Pro Bono Domestic Violence Restraining Order Case Proves Rewarding for Counsel and Client Alike

by Nicole R. Vanderlaan Smith and Mike W. De Vries

Domestic violence is a serious problem that occurs throughout Orange County, just as it does throughout the United States. In 2007, the Orange County Sheriff’s Department received and verified over 2,000 domestic violence-related calls. (Total compiled from Orange County Sheriff’s Department, Uniform Crime Reporting (UCR), http://www.ocsd.org/UCR (choose a city, month, and year; then click find)). This number, while large, does not account for domestic violence-related calls received by areas outside of the OC Sheriff’s Department’s jurisdiction, such as cities like Anaheim. With those jurisdictions included, the numbers unfortunately grow much higher. The Orange County Superior Court saw 4,875 domestic violence filings in 2007 alone—an average of 406 filings per month. (Source: Orange County Superior Court). Coupled with the frequent difficulty of leaving a violent domestic situation, the vast majority of people filing these domestic violence cases are doing so unrepresented by an attorney, forced to navigate the legal system alone without the guidance and support of trained legal personnel. Fortunately, some of these victims of domestic violence have been able to find attorneys to represent them on a pro bono basis and help them navigate through the legal system and out of their sometimes life-threatening situations.

In an effort to make a dent in the number of unrepresented domestic violence victims seeking legal assistance by providing some of those victims with pro bono legal representation, Latham & Watkins LLP has partnered with Chapman Law School in Orange to serve victims of domestic violence through the Chapman Family Violence Clinic (“Chapman Clinic”), which was launched last Fall. The Chapman Clinic, with the help of a Chapman law professor, Chapman students, and supervising attorneys from Latham & Watkins LLP, works to fulfill a grossly unmet need for free civil legal services to be provided to victims of domestic violence. Victims of domestic violence come to the Chapman Clinic though the Anaheim Family Justice Center, where the Clinic is housed. The Anaheim Family Justice Center provides a wide array of services to people whose lives have been touched by domestic violence, child abuse, sexual assault or elder/dependent abuse.

It is through the Chapman Clinic that we had the good fortune of meeting Suzy. (The domestic violence victim’s name has been
changed to protect her privacy.) Suzy came to the Anaheim Family Justice Center, and through it, to the Chapman Clinic, after summoning the courage to leave her 16-year marriage to a husband who constantly abused alcohol, and who physically and verbally abused her and kept her socially isolated.

Ultimately, concern for her own and her children’s well being made Suzy decide to leave her marriage and seek legal protection from her abusive husband. During their marriage, Suzy’s husband frequently abused her verbally, including by threatening to kill her. He physically forced Suzy to have sex with him, shoved her—once so hard she hit her head on her closet and lost consciousness—and constantly screamed and yelled at her, often accusing her of cheating on him. Suzy’s husband made every effort to make Suzy and her children live in isolation. He did not permit Suzy to have friends and tried to prevent her from working, and their children were not allowed to play with other children in their housing complex. Not surprisingly, Suzy’s husband’s violent behavior touched their two children. His drunken tirades occurred at times in their presence. Realizing the behavioral problems she was seeing from her children may have been due to her husband’s violent temper and abusive episodes, Suzy and her children left her husband and sought legal protection from him through the Orange County Superior Court.

Suzy began by navigating the legal system without the assistance of a lawyer. She was able to obtain a temporary restraining order against her husband on her own. After this step, we entered to assist Suzy to navigate the legal process, along with a couple of colleagues from Latham and a very bright Chapman law student. Together, we worked with Suzy to explore the painful details of her marriage and the specific actions that her husband had taken that forced her to leave, explaining that providing details, although painful, would strengthen Suzy’s case and make it more likely that she would obtain a more permanent order of protection from her husband.

At the hearing to obtain a permanent restraining order (after which a restraining order may be issued for up to five years), we represented Suzy and assisted her in explaining to the judge why she needed more permanent legal protection from her spouse. Her husband appeared at this hearing and contested the order we were seeking. At the end of the hearing, the judge, not certain that a long-term order was warranted, reissued the temporary restraining order and gave the parties a date upon which to return. Ahead of the next hearing, we worked with Suzy to draft a more detailed declaration than the declaration she had filed on her own with her initial temporary restraining order paperwork. In this declaration, we included a description of Suzy’s husband’s unlawful attempts to contact her to try to convince her to return to him while the temporary restraining order was in effect. At the next hearing, the judge heard from Suzy and the Chapman law student who appeared with us to represent Suzy at the hearing as a Certified Law Student. Persuaded by Suzy’s story, and by her husband’s behavior during the hearing which exhibited his controlling tendencies, the judge issued a restraining order that would remain in effect for five years from the date of the hearing.

Suzy was temporarily enthusiastic about the results of the hearing. Confronting her husband and seeing him hurt the way he was by her steps at obtaining independence was difficult for Suzy, but she knew it was the best thing for her, and for her children. After the hearing, we took Suzy out to a celebratory lunch. Suzy was touched by this opportunity—she had not so much as had a cup of coffee with friends in years due to her husband’s largely successful efforts to keep her isolated. Since obtaining the restraining order, Suzy has continued to grow. She works hard to support her kids, yet still has time to enjoy the pleasures of their new lives, now free from the confines and daily damage of their previous situation. Since her husband was forced out of their house by one of the orders accompanying the restraining order, her children started listening to music—something they were never permitted to do while their father lived in the house. The children have been able to appreciate other simple pleasures, such as attending a birthday party for one of the other kids in their complex—something else their father would never have allowed.

Working with Suzy gave us the opportunity to be part of enabling a woman to escape a domestic violence situation and to find safety and independence for herself and her children. The feelings we had after obtaining a five year restraining order for Suzy, and after hearing from her about the positive impact that restraining order has had on her life and the lives of her children has given us a true sense of joy and appreciation for what we are able to do as lawyers. Though Suzy’s case was just one of too many domestic violence cases in the Orange County court system (over half of which involve children (Source: Orange County Superior Court)), and the number of unrepresented victims remains extremely large, working with Suzy, we were able to impact a woman’s life, and the lives of her children.

There are many more people out there who could greatly benefit from the assistance of a lawyer as they try to break free from the cycle of domestic violence that has plagued their lives. We, as lawyers, are uniquely positioned to be able to provide this assistance. Even those of us who are not family law attorneys can effectively take on these cases with a little bit of research and training. We encourage all lawyers in Orange County to consider taking on the representation of a victim of domestic violence, and if they have already done so, to continue to do so. It has proved for us to be both a personally and professionally rewarding experience.

If you are interested in becoming involved in a domestic violence pro bono matter or otherwise assisting victims of domestic violence, please contact one of the following organizations: Human Options, 949.854.0180 (ask to speak with Judy Haskell, legal advocate, at extension 316); Laura’s House, 949.361.3775 (ask to speak with Nadia Islam at extension 208); Women’s Transitional Living Center, 714. 992.1939 (ask to speak with Quintina (“Chris”), at extension 101).

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