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National Evaluation of the Legal Assistance for Victims Program

Executive Summary

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Executive Summary

In November 2000, the National Institute of Justice, with funding support from the Office on Violence Against Women, awarded a grant to the Institute for Law and Justice (ILJ), in partnership with the National Center for Victims of Crime (NCVC), to conduct a national evaluation of the Legal Assistance for Victims (LAV) grant program. The LAV program provides funding to organizations throughout the country to provide comprehensive, free or low-cost civil legal and advocacy services to victims of domestic violence, sexual assault, and stalking. The evaluation focused on the provision of civil legal and other services to victims of domestic violence and examined LAV projects that were funded in 1998 through 2000.

Overall, the LAV program has been a success. LAV has made it possible to provide desperately needed civil legal services to more victims of domestic violence who cannot afford a private attorney. It has also promoted the delivery of high quality, comprehensive services by encouraging collaboration and cross-training among legal services organizations and domestic violence victim services programs. Yet even with LAV funding, there is still a chronic unmet need for attorneys and other personnel to assist and represent domestic violence victims who cannot pay legal fees, either because of their poverty or because their access to financial resources is controlled by the batterer.

Overview of the LAV Program

The LAV grant program is authorized under the Violence Against Women Act of 1994, as amended, and is administered by the Office on Violence Against Women (OVW), which awarded the first LAV grants in 1998. The purpose of the LAV program is to increase the capacity of local organizations—primarily legal services agencies, domestic violence victim services programs, bar associations, and law schools—to provide free or low cost, comprehensive civil legal and advocacy services to victims of domestic violence. The LAV

program was expanded in 2000 to include civil legal and advocacy services to victims of sexual assault and stalking.¹

The LAV program advocates a holistic approach to delivering high quality services. It is concerned with the whole system of service providers and with all of a victim's needs, both legal and non-legal. Local organizations receiving LAV funding provide (1) legal assistance and representation with protection orders and other family law matters; (2) advocacy services that address victims' safety, health, and other needs; and (3) legal services to resolve housing, employment, public benefits, and other issues. Because very few organizations are able by themselves to fully address all three of these program elements, OVW requires that LAV projects represent collaborations among organizations, and that the projects conduct cross-training of attorneys and victim advocates.

Individual LAV projects are given the flexibility to employ various approaches to meet the specific needs identified in their jurisdictions. In addition to hiring staff attorneys to provide legal assistance and representation, many LAV projects develop *pro bono* programs (in which private attorneys provide services free of charge); hold legal clinics and develop materials for victims who proceed with their cases *pro se* (on their own); and conduct outreach to traditionally underserved populations, including members of racial, ethnic, and cultural minority groups and victims living in rural areas.

Evaluation Objectives and Methodology

The national evaluation of the LAV program had three main objectives:

- To document the range of local activities and programs supported by the FY 1998-FY 2000 LAV grants
- To conduct a process evaluation by examining and documenting LAV grantee planning and implementation efforts
- To evaluate the effectiveness of LAV programs in meeting the needs of the victims they serve.

¹ The evaluation focused on domestic violence because projects awarded LAV grants in 2000 had just begun to add special program components directed at sexual assault and stalking. However, the domestic violence experienced by LAV project clients often included sexual assault or stalking. In fact, 40 percent of clients interviewed for the evaluation said the domestic violence they suffered included forced sexual activity.

Evaluation Methods

A mixed method approach was developed to conduct the evaluation. The researchers used a classic triangulation framework of quantitative agency data, telephone survey interviews, mail surveys, interviews and focus groups with service providers, and case studies.

The range of local activities and programs was documented primarily through two mail surveys of grantees. The first survey (n=159), conducted in 2001, asked detailed questions about project staffing, partnerships, legal and advocacy services provided, and implementation challenges. The follow-up survey (n=79), conducted in 2003, was administered to the 2001 survey respondents who had also received continuation grants in 2001 or 2002. This survey sought information on successful practices for achieving key project objectives. It also attempted to quantify the number and types of legal services provided and gain more quantitative information on unmet needs.

