

REPRESENTING VICTIMS OF DOMESTIC VIOLENCE



PART 1 – INTRODUCTION AND PRO BONO OPPORTUNITIES

SPONSORED BY

- VIRGINIA STATE BAR SPECIAL COMMITTEE ON ACCESS TO LEGAL SERVICES
- VIRGINIA POVERTY LAW CENTER
- GOOD SAMARITAN ADVOCATES

Webinar Agenda



- **What Is Pro Bono? Rule 6.1 of the Virginia Rules of Professional Conduct**
- **Overview of the Programs: How and Where Attorneys Can Find Pro Bono Opportunities to Represent Victims of Domestic Violence**
- **Quick Overview of Virginia's District Courts**
- **Questions and Answers**
- **Upcoming Webinars in This Series**

What Is Pro Bono? Rule 6.1 of the Virginia Rules of Professional Conduct



**KARL A. DOSS, DIRECTOR OF ACCESS TO
LEGAL SERVICES, VIRGINIA STATE BAR**



Virginia State Bar
An agency of the Supreme Court of Virginia

Overview



Virginia Rule of Professional Conduct 6.1 and ***ABA Model Rule 6.1*** generally establish the principle that ensuring “Access to Justice” (for those unable to pay) is a key responsibility of the organized bar.

Virginia Rules of Professional Conduct

RULE 6.1 Voluntary Pro Bono Publico Service



- (a) A lawyer **should** render **at least two percent** per year of the lawyer's professional time to pro bono publico legal services. Pro bono publico services include poverty law, civil rights law, public interest law, and volunteer activities designed to increase the availability of pro bono legal services.
- (b) A law firm or other group of lawyers **may satisfy** their responsibility **collectively** under this Rule.
- (c) **Direct financial support** of programs that provide direct delivery of legal services to meet the needs described in (a) above is an alternative method for fulfilling a lawyer's responsibility under this Rule.

Not Mandatory but....



COMMENT

[1] **Every** lawyer, ***regardless of professional prominence or professional work load***, has a personal responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer.

Voluntary Pro Bono Publico Service



(a) Rule 6.1 (a) says “.... Pro bono publico services include poverty law, civil rights law, public interest law, and volunteer activities designed to increase the availability of pro bono legal services.”

“Poverty Law” Defined



Comment #2 defines “**poverty law**” as follows:

“*Pro bono* services in poverty law consist of free or nominal fee professional services for people who do not have the financial resources to compensate a lawyer. Private attorneys **participating in legal aid referral programs** are typical examples of “poverty law.”

Legal services for persons whose incomes exceed legal aid guidelines, but who nevertheless have insufficient resources to compensate counsel, would also qualify as “poverty law,” **provided the free or nominal fee nature of any such legal work is established in advance.**”

“Civil Rights Law” Defined



Comment #3 defines “**civil rights law**” as follows:

“*Pro bono publico* legal services in civil rights law consists of free or nominal fee professional services to assert or protect rights of individuals in which society has an interest. Professional services for victims of discrimination based on race, sex, age or handicap would be typical examples of “civil rights law,” provided the free or nominal fee nature of any such legal work is established in advance.”

“Public Interest Law” Defined



Comment #4 defines “**public interest law**” as follows:

“Free or nominal fee provision of legal services to religious, charitable or civic groups in efforts such as setting up a shelter for the homeless, operating a hotline for battered spouses or providing public service information would be examples of ‘public interest law.’”

KAD NOTE – The examples in the comment point to work with vulnerable populations, but the definition does not explicitly state this limitation.

“Voluntary Pro Bono Service”



Comment #5 defines ***volunteer activities designed to increase the availability of pro bono legal services*** as follows:

“Training and mentoring lawyers who have volunteered to take legal aid referrals or helping recruit lawyers for *pro bono* referral programs would be examples of ‘volunteer activities designed to increase the availability of *pro bono* legal services.’”

Contingent Fees?



Comment 6 states “Service in any of the categories described is not pro bono publico **if** provided on a **contingent fee basis**. Because service **must** be provided without fee or expectation of fee, the intent of the lawyer to render free or nominal fee legal services is essential. Accordingly, services for which fees go uncollected would not qualify.”

Pro Bono via Collective Works



Rule 6.1 (b) says: “A law firm or other group may satisfy their responsibility collectively under this Rule.”

- Comment #7 adds that “In fulfilling their obligation under this Rule, a group of two or more lawyers may pool their resources to ensure that individuals in need of such assistance, who would otherwise be unable to afford to compensate counsel, receive needed legal services. The designation of one or more lawyers to work on *pro bono publico* matters may be attributed to other lawyers within the firm or group who support the representation.”
- For example, the new associates at a larger firm may satisfy the firm’s *pro bono* obligation by doing their shares plus a senior partner’s share.

