

9 During his incarceration her husband has sent her
10 two letters, and in one of those letters he threatened
11 to have her killed if she filed for divorce. Sophie
12 reported both letters and he was charged, among other
13 things, with violating the no contact provision of the
14 protection from abuse order.

15 Her protection from abuse order is about to expire,
16 so she calls us for help with the motion to extend, and
17 we agree to have an advocate sit down and help her draft
18 that affidavit, and then I agreed to represent her as
19 well.

20 So as the clock is ticking we're getting all three
21 of these cases ready for court. With Gina we find that
22 the -- that another attorney is also representing her in
23 a postjudgment motion in family court. So one of the
24 first things I do, after I talked with Gina about this
25 PFA, is reach out to that attorney consulting with that

1 attorney with regard to any possible implications that a
2 PFA might have for -- for the FM matter. We talk a
3 little bit about evidentiary kinds of issues as well.

4 You know, in prepping for a -- for a PFA hearing I
5 don't do anything that would be surprising to any trial
6 attorney. I meet with the client. I draft a set of
7 proposed findings of fact and conclusions of law with
8 some specifics about the remedies that we're looking
9 for. We interview witnesses. We draft direct
10 examinations, make some notes for cross-examination, get
11 subpoenas out to any witnesses.

12 In Gina's case we were -- we subpoenaed the teacher
13 who was there in the classroom when -- when he showed up
14 to take the child.

15 And as we go through this process and -- also, let
16 me go back to Ronnie Jo's case. This is the one where
17 there was a serious assault that led to several
18 surgeries ultimately. In Ronnie Jo's case we had some
19 community partners who really stepped up including
20 responding officer from the local law enforcement agency
21 who had been called, and actually the -- the CPS worker
22 who had interviewed the children. We determined pretty
23 quickly that both that law enforcement officer and that
24 DHHS case worker had some testimony that would be
25 helpful at final hearing so we got subpoenas out to

1 them.

2 When I say we got subpoenas out, I'm -- I'm relying
3 on our legal services coordinator and to a certain
4 extent our -- our court advocates. They do all of
5 the -- the legwork. You know, they'll get subpoenas
6 out, they'll maybe pre-interview a witness for me if
7 I -- if I need some notes before I sit down and talk
8 with a witness about what they might testify about. So
9 all of this is happening.

10 At the same time and always through these cases as
11 we prepare for hearing we're talking about safety
12 planning. You know, I want to know when I'm talking
13 with my client, you know, for each scenario we talk
14 about -- whether it's an agreed order or a contested
15 hearing -- you know, what's going to make you safer?
16 What's going to make you less safe? And we keep coming
17 back to that question over and over again, and that's
18 really sort of what guides me as I plan these cases.

19 With regard to Sophie, in this case it was a little
20 frustrating because Sophie lost phone service during --
21 after she had come to us about the motion to extend and
22 we found that we had no way to communicate with her. So
23 I will tell you that we ended up seeing Sophie on the
24 morning of the hearing. I'm delighted to -- to say that
25 she showed up. We were able to make a connection.

1 Fortunately she had copies of the letters that he
2 had sent from -- from jail and I had one of our court
3 advocates run over to the clerk, see if they could make
4 some copies for us so we could use those at hearing.

5 So we get to the final hearing day and with Gina the
6 defendant didn't show up. So I asked the court for a
7 default order; the court issued a default order on
8 behalf of her son.

9 With regard to Ronnie Jo, defendant showed up, he
10 was pro se. I talked with him about whether he would be
11 willing to agree to an order. We didn't get anywhere
12 with that conversation, so we had a contested hearing.
13 We put on I think three or four witnesses, it was maybe
14 about a half a day hearing, and ultimately the court --
15 the court issued a final order for two years and the --
16 it was individually for Ronnie Jo and awarding her
17 temporary sole parental rights and responsibilities with
18 regard to the children, and the court also issued a
19 child support order.