The process evaluation studied and compared the implementation of LAV grant-funded projects by 20 grantees. Site visits of three to five days were conducted at each of the 20 projects. On-site interviews were conducted with grantee and partner agency staff working on LAV cases and others involved in providing legal and advocacy services (e.g., judges, law enforcement personnel, prosecutors, members of domestic violence coalitions). In addition to interviews and document reviews, LAV and non-LAV protection order and family law caseload statistics were collected.

The evaluation of effectiveness included (1) before-after analysis of caseload data and (2) interviews with 124 LAV clients. Of the nine sites providing data, three had maintained their data for a long enough period, and in sufficient detail, to permit a limited cross-site analysis of before and after data and some comparison data (e.g., other portions of the state that were handling low-income individuals' domestic abuse cases without LAV funding). The client interviews included questions about experiences with domestic violence, satisfaction with LAV attorneys, satisfaction with case outcomes, and changes resulting from LAV project interventions. Twelve process evaluation sites assisted the evaluators in identifying clients for interviews, most of which were conducted by telephone approximately one year after the clients' cases had been closed.

An obstacle to any assessment of LAV program impact is the lack of planned control groups. The LAV program obviously was not established as a national experiment with random assignment of victims to receive or not receive program services. The evaluators considered the possibility of establishing a comparison group at selected sites but determined, in conjunction with NIJ and the evaluation project advisory board, that this would not be feasible. However, the evaluators were able to enhance the before/after design using particularly extensive case data provided by three of the process evaluation sites.

Highlights of Findings

Background on Grantee and Partner Organizations

Listed below is some background information on the 159 LAV grant projects that responded to the first grantee survey:

- The majority of LAV grantees (63 percent) were legal services agencies covering either county or multi-county areas. About 20 percent were other types of agencies (e.g., victim services organizations, volunteer lawyer programs) that had a staff attorney, while 10 percent were other agencies without a staff attorney (e.g., coalitions) and 7 percent were law school clinics.
- Almost 98 percent of grantees hired attorneys using LAV funds. LAV grant attorney hires ranged from 25 percent of one attorney's time to a project with six full-time equivalent attorneys.
- Nearly 90 percent of LAV projects provided some type of non-legal assistance to their clients. Most grantees offered court accompaniment, information or referral to community resources, safety planning advice and assistance, and support and options counseling.
- The majority of respondents (88 percent) provided training under their LAV grants. Most often, training recipients were victim services partners (79 percent), legal services partners (69 percent), *pro bono* attorneys (56 percent), and community groups (54 percent).

The follow-up grantee survey in 2003 provided information on the following changes in grantee organizations and partner agencies:

- Over 83 percent of grantees maintained their LAV project partners or added new partners (38 percent) over the years of the project.
- Nearly 61 percent of respondents reported experiencing a reduction in funding from one or more (non-LAV) sources during 2002. The most frequently

mentioned decreases were in Legal Services Corporation (LSC), IOLTA (Interest on Lawyers' Trust Accounts), and United Way funding.

Legal Services Provided Under LAV

- The first grantee survey found that, based on 2000 data, an average of 120 domestic violence victims per grantee per year were provided with legal representation in court, while a much larger number were provided with legal advice and counseling.
- Overall, we found that LAV funding permitted grantees to take on an increasing number of domestic violence-related cases as the grantees added legal staff and solidified their working relationships with their partners.

The follow-up grantee survey asked respondents to indicate the number cases handled by type of case in their first full year of LAV funding, and in their most recent full year of LAV funding. Exhibit 1 below shows a comparison of these data.