Pro Bono Via Direct Financial Support



Rule 6.1 (c) states: “Direct financial support of programs that provide direct delivery of legal services to meet the needs described in (a) above is an alternative method for fulfilling a lawyer’s responsibility under this Rule.”

- See Comment 9: “For example, some lawyers (*e.g.*, some government lawyers) are prohibited by the terms of their employment from engaging in any outside practice. Other lawyers lack the experience and access to resources necessary to provide competent legal assistance.”
- Comment 10 notes: “Lawyers who are unable to fulfill their pro bono publico obligation through direct, legal representation should support programs that provide legal services for the purposes described in (a) through financial contributions *in proportion to their professional income.*”

Pro Bono Via Direct Financial Support



Rule 6.1 (c) states: “Direct financial support of programs that provide direct delivery of legal services to meet the needs described in (a) above is an alternative method for fulfilling a lawyer’s responsibility under this Rule.”

- See Comment 9: “For example, some lawyers (*e.g.*, some government lawyers) are prohibited by the terms of their employment from engaging in any outside practice. Other lawyers lack the experience and access to resources necessary to provide competent legal assistance.”
- Comment 10 notes: “Lawyers who are unable to fulfill their pro bono publico obligation through direct, legal representation should support programs that provide legal services for the purposes described in (a) through financial contributions *in proportion to their professional income.*”

ABA Model Rule 6.1



Every lawyer should aspire to render at least 50 hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

- (1) persons of limited means or
- (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means

ABA Model Rule 6.1 (cont.)



In addition, a lawyer should voluntarily contribute **financial support** to organizations that provide legal services to persons of limited means.

Categories of Pro Bono



The ABA identifies two categories of pro bono services:

1. Category 1 pro bono is defined as direct legal representation provided to persons of limited means or organizations that supported the needs of persons of limited means for which no compensation was received or expected.
2. Category 2 pro bono encompasses activities performed for a reduced fee or unpaid activities for the benefit of an organization that supports legal services for the poor or for the general public.

In all cases, the services provided are law-related.

Source: ABA Standing Committee on Pro Bono and Public Service, Supporting Justice III: A Report on the Pro Bono Work of America's Lawyers, March 2013

Examples of Category 1 Pro Bono



Free (without expectation of fee) legal services to persons of limited means or organizations that address the needs of persons of limited means.

- Full case representation
- Limited scope representation
- Legal advice
- Representation in mediation

Source: ABA Standing Committee on Pro Bono and Public Service, Supporting Justice III: A Report on the Pro Bono Work of America's Lawyers, March 2013

Examples of Category 2 Pro Bono



Any other service provided for a reduced fee or no cost (without expectation of fee) to any type of client, not including activities performed to develop a paying client or anything that is part of paying job responsibilities.

- Legal services for a reduced fee
- Mediator
- Speaker on legal issues
- Trainer or teacher on legal issues
- Supervising an attorney (or law student) in providing pro bono representation
- Lobbying on behalf of a pro bono organization
- Policy advocacy
- Grassroots community advocacy
- Board member of legal services or pro bono organization
- Member of a bar committee related to pro bono or access to justice

Source: ABA Standing Committee on Pro Bono and Public Service, Supporting Justice III: A Report on the Pro Bono Work of America's Lawyers, March 2013

Why Should You Do Pro Bono?



1. Pro bono benefits individuals and non-profit organizations that cannot afford to retain counsel
2. Providing free legal assistance to the poor and vulnerable members of society is beneficial to the community
3. Pro bono is the right thing to do. Practicing law is a privilege and responsibility
4. Pro bono is a good way to get training and experience working directly with clients and appearing in court – especially for a new or junior lawyer
5. Pro bono can make your career more fulfilling
6. Pro bono makes good business sense as paying clients value community service
7. Pro bono can be good for your health

Why Is Pro Bono Needed in Virginia?



1. There is a “justice gap” in Virginia – only 20% of the legal needs of the indigent are presently being served by legal services organizations.
2. Data also supports that represented litigants are two to three times more likely than unrepresented litigants to have a favorable outcome in cases frequently involving low-income individuals, i.e. eviction, consumer, unemployment, and child custody and support cases. Yet the poor usually lack access to counsel and often appear in court without representation.
3. LSC funding for legal aid has been significantly cut in recent years plus there has been a significant reduction in IOLTA funding. This has resulted in 20% reduction in number of legal aid attorneys and staff statewide – while poverty population in VA has increased by 32% since last census.