20 And some of the prep for that had included our legal
21 services coordinator sitting down with her and drafting
22 that child support affidavit so we would have that ready
23 for the hearing date.

24 We also had some transportation and child care
25 issues there. Ronnie Jo needed help with both of those

1 things and our advocates were able to arrange all of
2 that for her.

3 And then, as I said, Sophie showed up last minute.
4 The defendant in this case was pro se. He had done a
5 writ so he showed up at the court with a -- in the
6 company of a corrections officer. When I finally had a
7 chance to go talk to him, we had a very brief
8 conversation. He agreed to a two-year extension of the
9 protection order which was satisfactory to Sophie and
10 the court. We let the court know and they entered that.

11 So, you know, there is a -- there is a lot going on,
12 you know, as that 21-day clock runs. This is not an
13 unusual sort of slice of what we do, you know, where
14 we're getting ready for three or more clients for -- for
15 that PFA docket.

16 And I hope what I -- partly what I have given you a
17 sense of is not only, you know, where some of those
18 obstacles lie that go with being in a rural catchment
19 area, transportation, child care, things like that, but
20 also I -- I hope you have gotten a suggestion of just
21 how important that coordinated community response is.

22 You know, without those community partners and
23 without the advocates being able to reach out to taxi
24 drivers and, you know, volunteers who are able to
25 provide child care, we might not have gotten the same

1 results in these three cases certainly and in many
2 others. So what we're doing is just a -- our small
3 piece to try to level the playing field and to make sure
4 that where the court can issue a protection order it's
5 able to do so.

6 JUDGE WOLF: Thank you very much, Rick. So,
7 Rick's days probably don't sound enviable to you, and
8 part of this program is really designed obviously to get
9 lawyers and law students and others to participate and
10 to help how they can. So that brings some challenges as
11 well. Some of you on the screen are probably saying I
12 don't know one thing about doing a protection from abuse
13 hearing, I don't do any criminal work so I can't really
14 be a victim advocate of any sort, but we've also heard
15 about other areas where things are so important because
16 of particularly economic circumstances or economic
17 abuse.

18 In addition, as we've also heard, domestic abuse and
19 violence touches everyone. And we have particularly
20 some very vulnerable populations, immigrants who face
21 immigration issues as a result of domestic violence, we
22 have women who are older who have disability issues and
23 need help really with respect to elder law, health care
24 issues, education issues.

25 So I'm going to turn now to Liz Stout, and the

1 question is a broad one, Liz, how -- how can lawyers
2 help? Because clearly it's necessary for private
3 lawyers to step in and assist. We can't -- the domestic
4 violence providers, the Volunteer Lawyers Project
5 providers, immigration services, can't do it all, so how
6 can lawyers help?

7 MS. STOUT: Thank you, Judge Wolf, I would be
8 happy to address that. And let me just say thank you
9 for putting together this panel, and I'm delighted to
10 speak to this incredibly distinguished audience. Thank
11 you for -- for having me.

12 My name is Elizabeth Stout. I'm the executive
13 director of the Volunteer Lawyers Project. Many of you
14 are familiar with the Volunteer Lawyers Project
15 generally and you know that our -- with a very small
16 staff our role is to connect volunteer lawyers with
17 people who need help in a wide variety of civil legal
18 problems.

19 Domestic violence is a very significant priority
20 area for the Volunteer Lawyers Project, and we have a
21 couple of programs that focus on that directly; but
22 before I talk about that, let me answer your question,
23 Judge Wolf, and explain that as has been mentioned
24 earlier today survivors of domestic violence often have
25 legal problems in a variety of areas.

1 We were lucky enough to recently be partners on a
2 federal grant called Legal Assistance to Victims which
3 really has helped us focus on this broader area of need
4 in civil legal matters, but we have survivors of
5 domestic violence who need help with a whole range of
6 issues including bankruptcy-related issues.

7 We've had several folks who needed to file innocent
8 spouse protection on tax-related issues. They've had --
9 been faced with bankruptcy and had to manage that.