Exhibit 1: Changes in Numbers of Cases Handled by LAV Grantees by Types of Cases

Types of Cases	First year of LAV funding Mean # of cases	Most recent year of LAV funding Mean # of cases	Percent of Increase
Temporary/ <i>ex parte</i> protection orders	92.1	118.3	28.4
Permanent protection orders	100.5	131.0	30.3
Child custody	67.0	65.1	(-2.9)
Child support	22.3	37.0	65.9
Spousal support	15.3	22.2	45.1
Divorce	122.4	177.1	44.7
Other (housing, employment, immigration, et al.)	68.6	68.6	0

Based on caseload analysis at 9 of the 20 sites that provided detailed case tracking data, we found that in the peak year of the LAV grant for that grantee, they averaged approximately 425-500 cases. About 40 percent of these cases involved representation. In terms of individual attorney workload, they averaged about 35-40 open cases per full-time attorney during the observation site visits.

In addition, the cross-site analysis conducted for this evaluation indicated that the quality of the representation improved. Pre-LAV, spouse abuse cases were as likely as any other cases

to receive simple legal advice and limited counseling in busy offices. Post-LAV, more spouse abuse cases were provided with court representation and brief services. In the majority of our site interviews, attorneys noted that this resulted in better case outcomes, although this was difficult to document. Some case study sites also improved case efficiency by reducing the length of case time in delivering legal services to domestic violence victims.

Protection Order Enforcement

A question on the follow-up grantee survey asked about the involvement of LAV attorneys in protection order enforcement.

- Nearly 90 percent of LAV attorneys report advising their clients always (70.7 percent) or often (18.7 percent) to contact them if the batterer violates a protection order. 62.7 percent report that victims often make that contact, and 14.7 percent indicate that clients always do so.
- The most frequently mentioned techniques for ensuring that protection orders were enforced were
 - Participating in multi-agency task forces and partnerships where protection order enforcement issues are addressed and protocols are jointly developed
 - Providing training for police, prosecutors, and judges and other court personnel
 - Educating clients about their rights, safety planning, and what to do if the batterer violates a court order
 - Intervening with batterers or their attorneys, and filing charges against batterers.

However, the extent of attorney follow-up with clients after a court order had been granted was difficult to determine. In general, the evaluation did not develop enough data and information to study the issue of protection order enforcement in the LAV programs. This is an area that needs more work in the future. As noted later, a number of clients who were interviewed expressed lack of satisfaction with follow through on court orders, particularly orders that required the abuser to pay child support.

Service Delivery Models

Several types of grantee organizations were identified and included in the process evaluation: legal services organizations, most of which also received grants from the Legal

Services Corporation; organizations whose primary mission was to provide advocacy services to victims of domestic violence; law school clinics; and legal services programs sponsored by bar associations. The case studies provided an opportunity to examine service delivery approaches at a total of 20 projects. We found that

- Most of the 20 grantees had multiple formal partners with which they collaborated under their LAV grant projects.
- All 20 LAV projects placed great importance on the cross-training of attorneys (staff and *pro bono*) and victim advocacy personnel. They accomplished this through structured training sessions; distribution of related training curricula and materials; and case consultations, task force meetings, and informal contacts and discussions.

All of the projects had objectives to (1) provide direct legal assistance and representation and (2) ensure that victims receive assistance with shelter, safety planning, counseling, accompaniment to court, health care, and other services. Attention to these advocacy services represents a critical component of the LAV grant program. A key reason for Congress selecting OVW to administer the LAV program was its ability to encourage and support attorney-advocate collaboration and cross-training toward this end.

Key questions for the cross-site analysis of the 20 projects were

- How did the grantee organizations collaborate to capitalize on their individual organizational strengths going in and compensate for their lack of capacity in other areas?
- Did the grantees increase their ability to provide more comprehensive services (safety/advocacy, family law, non-family law) to more victims of domestic violence?
- What was it like for victims to receive services through these collaborative projects? Were they likely to find the service delivery system well coordinated, so that referrals from place to place were kept to a minimum?