Bottom Line: Legal Aid cannot meet increased need – Pro Bono can help fill the gap.

Source: “Is There a Pro Bono Gap in Virginia?”, *Virginia Lawyer*, Vol. 62, No. 7 (February 2014), Joanna L. Suyes and John E. Whitfield, pp 46 - 49

Virginia State Bar Special Committee on Access to Legal Services



- The Access to Legal Services Committee fosters support for free and reduced fee legal services with the goal of improving access to the legal system for all Virginians and for nonprofit charitable and civic groups that serve the public good.
- The Access Committee also promotes pro bono publico services by Virginia lawyers and encourages the integrated development of like contributions by law school faculty and students, lay mediators, court reporters, interpreters, tax accountants, paralegals and members of related professions.

For more information - http://www.vsb.org/site/pro_bono;
http://www.vsb.org/site/pro_bono/resources-for-the-public ;
http://www.vsb.org/site/pro_bono/resources-for-attorneys ; or (804)775-0522

Virginia's Civil Legal Aid Offices



Legal Aid Pro Bono Opportunities. All of Virginia's legal aid offices have well-established private attorney involvement programs with pro bono coordinators who will help support your volunteer lawyering work. Please contact your local legal aid office for more information.

- **Blue Ridge Legal Services** – (540) 433-1830 (main office in Harrisonburg, offices in Winchester, Lexington, and Roanoke)
- **Central Virginia Legal Aid Society** – (804) 648-1012 (main office in Richmond, offices in Petersburg, and Charlottesville)
- **Legal Aid Justice Center** – (434) 977-0553 (main office in Charlottesville, offices in Richmond, Petersburg, and Falls Church)
- **Legal Aid Society of Eastern Virginia** – (757) 627-5423 (main office in Norfolk, offices in Hampton, Virginia Beach, Belle Haven, and Williamsburg)
- **Legal Aid Society of Roanoke Valley** – (540) 344-2088 (Roanoke)
- **Legal Services of Northern Virginia** – (703) 778-6800 (main office in Falls Church, offices in Arlington, Alexandria, Fairfax, Leesburg, and Manassas)
- **Rappahannock Legal Services** – (540) 371-1105 (main offices in Fredericksburg, offices in Culpeper, and Tappahannock)
- **Southwest Virginia Legal Aid** – (276) 783-8300 (main office in Marion, offices in Castlewood and Christiansburg)
- **Virginia Legal Aid Society** – (434) 528-4722 (main office in Lynchburg, offices in Danville, Farmville, and Suffolk)

Overview of the Programs: How and Where Attorneys Can Find Pro Bono Opportunities to Represent Victims of Domestic Violence



**JUSTINA URAM-MUBANGU, EXECUTIVE
DIRECTOR, GOOD SAMARITAN ADVOCATES**



how to access cases



Rappahannock Legal Services

Represents victims of domestic violence in obtaining protective orders.

Cases are first screened and reviewed, then assigned.

For Fredericksburg, Stafford, Spotsylvania, King George, & Caroline please call:

Brenda Borne, Pro Bono Coordinator

(540) 371-1105

For Culpeper, Orange, Madison, Rappahannock, and Fauquier, please call:

Gloria Ferguson, Pro Bono Coordinator

(540) 825-3131

For Westmoreland, Northumberland, Richmond, Lancaster, Essex, King and Queen, and King William call:

Kimberly Wilkins, Pro Bono Coordinator

(804) 443-9393

how to access cases



Legal Services of Northern Virginia: Domestic Violence Attorney of the Day

Pro Bono attorneys commit to taking on protective order cases. LSNV provides a free CLE training to teach attorneys how to handle protective order cases.

Virginia attorneys may find out more by contacting:

Jennifer Haberlin
jhaberlin@lsnv.org

ATTORNEY OF THE DAY: Application



justice for a better community

LSNV PRO BONO ATTORNEY APPLICATION

FAIRFAX COUNTY JUVENILE AND DOMESTIC RELATIONS
DISTRICT COURT

PETITIONER CONTACT INFORMATION						
Last		First		Middle		
FULL NAME						
SS#	-	-	DATE OF BIRTH	/	/	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
PRIMARY PHONE	()	-	TYPE	(<i>work, home</i>)	SAFE CONTACT?	<input type="checkbox"/> Y <input type="checkbox"/> N
ALT. PHONE	()	-	TYPE	(<i>work, home</i>)	SAFE CONTACT?	<input type="checkbox"/> Y <input type="checkbox"/> N
EMAIL ADDRESS					SAFE CONTACT?	<input type="checkbox"/> Y <input type="checkbox"/> N
ADDRESS (<i>required, kept confidential</i>)					SAFE CONTACT?	<input type="checkbox"/> Y <input type="checkbox"/> N
IMMIGRATION STATUS						
<input type="checkbox"/> U.S. CITIZEN		<input type="checkbox"/> PERMANENT RESIDENT		<input type="checkbox"/> OTHER		
LANGUAGE					NEEDS INTERPRETER?	<input type="checkbox"/> Y <input type="checkbox"/> N
INTERPRETER						
<input type="checkbox"/> LSNV will need to provide interpreter for attorney visits <input type="checkbox"/> Friend/family member can help schedule the first appointment (<i>please explain below</i>) <i>(name, phone number, relationship, age of potential interpreter)</i>						

RESPONDENT INFORMATION						
Last		First		Middle		
FULL NAME						
ALSO KNOWN AS			RELATIONSHIP (to you)			
SS#	-	-	DATE OF BIRTH	/	/	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE

FINANCIAL ELIGIBILITY		
1	IS PETITIONER CURRENTLY RECEIVING PUBLIC BENEFITS? (<i>TANF, SSI, SNAP</i>)	<input type="checkbox"/> Y <input type="checkbox"/> N
2	GROSS HOUSEHOLD INCOME (<i>Before taxes or deductions; DO NOT include Respondent's income</i>)	\$ <input type="checkbox"/> PER MONTH <input type="checkbox"/> PER YEAR
	NUMBER OF ADULTS IN HOUSEHOLD	NUMBER OF CHILDREN IN HOUSEHOLD (UNDER 18)