10 We have people who have problems related to real
11 estate, as you can imagine, that are tied to domestic
12 violence. Particularly unmarried couples who buy real
13 estate together and need a partition action. People who
14 need access to their property to retrieve personal
15 belongings. Rental problems related to domestic
16 violence. Disability, people who need to file for
17 disability or other types of financial benefits and
18 supports.

19 Those are all areas that -- where we accept cases
20 and refer them to private attorneys for assistance. So
21 if you are a tax attorney, a bankruptcy attorney, real
22 estate attorney, all kinds of work can be -- you can
23 volunteer with the Volunteer Lawyers Project to assist
24 survivors of domestic violence. So please -- and it's
25 very easy to reach us, our website is vlp.org, and you

1 can get in touch that way and we will find people who
2 need help with your specialized legal skills. So thank
3 you for considering that.

4 However, as I said, the VLP really does prioritize
5 work that is specifically related to domestic violence
6 in a couple of different ways. One, as I said, is our
7 federal grant Legal Assistance to Victims which is a
8 focus in Franklin, Oxford, and Androscoggin County to
9 try to connect domestic violence survivors with lawyers
10 for whatever type of legal problem they may have. But
11 that includes not only those other civil legal problems
12 but family matters, which is a very specialized area,
13 but also protection from abuse matters which I want to
14 talk about in a little more detail.

15 We do provide all kinds of training opportunities
16 for people who would like to volunteer in any of these
17 areas, and particularly in the protection from abuse
18 realm there are a number of sort of structural supports
19 that we have in place that can help people who are
20 interested in volunteering in this area.

21 We have a number of volunteers with us who came to
22 us from completely unrelated fields and yet have been
23 trained and have begun to practice as a volunteer in
24 these areas and have been just incredible volunteer --
25 volunteers for us.

1 Shout out especially to our UNUM corporate counsels.
2 Very good.

3 But, in any event, we do trainings every year on
4 domestic violence specifically. It's a multiday
5 training. And this year in particular while we're still
6 in the planning stages it is likely to be a very
7 step-by-step very basic protection from abuse training.
8 Here is where you go; here is the first thing that
9 happens; here is where you should stand; here is what's
10 going to happen next; that type of training. So even if
11 you are not familiar with protection from abuse matters
12 at all, we've got you, and we can provide training to
13 help you be prepared to assist in these kinds of cases.

14 We have a biweekly meeting. Every other week we
15 have a Zoom meeting that's very wide open to anyone
16 who's interested to meet with other practitioners, talk
17 about questions or problems you may have had, connect
18 with mentors. We have advocates from a number of the
19 domestic violence resource centers joining. They bring
20 questions and problems that they may see in the
21 courthouses. So it's really an open forum for
22 discussion and support.

23 We do connect people with mentors who if you -- if
24 you wanted to volunteer in this area and you would like
25 to have someone available to answer questions and

1 available to you, we can connect you with a mentor for
2 that.

3 I want to remind folks also of the Silent Partners
4 program, a part of the Maine State Bar Association,
5 which also provides mentoring support and is an
6 incredibly valuable program.

7 If I could, I would like to take just a couple of
8 minutes to talk in a little more detail about our
9 protection from abuse panel and how that works.

10 We -- prior to the pandemic, maybe ten years ago,
11 Juliet Holmes-Smith started this program in Portland
12 where volunteer lawyers would get trained through the
13 Volunteer Lawyers Project, and supported, and would go
14 in person to the docket calls or the protection from
15 abuse dockets only in the Portland District Court. And
16 that program was actually very successful in partnership
17 with Through These Doors, the local domestic violence
18 resource center.

19 The advocates prepare the clients, they assist in
20 managing a lot of emotional issues. The lawyers come in
21 on that day, no preparation is needed. They come in on
22 that day -- other than the training and getting some
23 training and support, but no case preparation is needed
24 on the day.

