

# The Chesterfield-Colonial Heights Bar Association's Protective Order Project: A How-To Guide

by Virginia S. Duvall and Jennifer A. Sparger

Men and women who have been subjected to family abuse and need protection for their health and safety may petition for a preliminary protective order from the court. In most domestic violence cases, victims do not have the resources to hire their own attorneys. Now, thanks to the Chesterfield-Colonial Heights Bar Association's Protective Order Project, attorneys are able to help individuals obtain a preliminary protective order.

An individual who desires a protective order begins the process by filing an affidavit and petition before an intake officer in Court Services in the Juvenile and Domestic Relations District Court. The preliminary protective order may be issued in an ex parte hearing before a judge. The petitioner must present testimony to prove the need for this protection. If a preliminary protective order is issued, the respondent is served to appear two weeks later at a litigated permanent protective order hearing. Often, the respondent is represented by an attorney.

In 1995, members of the Chesterfield-Colonial Heights Bar Association began work on the project that now provides legal assistance for petitioners of protective orders. During the next two years, steps were taken to obtain approval of juvenile judges concerning time frames

and court procedures and to disseminate information among bar members about the proposed project. Information and requests for volunteers were placed in the Chesterfield-Colonial Heights Bar newsletter. Sign up sheets were placed outside the courtrooms of the Chesterfield Juvenile and Domestic Relations District Court.

The bar association—concerned that the expectations of the petitioner would exceed the scope of the present representation—drafted an agreement that limits the scope to the present representation. This agreement is explained to and signed by the petitioners.

Attorneys who volunteer for the project are asked to schedule two dates that are exactly two weeks apart to ensure availability for both the preliminary and permanent protective order hearings. During the first few years, scheduling and other logistics were handled by the Commonwealth's Attorney's Office in the Chesterfield Juvenile and Domestic Relations District Court. This job is presently handled by the Victim/Witness Office, which also assists with domestic violence cases.

The intake office in Court Services was an important part of the process. When an individual petitioned for a protective order

and stated that he or she was unable to employ an attorney, the intake officer directed him or her to the Victim/Witness Office to see if there was a pro bono attorney scheduled that day.

Each year, the C-CHBA sends out new letters to the membership—and to nonmembers who have previously volunteered—asking their assistance for a new term. Legal materials are available to the volunteer attorneys, and they are encouraged to attend the Central Virginia Legal Aid seminar on protective orders.

In 2000, 257 petitioners were assisted by pro bono attorneys. In 2001, 368 petitioners were assisted by 43 volunteer attorneys—all of whom worked multiple days. Over the past few years, attorneys who are not members of the Chesterfield-Colonial Heights Bar Association volunteered.

Deborah O'Toole volunteered her time this past year. She said that it is clearly a service both to the court and the clients. "The dollar value of the donated time is substantial," O'Toole said. "The program provides an opportunity for members to give back to the community on an organized basis, and the commitment is not burdensome," she said.

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## VIRGINIA STATE BAR

### Conference of Local Bar Associations

Currently there are 115 local & specialty bar associations in Virginia.

Any local bar is welcome to join the CLBA if its membership is open to all attorneys in a certain geographic area.

Visit <http://www.vsb.org/clba>.

## Judge T. L. Hutton Honored at Retirement Ceremony



The Honorable T. L. Hutton, Jr.

The Smyth County, Washington County and City of Bristol Bar Associations recently paid tribute to the Honorable T. L. Hutton, Jr., general district court judge, who retired after serving over 35 years on the bench in the 28th Judicial District.

Speakers at the event included: Judge Emory Widener, 4th Circuit Court of Appeals; interim District Court Judge George Warren; Joseph P. Johnson, member of the Virginia House of Delegates; Charlie R. Jessee, president of the Washington County Bar Association; and attorney Danny Lowe of Lowe & Money, Marion, Virginia. Fred Hodnet, assistant executive secretary of the Supreme Court of Virginia, awarded Judge Hutton with a Certificate of Appreciation from the Supreme Court.

The three bar presidents—Florence Powell from Smyth County, Charlie Jessee from Washington County and Chip Burkholder from the City of Bristol—presented Judge Hutton with a plaque commemorating his service to the members of the three bars in the 28th Judicial District.

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