The LAV programs administered by legal services organizations and bar associations increased attorney staff, and in some cases *pro bono* attorney resources, thereby increasing their capacity to represent domestic violence victims in protection order and other family law cases. They also took advantage of their ability to link clients to in-house attorney specialists in other areas of the law that were essential for self-sufficiency and safety over the long term. And they ensured that attorneys received training in the dynamics of domestic violence and sensitivity to victims' non-legal needs. They reviewed safety planning concerns and other non-legal needs

with victims during initial client interviews, especially when victims had not yet been assisted by a shelter or other domestic violence victim services program.

Legal programs administered by victim services providers also increased their capacity to provide direct legal assistance and representation with protection orders and family law cases. Several developed partnerships under the LAV grant with other legal programs to which they could confidently refer victims for assistance with additional legal needs related to the domestic violence, such as employment and immigration matters.

Programs administered by law school clinics, although limited in the number of clients they could accept, typically assisted each client with multiple legal issues and were able to draw upon the resources of the law school and the broader educational community (e.g., the university's school of social work).

Several projects, administered by various types of grantee organizations, succeeded in greatly improving the referral systems in their jurisdictions for legal and advocacy services and in increasing law school involvement in providing direct legal and advocacy services in their communities. Several focused on early intervention, for example by linking an attorney with hospital-based victim advocacy programs; stationing an attorney at a one-stop service center; locating attorneys, at least part time, at shelters, courthouses, and rural outposts; and enlisting law student advocates, supervised by attorneys, to assist victims at courthouses with filing for protection orders. In short, all of the sites that we visited were concerned about providing holistic services to domestic violence victims, although they had different capacities at start up, operated in different environments, and had different ways of trying to achieve this goal. From the victim's point of view, the ideal model may be one where many legal and non-legal needs can be met by the same agency, or at least largely under one roof. Various projects came close to accomplishing this, but at some point and in varying degrees, they simply had to refer clients to others.

This is why the attorney-advocate collaboration and multiple partnerships fostered under LAV were so important. The underlying theme at all projects was that it should make no difference whether the victim seeks legal or non-legal services first; both service components should be available, so that referrals are straightforward and the needed services are provided. However, one key factor seems to weigh in favor of the law firm approach to providing efficient

and effective free legal services to domestic violence victims—the immediate presence of other experienced attorneys to counsel the client. If a key goal is to help free the victim from dependence on a batterer, the presence of other attorneys—those experienced in housing, public benefits, employment, credit repair, education, and other legal areas tangential but critical to family law matters such as custody, support, divorce, protection orders, etc.—is critical to efficiently providing holistic legal services.

Use of *Pro Bono* Attorneys

An objective for some of the LAV grantees was to make legal services available to more victims by creating or enhancing *pro bono* attorney programs.

- Results of the follow-up grantee survey suggest that LAV projects' use of *pro bono* attorneys increased. Sixty-two (62) percent of grantees responding to the second survey reported using *pro bono* attorneys under their LAV grants, compared to about 50 percent on the first survey.
- Based on the follow-up grantee survey and case studies, the main reasons cited for not using *pro bono* attorneys were that private attorneys were perceived as reluctant to accept domestic violence cases (e.g., the cases are too complex, services must be provided on short notice); and that few attorneys were available in rural service areas.
- Overall, the respondents on the follow-up survey were very satisfied with the *quality* of the *pro bono* work provided; 32.8 percent considered the quality of work excellent; 53.8 percent said it was good; and only 3.8 percent (2 respondents) characterized it as fair.
- Grantees emphasized that *pro bono* programs are not free; staff resources must be devoted to recruitment and support, and recruiters must have assertive, persuasive personalities. Successful strategies included providing training for which attorneys receive CLE credit, providing quality resource materials (e.g., trial notebooks), mentoring, and recognition and awards.

The case studies provided examples of projects that benefited greatly from the capacity of existing *pro bono* programs to serve LAV clients. At several sites, the local bar association's volunteer lawyer program greatly boosted the LAV project's ability to serve nearly all domestic violence victims seeking legal services.