25 They come in, they are there for the morning through

1 the protection from abuse docket. They assist people
2 who otherwise would not have representation. Where
3 Pinetree can't help due to conflicts or capacity, the
4 volunteer lawyers are there to pick up those cases,
5 provide advice and guidance, negotiate, and if necessary
6 try the case that morning.

7 At the end of the docket the volunteer leaves and
8 has no further responsibility for those cases. There is
9 a limited entry of appearance that we provide that is
10 submitted to the court that clarifies that your
11 appearance is only for that day and you have no
12 continuing responsibility for the case.

13 So this program ran very well in Portland for many
14 years, then of course the pandemic happened and
15 everything got turned upside down. We reconstituted
16 this program early on as a consultation-based program so
17 that people in need of help could connect with a lawyer
18 remotely by telephone or by Zoom and could help that
19 person prepare for the hearing and know what to expect.

20 Some of our more intrepid volunteers entered
21 appearance and represented people remotely on those
22 protection from abuse matters.

23 And then as time went by and the -- we became better
24 able to manage the pandemic, and the courts began to
25 reopen to a certain extent, we now have reinstated the

1 in-person services at the Portland District Court, and
2 my big news is that we are -- my goal -- Volunteer
3 Lawyers Project goal is to have an in-person
4 representation group in the Bangor District Court.

5 We've connected with a lot of folks in the region.
6 Partners For Peace is the domestic violence resource
7 agency that's in Bangor, Penobscot County, and will have
8 advocates at the courthouse to assist with this.

9 So, if any of you are interested in -- in joining
10 our panels, either for Portland or for Bangor, or only
11 for remote representation, we would welcome your
12 assistance for those -- for that work.

13 And, as I said, keep your eye on the e-mail for
14 January -- the announcement will go out in December for
15 comprehensive training which this year will be a very
16 nuts and bolts, 101-type training of how to handle these
17 cases.

18 So, I just wanted to say of course you may have the
19 question why should I do this? What's in it -- what's
20 in it for me? Why should do I this?

21 Well, first of all, as Patrisha talked about
22 earlier, you know, there are gaps and problems in the
23 legal system, and it's -- I think it's important, from
24 my perspective anyway, to remember that the legal system
25 is not something separate from us, we are it. The legal

1 system is really just a bunch of lawyers.

2 And I feel that as a lawyer with the professional
3 responsibilities that we take on in this privileged
4 position it is also our responsibility to attend to this
5 legal system and to do our part to help it work better,
6 and one way you can do that is to volunteer to assist on
7 these cases.

8 Imagine going to court with a complicated problem
9 with a person you are afraid of and going to court by
10 yourself. You would never do that. So it's -- it's a
11 terrifying prospect, and we can make this system work
12 better through our efforts.

13 Second, you know, there are benefits to you. I
14 don't know about you, but I really find a lot of
15 satisfaction in me in helping someone solve a problem
16 and get on their way. Many of you may -- that may be
17 why you went to law school is to help people. And while
18 you may be frustrated with reviewing contracts or
19 reading dense material or dealing with opposing counsel
20 you don't like, this is a way to take a step back from
21 that and do something that's really meaningful and
22 satisfying and may be beneficial to you in that way to
23 remind you of -- of why you are in this profession and
24 what are some of the satisfactions that are available to
25 you.

1 But, the third point I wanted to make about that is
2 that really it's hard to overstate the benefit to the
3 survivors of domestic violence if you can spend, as
4 Patrisha said, an hour or two or three giving them
5 advice and guidance in this circumstance. It is -- it
6 is a terrifying situation and I hope never -- none of
7 you have to face it, but I -- I'll just give you a very
8 brief synopsis of one person that we were able to help
9 last spring. And this was a young woman who was
10 experiencing ongoing abuse and violence from her partner
11 who was also the father of her two small children.