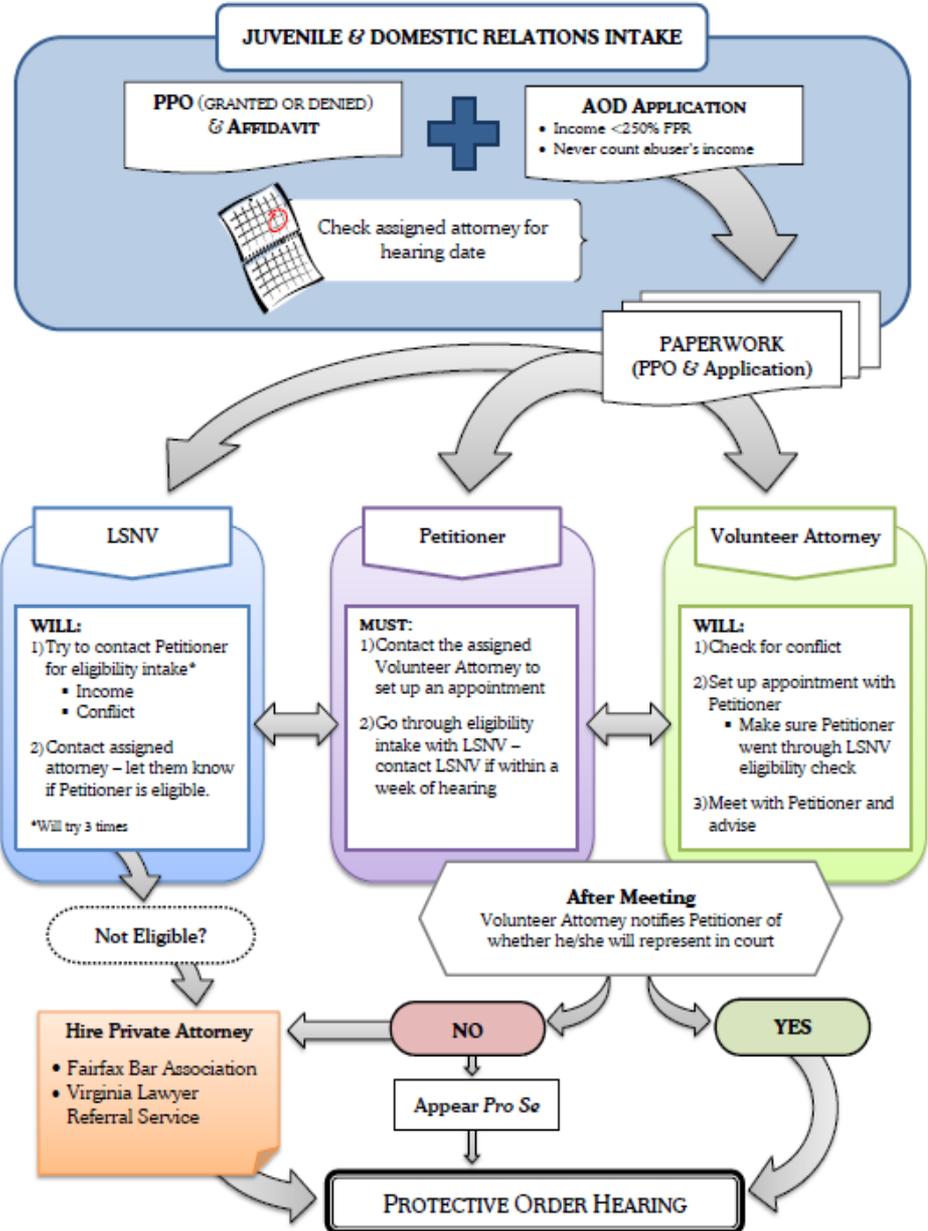
ATTORNEY OF THE DAY: Calendar

We use an online calendar to keep our schedule. This allows us and the court intake staff to view the calendar as needed.

FFXAOO October 2012				
Monday	Tuesday	Wednesday	Thursday	Friday
1 • Bob Walker <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> 703-437-5128 rbw@walkerlaw.com	2 • William S. Rhyne <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> (703) 591-8703 wsrhyne@gmail.com	3	4 • Marline Khalil <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> (571) 350-8411 marline@favezandkhalil.com	5 • Katrese Watts <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> (703) 504-9146 kwatts@lsnv.org Attorney: Travis Van Hook tvanhook@lsnv.org
8 • COURT CLOSED <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> - COLUMBUS DAY	9 • George Wyatt <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> (703) 905-1432 gwyatt@venable.com	10 • PLEASE SEND TO BOTH CONTACTS <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Rob Stoney (703) 293-7230 rstonev@bkklaw.com Dan Ortiz (703) 279-7205 dortiz@bkklaw.com	11 • Bill Lowrance <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> (703) 506-1600 lowrancelaw@gmail.com	12 • Katrese Watts <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> (703) 504-9146 kwatts@lsnv.org Attorney: Nora Mahoney nmahoney@lsnv.org
15 • Faye Carroll <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> (703) 659-0196 fkcarroll@aol.com	16 • William S. Rhyne <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> (703) 591-8703 wsrhyne@gmail.com	17 • PLEASE NOTIFY BOTH CONTACTS: <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> HUNTON & WILLIAMS Andrew Fisher, Esq. (703) 846-1307 karen.i.moreno@exxonmobil.com EXXON MOBIL Lindsay Velarde, Esq. (703) 714-7456 velarde@hunton.com	18	19 • Katrese Watts <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> (703) 504-9146 kwatts@lsnv.org Attorney: Anne Sidwell asidwell@lsnv.org
22	23	24	25	26

ATTORNEY OF THE DAY: Referral Process

FAIRFAX ATTORNEY OF THE DAY PROGRAM



ATTORNEY OF THE DAY: Volunteer Support



justice for a better community

STOP THE VIOLENCE II: ADVANCED PROTECTIVE ORDER TOPICS

FREE 2.5 HOUR CLE

WHEN: MONDAY, OCTOBER 20, 2014
3:30 P.M. TO 6:30 P.M.

WHERE: FAIRFAX J&DR DISTRICT COURT
COURTROOM 3K, 4110 CHAIN BRIDGE ROAD, FAIRFAX, VA 22030

TOPICS INCLUDE

- The new Fairfax PPO Process
- Getting people to court: service, subpoenas and transfer orders
- Evidence techniques to win your case
- Requesting appropriate relief / drafting provisions
- Advising clients about enforcement
- Working with interpreters

WITH

VIEWS FROM THE BENCH

THE HONORABLE GLENN L. CLAYTON

THE HONORABLE TEENA D. GRODNER

THE HONORABLE THOMAS P. MANN

THE HONORABLE JANINE M. SAXE

Register [online](http://www.bit.ly/lsnvsty) at www.bit.ly/lsnvsty or www.lsnv.org

In consideration for this free CLE, attorneys commit to participating in LSNV's Domestic Violence Attorney of the Day Program. Attorneys volunteer to represent clients on two (2) days during the next year in Family Abuse Protective Order hearings in the Juvenile and Domestic Relations Courts of either the City of Alexandria or Fairfax County.