***Pro Se* Clinics and Materials**

Several of the process evaluation sites found it valuable to conduct *pro se* clinics to reach a larger number of victims with some degree of legal service. *Pro se* clinics were used mostly in

two ways: (1) to screen new potential clients in large groups, and (2) to offer limited legal service. For example, Saturday sessions in a gymnasium in one small city often attracted more than 50 domestic violence victims. The attorneys would spend about 15-20 minutes interviewing each woman about her individual case. We are aware of some other *pro se* programs throughout the country that have key characteristics similar to those of the clinics we observed—joint sponsorship by legal and advocacy organizations, initial screening or “triaging” of individual cases, and a follow-up component—rather than simply providing forms or a web site reference. These programs hold potential for increasing the amount and quality of legal services available to victims who may be proceeding *pro se*.

In addition to cross-training attorneys and victim advocates, many projects conducted training and developed products (brochures, manuals, web pages, etc.) aimed at broader audiences. ILJ/NCVC attorney staff reviewed many of these law-related publications and found them to be useful tools for attorneys, judges, victim advocates, and victims.

Other Approaches for Providing Legal Assistance

As noted above, the LAV grantees supplemented the work of LAV attorneys by using *pro bono* attorneys, developing *pro se* resources, enlisting law students supervised by attorneys, and working with victim advocates who had training in legal matters. In addition, more than two-thirds of the programs surveyed in 2001 (68 percent) used LAV funding to hire paralegals. The paralegals typically worked closely with victims on safety planning; and at some sites, they were skilled in languages other than English and were also able to assist as interpreters.

In addition, at several of the jurisdictions visited, court-based efforts were being made to assist victims of domestic violence, especially in *pro se* proceedings involving petitions for orders of protection. In two jurisdictions, court professional staff interviewed the petitioners before the court hearing and actually drafted the petition to be heard by the court. At both sites, court staff closely interacted with the LAV grantee to refer those cases needing representation either for the protection order hearing or for other matters.

At two other sites, state law required the local prosecutor to represent victims at the protection order hearing, although the victim could retain counsel or proceed *pro se* if desired. Again, coordination between the LAV grantee, other legal service providers, advocacy organizations, and the prosecutor was well organized.

Client Satisfaction with Legal Services

Some of the key characteristics of the client sample include the following:

- Many clients had suffered severe abuse by their partners. About 58 percent said they had been beaten up, choked or smothered, or hit with a fist. At least 40 percent reported forced sexual activity or having been threatened with a knife or gun.
- 70 percent were married. 30 percent were living with their abusive partners when they sought legal assistance. Three clients were involved in a same sex relationship.
- 90 percent had children, and over half (60 percent) had at least two children. 80 percent reported that their children lived with them.
- 40 percent of clients reported that their partners violated court orders while they were receiving legal services.

Satisfaction with Case Outcomes

- Over 90 percent of clients were very satisfied with the outcome of their protection order, custody, or divorce case. Outcomes for visitation cases also received a high satisfaction rating (88 percent).
- Satisfaction with child support cases was somewhat lower (41 percent). Fifty percent of those receiving help with child support cases were neither satisfied nor dissatisfied with the case outcome. Their mixed feelings were generally due to lack of effective enforcement with financial support payments despite having been awarded child support by the court.

Satisfaction with LAV Attorneys

- Almost all clients (94 percent) were extremely satisfied with their attorneys. Typical comments were that the attorney kept her informed, was sensitive to her needs, was a good listener, “went above and beyond the call of duty,” and was “very confident, knowledgeable, and accessible.”

Client Well-Being

- 88 percent of clients said they took additional steps to improve their safety as a result of talking with someone about safety planning.
- A large majority of clients reported positive changes in their lives as a result of receiving legal services. 83 percent reported that their living situation was better, 77 percent said they felt safer, and 66 percent said their self-esteem had improved.

Unmet Needs for Legal Services

Many grantees had to turn away eligible victims because they lacked the attorney staff needed to represent or otherwise assist them, even with the increased capacity made possible through LAV.

