SAFETY THROUGH KNOWLEDGE LEGAL ASSISTANCE PROJECT


GOALS OF THE PROJECT:

There are many significant barriers for survivors of domestic violence to be able to safely separate from an abusive intimate partner, including the need for legal and financial independence. To address these barriers, numerous protective laws have been enacted here in Illinois, but many survivors of domestic violence are unaware of them, whether they qualify for them, and how to exercise their rights under them. The goal of the first phase of the Safety Through Knowledge Legal Assistance Project is to better inform DV survivors of their rights under eight different categories of applicable laws to empower them to take the next steps in their legal journey toward safety and becoming whole again.

OVERVIEW:

Under this project, Family Rescue (one of the largest and most comprehensive domestic violence service organizations helping survivors of domestic violence in the Chicago area) will refer clients to DVCAP to receive one-hour legal consultations. Survivors of DV will be able to ask the volunteer attorneys legal questions they are facing due to the abuse they have experienced and, with student assistance, receive information on certain key legal protections available to them under Illinois and federal laws. The state and federal laws covered in the consultations are the key laws designed to help survivors and their children to become safe and financially independent. The referred clients will schedule in advance the date/time for their one-hour consultation that will take place here at the law school. The Legal Consultations will generally take place on Mondays and Wednesdays for one hour at the lunch hour (from 12:15 p.m. - 1:15 p.m.) and on Mondays and Wednesday nights (from 7:15 - 8:15 p.m.). Our initial goal is to perform six Legal Consultations each week throughout the year. Whenever possible, we plan to have students trained in the JMLS DV Clinical program observing, and with volunteer attorney supervision, assisting with, the legal consultations.

POTENTIAL AREAS OF LAW COVERED:

The legal consultations will cover any one or more of the following areas of law depending on the client’s needs (as reflected in an intake form they fill out) and availability of volunteer attorneys with relevant experience:

(i) Family Law: information and advice on divorce, parentage, child custody/visitation, support, and property distribution;

(ii) Immigration: information and advice on immigration relief for undocumented clients including: self-petitions, U-Visas, T-Visas, asylum;

(iii) Debt Relief/Credit Repair: information and advice on the handling of debts owed by the client when the debts were incurred due to abusive actions by the client’s spouse (including identity theft), addressing debt collection harassment, on relief under chapter 7 or 13; and guidance on “credit repair”;
Federal and State Income Tax: information and advice on the “innocent spouse” and “injured spouse” defense to liability for taxes due, or for understatement of taxes due, on a joint return, and on reduced taxes owed when the client’s signature was forged, the client was forced to sign the joint return, or based on other statutory grounds and other forms of relief for inability to pay the taxes due;

Orders of Protection: information and advice on qualifications for, remedies under, enforcement of, or appeals from a denial of, an order of protection;

Employment: information and advice on exercising various rights under VESSA, including taking time away from work to address certain needs due to the DV and to obtain reasonable job accommodations and on claim of VESSA violations;

Housing: information and advice on exercising various rights under the Safe Homes Act, including the right to change the locks or terminate the lease with no liability for damages due to its early termination, or on defenses to an eviction of the client when it is due to violence taking place at the leased premises, under an amendment to the Forcible Entry and Detainer Act or based on a violation of the Human Rights Act; and

Crime Victim Compensation Act: information and advice on the qualifications for, and processing of, a claim for compensation for losses incurred as a victim of a crime under the Crime Victim Compensation Act.

SCOPE OF ASSISTANCE TO BE PROVIDED; ATTORNEY QUALIFICATIONS AND CLE TRAINING:

Attorneys who volunteer to work on the Safety Through Knowledge Legal Assistance Project will provide information and advice in the legal consultations relating to the practice areas for which they have expertise and will receive training on domestic violence and best practices for a trauma informed empowerment model of legal assistance.

For attorney volunteers who wish to also (or solely) assist with consultations covering housing, employment, OP and crime victim compensation, DVCAP will provide training on the background laws for these consultation topics (and will apply for CLE credit for these training sessions). While the legal consultations in general will be under limited scope engagements (limited to the one hour legal consultation), in some situations a volunteer attorney may agree to expand the representation to include drafting letters, pleadings, court appearances, or other legal services, with student assistance, so long as these services are provided on a pro bono basis.

We are seeking volunteer attorneys who can commit to either one or two hours each week (a “Gold Level Volunteer”) or two hours per month (a “Silver Level Volunteer”) in performing the legal consultations here at JMLS. For attorneys performing the family law, immigration, tax, or debt relief/credit repair consultations, we are seeking attorneys with a minimum of three years’ experience in the relevant area of law. For volunteer attorneys who will provide, or supervise students providing, information on the housing, employment, crime victim compensation and order of protection rights, we are seeking attorneys with at least two years of any type of litigation experience or at least one year of experience helping survivors of DV with these remedies.

If you are interested in volunteering or desire further information, please contact Prof. Debra Pogrund Stark, Director of the Domestic Violence Legal Advocacy Program at: 7stark@jmls.edu