12 They were unmarried and had no formal visitation
13 schedule in place. He -- the perpetrator assaulted the
14 woman in front of the children, and she decided it was
15 time to leave this abusive relationship. She was able
16 to connect to Through These Doors and their helpline and
17 was able to get assistance filing for a protection from
18 abuse order in the Portland court, and the -- Through
19 These Doors was able to refer the person to the
20 Volunteer Lawyers Project PFA pro bono panel.

21 And the lawyer was able to connect with her and talk
22 about her legal options, how a PFA and a parental rights
23 action might work together, and she was represented by
24 that panel attorney on a remote basis.

25 The panel attorney appeared remotely in the

1 protection from abuse hearing and she was able to obtain
2 the order as well as a visitation order and economic
3 support within the PFA order. She then came back to VLP
4 and we were able to help her with her family matter case
5 through our Courthouse Assistance Program. So it just
6 these legal services were so essential.

7 And it may feel like to you how is an hour going to
8 help? You know, how -- how is showing up, how is that
9 going to help someone? The feedback that we get from
10 these survivors is that it is absolutely critical, it is
11 lifesaving, and it's -- it's life changing.

12 So I -- I hope that this program has been impactful
13 for you. If you have any questions at all, you want to
14 talk about it, you -- you would just like to chat about
15 what VLP does, I would welcome that; and, as I said, you
16 can reach me through our website any time. Thank you so
17 much.

18 JUDGE WOLF: Thank you very much, Liz. So the
19 findings that were made when the POWER Act was -- was
20 enacted in 2018, these are national statistics at the
21 time, were that 83 percent of victims represented by an
22 attorney were able to obtain a protective order as
23 contrasted with 32 percent of victims without an
24 attorney. So if that -- if those numbers don't tell the
25 big story, I don't know what does.

1 I'm now going to turn to Darcie McElwee. Some of
2 you might -- may have said why does the federal court
3 even want to have this program? Why do we care? Well,
4 we care because we should all care. We're all people
5 first, lawyers second, courts maybe third. I would like
6 Darcie to speak about the -- about the collaboration on
7 the state side and federal side and her experiences with
8 domestic violence here.

9 MS. MCELWEE: Thank you, Your Honor. Thank you
10 so much for having me today. It's an honor to be on
11 this panel with everyone else.

12 I suspect many of you may be wondering just what
13 Judge Wolf just said, that you may be unaware of the
14 involvement of domestic violence and sexual assault in
15 federal court. I have spent the last two decades of my
16 career in federal court handling domestic violence and
17 sexual assault cases always with the support and
18 guidance of exceptional victim witness advocates like
19 Francine without whom there would be no success or
20 healing for the victims involved.

21 I met Francine when I was a 25-year-old prosecutor
22 in Bangor and learned early on the critical role of a
23 dedicated victim witness advocate, sometimes called VWA,
24 to this entire process, and we have and have and had
25 fabulous ones in our -- in our offices over the years,

1 as do the district attorney's offices and the attorney
2 general's office.

3 The most prominent way that such cases are charged
4 in -- in federal court is what's known as the Violence
5 Against Women Act, which was recently reauthorized by
6 President Biden, as well as those involving firearms
7 possessed by individuals who are prohibited from doing
8 so as a result of two instances, first being subject to
9 a protection from abuse order or having been previously
10 convicted of a misdemeanor crime of domestic violence.
11 Both of those statutes fall under what's called the Gun
12 Control Act.

13 We also address sexual assault and sometimes
14 domestic violence through charges brought under what's
15 called the Mann Act, sometimes referred to as the Travel
16 Act, when defendants either travel themselves or cause a
17 victim to travel across states lines with the intention
18 to engage in illicit sexual conduct. And we finally
19 charge child exploitation cases, as perhaps most of you
20 are aware.

21 It isn't only in those charged cases that directly
22 involve domestic violence or sexual assault that we see
23 domestic violence and sexual assault but rather drug
24 cases and certainly in sex trafficking cases. Because
25 as you've heard from the experts on this panel today,

1 domestic violence and sexual assaults are all about
2 power and control.