If you have any questions regarding the program or the commitment, email dtorobonoff@lsnv.org or please feel free to contact Nora Mahoney at (703) 504-9149 or Jenny Haberlin at (703) 504-9153.

pro bono programs



How and Where Attorneys Can Find Pro Bono Opportunities to Represent Victims of Domestic Violence



- How do I get involved?
- What does it mean
 - to serve?

ways to serve



- **Direct representation.** Sign up as a pro bono attorney with a legal aid organization in your area that can assign you a case and provides guidance, training, and support.
- **Triage: Be a “first responder.”** Volunteer with a local legal aid clinic or start an advice table with some colleagues at a local food pantry, community center, or church. Great way to serve victims of violence.
- **Be a mentor!** Offer your expertise in family law to a colleague who wants to take pro bono case, or coach a colleague on how to file a protective order, VAWA application or U-Visa for a pro bono client.
- **Share your knowledge.** Present a free CLE on a poverty law issue - like domestic violence - at your firm and invite prospective pro bono attorneys to attend. Or, offer to speak at a school or community center about domestic violence, custody or human trafficking.

how to access cases



Tahirih Justice Center

Offers legal assistance to immigrant women and girls seeking justice from gender-based violence. Located in Falls Church, Virginia. Also has a staff person solely dedicated to pro bono case placement and assistance. Provides training. Attorneys interested in pro bono should write to:

legal@tahirih.org

Legal Aid Justice Center: The Access to Justice Partnership

Online case management and referral system that enables private attorneys to accept and work on pro bono cases right from their own computers.

Virginia attorneys may register for JusticeServer at **justiceserver.org**
or contact Karl Doss for more information.

professional liability insurance



It is important to work with a legal aid program that protects its volunteer attorneys.



- Try to sign on with a group that carries professional liability insurance, especially if you are not otherwise covered.
- Clients cannot waive their right to sue an attorney. PLI protects pro bono attorneys by covering them in the rare instance of a malpractice claim.

mentoring prospective pro bono attorneys



Virginia Poverty Law Center:

The only statewide organization providing training and support to local Legal Aid program staff, private bar attorneys, and low-income clients, relating exclusively to the legal rights of Virginia's poor.



Good Samaritan Advocates Pro Bono Training Program:

Offers in-person training sessions and CLEs throughout the year on poverty law topics to assist volunteer clinic attorneys and local lawyers who wish to serve the legal needs of the local community. Volunteer clinic attorneys always serve in teams.

Virginia State Bar: Access to Justice Division:

Webinar training series on various poverty law topics are available. Maintains a Pro Bono Training & Events Calendar for statewide information about pro bono opportunities: http://www.vsb.org/site/pro_bono

need more ideas?



There are other ways to bring hope and justice to domestic violence victims.

- Visit the Access to Justice page on the VSB website for more:

http://www.vsb.org/site/pro_bono/resources-for-the-public

- Or contact us:

Karl Doss, The Virginia State Bar
(804) 775-0522 | doss@vsb.org

Christie Marra, The Virginia Poverty Law Center
(804) 782-9430 ext. 16 | christie@vplc.org

Justina Uram-Mubangu, Good Samaritan Advocates
(703) 761-5014 | justina@GSAdvocates.org



Don't forget to take part in our other domestic violence-focused webinars.

Greater Richmond

Bar Foundation

www.grbf.org

Greater Richmond

Bar Foundation

Our mission is to expand public access to the justice system in central Virginia by facilitating the delivery of pro bono legal services and service projects.

- The Pro Bono Clearinghouse
- Pro Bono Promise
- JusticeServer

JusticeServer

Connect. Counsel. Serve.

*Addressing the Access Gap
through technology*

Access Pro Bono Portal from any device with internet access

www.justiceserver.org



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Welcome to JusticeServer™

JusticeServer™ is a collaboration of the Greater Richmond Bar Foundation (GRBF), the Legal Aid Justice Center (LAJC) and Central Virginia Legal Aid Society (CVLAS) to provide pro bono legal services to low-income clients and non-profit organizations in Richmond, Petersburg, Charlottesville and surrounding cities and counties.

JusticeServer™ is a new on-line case management and referral system that expedites pro bono services by leveraging the latest technology to enable private attorneys to accept and work on pro bono cases right from their own computers. JusticeServer™ maximizes the time volunteer attorneys spend advising and representing pro bono clients and non-profit organizations by minimizing the transaction time of receiving cases and projects.

JusticeServer™ is an outgrowth of the inaugural Pro Bono Summit of the Chief Justice of the Supreme Court of Virginia to use technology to improve the efficiency of legal aid case administration and referral of pro bono cases. The Task Force which designed JusticeServer™ included participants from Capital One, the Virginia Bar Association's Pro Bono Committee, GRBF, LAJC, CVLAS and Firms in Service - Richmond.