- About half of the projects responding to the first grantee survey implemented some type of income eligibility guidelines to limit the potential caseload or make sure resources were reserved for the most needy cases.
- The case studies showed that many grantees had to “triage” the cases they accepted (e.g., physical abuse only, contested protection orders only).
- On the follow-up survey, only 36.5 percent of grantees reported that they could provide legal services to most victims (between 80 and 100 percent) who requested those services. Another one-third (35.2 percent) indicated they could handle from 50 to 80 percent of requests. The remaining grantees (28.4 percent) reported handling fewer than half of the requests received from eligible domestic violence victims.
- A shortage of staff was reported on the follow-up survey as a significant problem for 58.7 percent of LAV grantees, and lack of *pro bono* attorneys was a significant problem for 51.3 percent.
- On the follow-up survey, about one-fourth of grantees (25.7 percent) reported needing 1 or fewer additional FTE attorneys to meet current demands for legal services; 36.6 percent saw a need for from 1.5 to 4.0 additional FTE attorneys; and 21 percent indicate they needed an additional 5 to 8. In addition, 14.4 percent of respondents report needing 9 or more additional FTE attorneys.

Implementation Challenges

Recruiting and Retaining Attorneys

- About 40 percent of respondents to the first grantee survey stated that they had difficulties recruiting or retaining attorneys. The most significant related problems reported were low salaries and the lack of job stability resulting from the grant-funded nature of the position.
- Similarly, 35 percent of the case study sites experienced significant difficulties in recruiting or retaining one or more attorneys.
- On the follow-up grantee survey, the most frequently mentioned solutions to attorney recruitment and retention problems were mentoring and training; generous benefits, which some grantees characterized as “family friendly;” and assistance with paying back law school loans.

Reaching Traditionally Underserved Populations

- The first grantee survey found that three-quarters of the projects attempted outreach to domestic violence victims who were living in rural areas (61 percent), victims who were Hispanic (56 percent), and those who were immigrants/refugees (42 percent).
- Successful outreach strategies observed at various process evaluation sites included
 - Establishing formal partnerships under LAV with community based organizations serving the targeted populations
 - Assigning an LAV attorney to work with hospital based victim advocates
- A number of programs were less successful in meeting their outreach objectives. They experienced difficulties or delays in hiring personnel with the needed language skills, or they were still searching for ways to overcome the reluctance of various populations to seek out services from legal, advocacy, or criminal justice agencies.

Summary and Recommendations

The LAV funding allowed many legal services and victim services agencies to provide more and better legal services to low-income domestic violence victims. The program helped to strengthen existing partnerships among legal services firms and victim advocacy services and also fostered the development of new relationships. The LAV program succeeded in creating a paradigm in legal services of providing holistic approaches to serving domestic violence clients and being more concerned with the victim's safety and well-being. Recommendations based on the findings of this evaluation include the following:

- Congress should continue to authorize the LAV program and increase funding to support more legal representation for domestic violence victims who cannot afford private attorneys. Another justification for increasing the LAV funding is to pay the public interest attorneys higher salaries
- Development of loan, scholarship, and loan repayment assistance programs should be encouraged to enable more attorneys to serve victims of domestic violence who cannot afford legal fees.
- OVW should sponsor training for all LAV grantees on reaching and serving domestic violence victims who are members of diverse ethnic/cultural groups.
- The LAV program's funding criteria should encourage applications from partner organizations that have a track record of successful collaboration and should provide technical assistance on collaboration to organizations that wish to form new formal partnerships under LAV.

- OVW should evaluate its technical assistance services to ensure that these services are addressing the priority needs of the LAV grantees.
- OVW should support the development of more resources to help low-income domestic violence victims who must represent themselves in obtaining protection orders.
- State and local bar associations need to work together more effectively with OVW and LAV programs to develop more *pro bono* attorney resources for low-income domestic violence victims.
- Recommendations for research include examining the extent to which LAV projects effectively track and monitor clients to determine if their court orders are being followed; and determining the cost-benefits of spending LAV attorney resources on training, educating, and advising *pro se* low-income domestic violence litigants.