3 Many of the cases that my office handles involve
4 vicious and cruel behavior towards victims perpetrated
5 by those who love them most and who they trust. Because
6 of the complicated and confusing dynamics involved in
7 such a relationship, these cases can be difficult and
8 even intimidating for attorneys to get involved in. But
9 I'm here to tell you that they are without a doubt some
10 of the most rewarding work in cases I have ever done in
11 my career, and there is really simply nothing better
12 than giving a voice to someone who has lost theirs or to
13 assist a child whose life has been traumatized by the
14 acts of one of the people they trusted most in the
15 world. And genuinely, as Liz said, these can be
16 meaningful and life-changing experiences for you in your
17 career as well.

18 Much of the domestic violence work that we do at the
19 U.S. Attorney's office is intended to prevent further
20 violence, especially homicide. And we all know and
21 appreciate that we live in a relatively safe state where
22 we do not have random acts of violence, or if we do
23 they're rare, but based on my professional experience
24 over the last 25 years in federal and state court in
25 Maine there are thousands of Mainers who do not feel

1 safe in their own homes.

2 We prosecute a variety of cases involving domestic
3 violence and sexual assault. It's a violation of
4 federal law to possess a firearm, as I described
5 earlier, or ammunition even, following a conviction for
6 a misdemeanor crime of domestic violence, and in Maine
7 -- for all of the lawyers out there -- that means
8 assault or domestic violence assault because the
9 definition is any crime involving the use or attempted
10 use of physical force. It's a lifetime prohibition with
11 no military or law enforcement exception, and these
12 violations are investigated by ATF.

13 The other commonly charged statute in federal court
14 prohibits possession of firearms and ammunition by those
15 who are subject to a court order of protection from
16 abuse. And that prohibition lasts only during the
17 lifetime of the protective order, as many of the
18 panelists have described earlier, and may be prosecuted
19 in federal court even when what's known as the gun box
20 isn't checked. ATF has that primary jurisdiction over
21 the statute as well.

22 As for the Violence Against Womens Act, which we
23 call VAWA, the FBI has primary jurisdiction, and it's a
24 violation of federal law to cross state lines with the
25 intention to injure, kill, or harass an intimate

1 partner. It's also against federal law to cross state
2 lines with the intention of violating a qualifying order
3 which protects an individual from abuse, or even simply
4 a qualifying bail order which prohibits contact in close
5 proximity between intimate partners.

6 Sometimes the FBI also brings cases involving
7 interstate threats communicated to victims of domestic
8 violence or sexual assault by their loved ones who may
9 be in another state.

10 And lastly we charge a number of stalking statutes
11 in federal court in cases involving defendants who cross
12 state lines to engage in stalking behavior or who use
13 more commonly the internet or a cell phone or other
14 interactive communication platform to engage in a course
15 of conduct that causes a victim or their family to
16 experience substantial emotional distress. This conduct
17 may be charged in federal court even when the defendant
18 and the victim are both in the State of Maine.

19 I'm also pleased to share that in the last year we
20 were successful in obtaining the first federal
21 protection from abuse order issued by one of our judges
22 here in district court in one of our stalking cases, and
23 those last for three years and can be renewed with cause
24 for another three years for a total of six years.

25 The most recent and high profile case recently that

1 my office has handled under the VAWA is recently
2 highlighted in a New York Times article entitled The
3 Woman on the Bridge written by Ellen Barry, and I
4 encourage you to read it.

5 The case, which is U.S. -v- Nelson Dion, involved a
6 prosecution of a man who subjected his live-in
7 girlfriend to extreme physical and sexual abuse over the
8 course of several years in several states and culminated
9 in this woman taking her own life by jumping from the
10 Piscataqua Bridge between Maine and New Hampshire just
11 minutes after getting off the phone with him.