JusticeServer™ offers volunteer attorneys the opportunity to partner with legal aid to provide much needed legal services to low-income clients and non-profit organizations in many areas, including consumer, education, elder, employment, family, and housing law. We are recruiting attorneys to provide pro bono advice and representation in the following matters in five cities and 15 counties in central Virginia:

- **Bankruptcy:** Provide representation to debtors in Chapter 7 bankruptcy proceedings for low income clients for whom the filing would serve to protect income and/or property.

Easy registration

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New User Registration - Step 1

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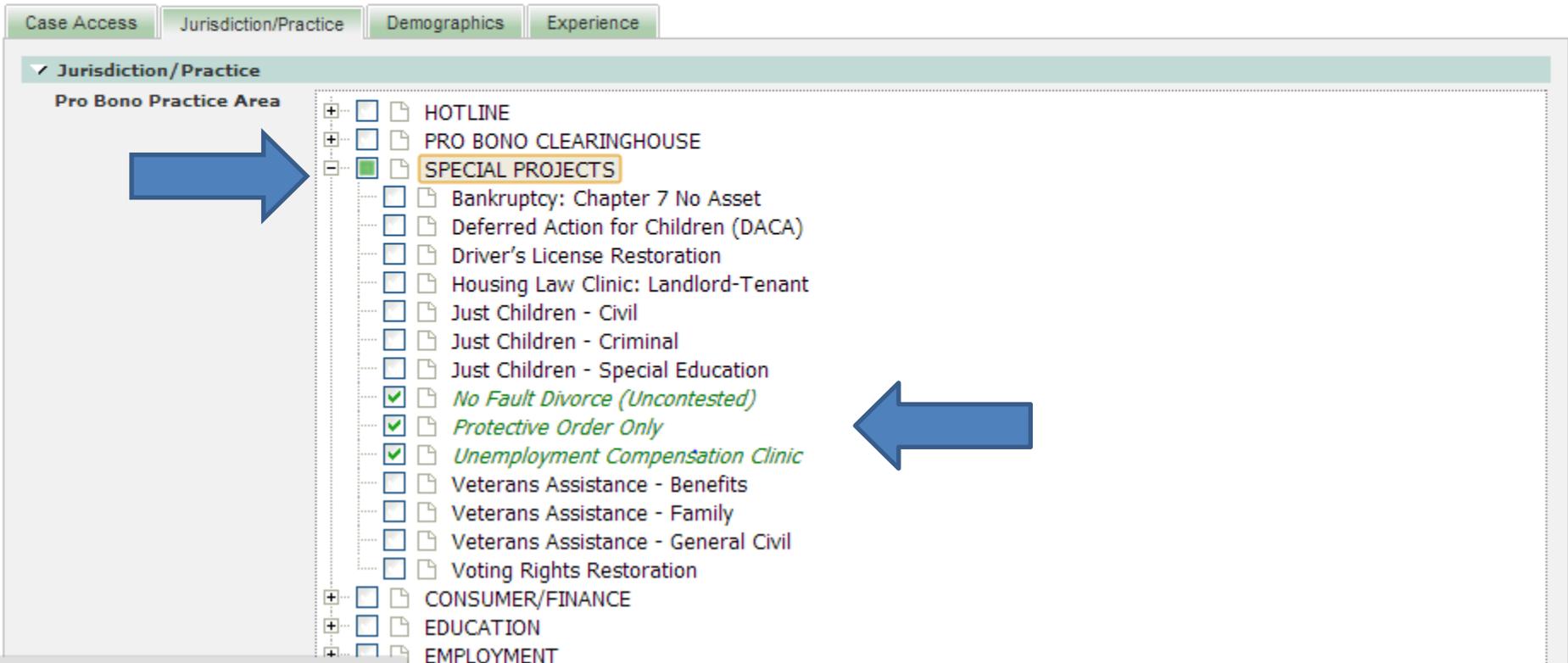
Save Cancel

Case Access Jurisdiction/Practice Demographics Experience

▼ Jurisdiction / Practice

Pro Bono Practice Area

- HOTLINE
- PRO BONO CLEARINGHOUSE
- SPECIAL PROJECTS
- Bankruptcy: Chapter 7 No Asset
- Deferred Action for Children (DACA)
- Driver's License Restoration
- Housing Law Clinic: Landlord-Tenant
- Just Children - Civil
- Just Children - Criminal
- Just Children - Special Education
- No Fault Divorce (Uncontested)*
- Protective Order Only*
- Unemployment Compensation Clinic*
- Veterans Assistance - Benefits
- Veterans Assistance - Family
- Veterans Assistance - General Civil
- Voting Rights Restoration
- CONSUMER/FINANCE
- EDUCATION
- EMPLOYMENT



JusticeServer

Connect. Counsel. Serve.

REGISTER TODAY!