12 Following her death, as a result of some
13 extraordinary collaboration between state and local law
14 enforcement and prosecution partners, specifically an
15 officer from the Kittery Police Department who partnered
16 with a detective from the Portsmouth Police Department
17 and an FBI agent, to put together a case that would send
18 that man to prison for three years for violating the
19 Violence Against Womens Act by repeatedly traveling
20 dozens of times between Maine and New Hampshire to have
21 contact with this woman while she -- he was subject to a
22 Maine bail order prohibiting such conduct -- excuse me,
23 contact, and while she was living in a domestic violence
24 shelter in New Hampshire and these police officers were
25 trying to keep her safe.

1 The fact that this case was in federal court and
2 involved an extraordinary investigative team may have
3 been rare, but the conduct involved, the abuse
4 experienced by the victim, is not.

5 Every day in the State of Maine there are victims
6 experiencing physical, sexual, emotional, and verbal
7 abuse at the hands of their loved ones inside their own
8 homes. And as you've heard, leaving those homes is a
9 financial and legal burden for most. Children are often
10 involved which makes untangling those relationships more
11 complicated. Anything that any of you can do to help
12 ease that burden will be a worthwhile endeavor for you
13 as lawyers, community members, and good humans.

14 At this time I would love to turn it back over to
15 Judge Wolf to have an opportunity for any of the
16 fabulous and knowledgeable speakers here today on this
17 panel, with whom I am honored to appear, answer any
18 questions, and I want to thank the Court for the
19 opportunity to address all of you about this important
20 issue that is both a priority for me personally and for
21 the Department of Justice.

22 JUDGE WOLF: Thank you very, very much, Darcie.
23 I know that Patrisha wants to have a few minutes to
24 follow up with a couple of things and then we'll open it
25 up for questions or any final comments by all of the

1 panelists.

2 We started a little bit late, so I hope that maybe
3 folks can hang in with us for maybe an extra five
4 minutes or so. So, Patrisha, you're up.

5 MS. MCELWEE: Thank you. Just to further put a
6 face on domestic violence for everybody and for everyone
7 to further understand the dynamic of power and control,
8 we do have these bookmarks which are -- they're
9 basically the posters that are all over the state scaled
10 down, and there is 43 women on here with their names,
11 and on the back of the -- of most of them are the
12 women's power and control wheel that they filled out.

13 And, for instance, the economic abuse that we've all
14 talked about about why women need pro bono legal help
15 because their exes have more money is, you know, use an
16 economic abuse. Like Gloria says here, well, the -- the
17 items in the category, preventing her from getting or
18 keeping a job, making her ask for money, giving her an
19 allowance, taking her money and letting her --
20 letting -- not letting her know about or have access to
21 family income.

22 And these are -- I would be happy to mail these out
23 to any of you who would like. Just get in touch with me
24 hello@findingourvoices and I'll put a set of these in
25 the mail to you. Thank you.

1 JUDGE WOLF: Thank you very much, Patrisha.

2 So -- so anyway if you have not heard of some way
3 that you can possibly help here, then I'm not sure what
4 more we can do. There are so many different ways to
5 help. Some of you are not lawyers on the screen today
6 and so helping out in a legal sense may not be an
7 option, but I will turn to any of the panelists,
8 Francine or Rick, to talk about how else can people help
9 lawyer or nonlawyer.

10 MS. STOUT: I would just -- if I can just jump
11 in and say we love nonlawyer volunteers. We need them
12 all the time to do all kinds of different things, and we
13 have some that specifically work on this protection from
14 abuse project. So if you are not -- if you are not a
15 lawyer and you would like to get involved, please
16 contact me and we'll hook you up.

17 JUDGE WOLF: Thanks, Liz. Francine.

18 MS. STARK: I just want to remind everyone that
19 the domestic violence resource centers across the state
20 the advocates are happy to consult with you. Whatever
21 kind of law you practice I'm sure you're interacting
22 with survivors, and it will probably have something to
23 do with whatever you're doing, and so looping us in and
24 creating an opportunity for that connection will be
25 helpful to you but especially to the survivor

1 themselves.

2 Does Steve Earle have his hand up like an official
3 hand up in his square?

4 JUDGE WOLF: There was a hand up, but it looks
5 like he is --

6 UNIDENTIFIED: I'm sorry, that -- that was -- I
7 didn't know I had it up, sorry.

8 JUDGE WOLF: No worries at all.

9 Rick, how can people help?

10 MR. DOYLE: Well, I think in all of the ways
11 that have already been mentioned, and I want to
12 especially emphasize that nonlawyers can help, too.
13 There -- we also have volunteer court advocates who go
14 to court with people here at NextStep. And it may be
15 it's easy to sort of gloss over this and to think, you
16 know, well, you know, going to court with somebody and
17 providing moral support that's good but, you know, it's
18 not that important. It really is. It's a really
19 important piece of leveling that playing field, you
20 know, to have somebody there with you. And that person
21 doesn't have to be an attorney, they can be somebody who
22 has had some training as a -- a volunteer.

23 And then finally I just wanted to -- to thank
24 everybody for taking part in this -- this meeting today
25 and thank you for thinking about what you can do. And

1 we -- I think you get it from this panel presentation,
2 we're working hard but there is a lot of work out there
3 that needs to be done, and you're in a really good
4 position to be able to help with that work. So thank
5 you so much for the time that you have put in today just
6 being here, listening to this panel.

7 And finally, as Francine said, we're here. You
8 know, I mean if you're in my area, or even close to my
9 area, and you're helping somebody out and want to kick
10 things around with me, don't hesitate. You can reach
11 out to me through NextStep Domestic Violence Project.

12 JUDGE WOLF: So thank you. So one of the things
13 that I had said to all the panelists is that we should
14 all wish for the day when -- when private lawyers are
15 beating down the doors of the various organizations that
16 assist in this important area to ask to represent people
17 or ask to help, as opposed to the other way around. And
18 there is so many different areas and ways to help and so
19 many different subject matters that affect domestic
20 violence survivors, so I feel confident that most of you
21 lawyers out there could find an area where there is room
22 for help.

23 But there are other ways to help as well. There is
24 -- is policy advocacy assistance to the providers and
25 the coalitions in that respect, involvement on boards,

1 mentoring, and all of those pieces need to be in place
2 to truly end domestic violence, provide access to
3 justice, not just justice in the courts but justice in
4 all of the other areas that are impacted, and help
5 people heal. So I do hope people will get involved.
6 This is an issue that we could be discussing for hours
7 and hours on end.

8 I do want to remind people that there is CLE credit
9 for lawyers for attending today. If you need a -- yep,
10 if you need credit that you contact Lindsey at the court
11 and include your bar number. If there are any problems
12 with you getting this recorded, we will help you out in
13 that respect.

14 I am not seeing any particular questions. I've seen
15 a lot of chats as we worked through the program, thank
16 you for all of that. And what I see happening in the
17 chats is people are sharing information as to how to do
18 things, how to do things better, where to go, and that's
19 exactly the point here. This is an issue where the
20 silence needs to continue to be broken, people need to
21 be collaborative, work together as much as they possibly
22 can.

23 Any final thoughts from any of the panelists at this
24 point?

25 All right. Seeing none, I want to thank you all for

1 being part of this program. The requirement of the
2 POWER Act was a four-year obligation. My understanding
3 is that there is a possibility that that may be
4 extended. And even if it's not extended, I think that
5 our plan here will be to do this at least yearly because
6 it's that important.

7 The program itself will be posted on the Court
8 website. And I see somebody has asked for Lindsey's
9 e-mail, that will be available; but we'll -- we'll pop
10 it up again right now. But if you are interested or
11 anyone is interested in watching the program or
12 listening to it, it will be on our website. There is
13 Lindsey's e-mail again.

14 And with that, it's 1:32. I'm going to thank
15 everybody again for being here, and have a wonderful
16 rest of the week.

17 MS. MCELWEE: Thank you, Judge.

18 JUDGE WOLF: Thank you, all.

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