WWW.JUSTICESERVER.ORG

Quick Overview of Virginia's District Courts



CHRISTIE MARRA
STAFF ATTORNEY IN HOUSING, FAMILY LAW
AND CHILD WELFARE



progress

service

advocacy

impact

justice

community

Serving Virginia's legal aid system by providing advocacy, training, and litigation support on civil justice issues that affect low-income Virginians

700 E Main St. Suite 1410, Richmond, VA 23219

T: 804-782-9430

F: 804-649-0974

VPLC



The statewide support center for legal aid in
Virginia providing support in

ADVOCACY

TRAINING

LITIGATION

on the civil justice issues faced by
low-income Virginians

General District Court



- **Civil Jurisdiction:**
 - Exclusive for money claims not greater than \$4500
 - Concurrent with Circuit Court for claims greater than \$4500 but less than \$25,000
 - Unlawful detainers AND related claims for damages regardless of the amount of the claim
 - Plus – interpleaders involving real or personal property

General District Court



- **Pleadings**

- Actions in general district court are generally initiated through form pleadings available in the clerk's office and on line (www.courts.state.va.us/forms/district/civil.htm)
- Additional pleadings may be ordered at the request of either party, i.e. Bill of Particulars, Grounds of Defense (16.1-88.01)
- Counterclaims may be heard with original claim or at a separate hearing at the discretion of the court (16.1-88.01)
- Discovery: Subpoenas duces tecum issued by the clerk OR directly by attorneys pursuant to Rule 1:12 of the Rules of Supreme Court (16.1-89)

General District Court



- Where law and equity conflict, EQUITY RULES!
(16.1-93)
- Motion for new trial must be made within 30 days after date of judgment (not including the date of judgment) and the court must hold a hearing and rule on the motion no later than 45 days after the date of judgment

General District Court



- Appeals:

- Appeal of right to Circuit Court must be noted within 10 days after judgment is entered (16.1-106)
- Trial de novo in Circuit Court (16.1-113)
- Appeal bond must be paid within 30 days of judgment UNLESS the appellant is indigent
- **HOWEVER**, indigent person **MUST PAY APPEAL BOND** in cases of trespass, ejectment, unlawful detainer against a former owner based upon foreclosure against that owner and any action involving the recovery of rents (16.1-107)

Juvenile and Domestic Relations District Court



- **Jurisdiction includes:**
 - Custody and visitation
 - Child and spousal support
 - Child abuse and neglect and termination/restoration of parental rights
 - Delinquency
 - Family abuse and child protective orders
 - Dependency
 - Child in need of supervision and services

The above is not an exhaustive list

Juvenile and Domestic Relations District Court



- Cases are initiated by filing a petition in the court services unit
- JDR Court has concurrent jurisdiction with circuit court over custody, visitation and child/spousal support; **HOWEVER**, when there is a divorce filed in circuit court raising custody, visitation or support **AND** a hearing is set by the circuit court on any of these issues on a date certain or on a motions docket to be heard within 21 days of filing, JDR is divested of jurisdiction

Juvenile and Domestic Relations District Court



- **Subpoenas:**

- Issued by clerk of court upon request of party
- May also be issued by attorney on a form approved by the Committee on District Courts
 - ✦ (16.1-265)
- Cases in which attorney-issued subpoenas are NOT permitted listed in 8.01-407

Juvenile and Domestic Relations District Court



- **Appeals (16.1-296 & 16.1-297)**
 - May be taken to Circuit Court within ten days from entry of final judgment
 - Heard de novo
 - No appeal bond is required except for any order or portion of an order establishing a support arrearage or suspending payment of support during the pendency of an appeal
 - Circuit Court must send a copy of the final judgment on appeal to JDR Court within 21 days and it becomes an order of the JDR Court
 - Circuit Court may also remand the proceeding to JDR following the final judgment

Questions?



For more information, please contact

- Karl A. Doss, Virginia State Bar, doss@vsb.org , 804-775-0522
- Justina Uram-Mubangu, Good Samaritan Advocates, justina@gsadvocates.org, 703-761-5014
- Christie Marra, Virginia Poverty Law Center, christie@vplc.org, 804-782-9430

Upcoming Webinars in this Series



Representing Victims of Domestic Violence

- **Part 2: Protective Orders – Nuts and Bolts**, October 16, 2:00 – 3:30 pm
- **Part 3: Addressing Custody, Visitation and Support**, October 28, 12:00 pm – 1:30 pm
- **Part 4: Violence Against Women Act (VAWA I-360)**, November 5, 1:00 pm – 2:30 pm
- **Part 5: U Visas**, November 14, 1:00 pm – 2:00 pm