WEDNESDAY, SEPTEMBER 7, 2022

"PRO BONO WORK TO EMPOWER AND REPRESENT ACT –

THE DENVER INDIAN CENTER AND SOUTHWES COLORADO FOCUS"

A free Faculty of Federal Advocates CLE

2 General/1 Ethics CLE credits requested.

Date: Wednesday, Sept. 7, 2022

Location: The Denver Indian Center, 4407 Morrison Rd, Denver, CO 80219

AND BY WEBINAR

Time: 3:00 – 5:00 p.m., followed by Denver Indian Center / Metro Volunteer Lawyers Legal Night, from 6:00 to 8:00 p.m.

Speakers and Attached Materials:

- **WELCOME AND INTRODUCTION – U.S. District Judge Nina Y. Wang, U.S. District Court for the District of Colorado**
  - Handout, American Bar Association – "The Power of Pro Bono" . . . . . **p. 3**
- Rick Waters/Steve Revello/David Wright, Denver Indian Center . . . . . **p. 16**
- Ivonne Esparza, Director of the Denver Indian Center Legal Clinic of Metro Volunteer Lawyers, Denver Bar Association . . . . . **p. 19**

- Lori Hubert, Domestic Violence Program Specialist, Ute Mountain Ute tribe
- Kelsey Lansing, Victim Advocate/Tribal Outreach Coordinator, Sexual Assault Services Organization, Durango . . . . . p. 20
- Lisa Manzanares, Victim Services Program Specialist, Southern Ute tribe . . . . p. 22
- Lindsay Marshall, Managing Attorney, Colorado Legal Services, Durango . . . . p. 24
- Norma Peabody, Rural Domestic Violence Advocacy Coordinator/Supervisor, Ute Mountain Ute Victim Support Services [Unavailable, but the Victim Support Services flyer is included] . . . . . p. 26
- James Wilder, Assistant Regulation Counsel, Office of Attorney Regulation Counsel (OARC)
    - The Ethics of Pro Bono Representation . . . . . p. 28
- **CONCLUDING REMARKS – Edward Butler, Legal Officer, U.S. District Court for the District of Colorado**

The POWER Act is the federal "Pro Bono Work to Empower and Represent Act of 2018" (P.L. 115-237). The U.S. District Court for the District of Colorado, the Faculty of Federal Advocates, and the Colorado Bar Association are partners in offering this FREE CLE focusing on pro bono and volunteer opportunities in assisting Native American tribal members in the Denver metro area and in southwest Colorado.

Representatives from the Denver Indian Center, Metro Volunteer Lawyers, and domestic violence prevention and advocacy groups in southwest Colorado Ute Mountain Ute, Southern Ute, and organizations such as Colorado Legal Services in Durango will discuss pro bono and other volunteering opportunities with the goal of increasing the provision of pro bono legal services for Native American victims of domestic violence, dating violence, sexual assault, and stalking.

In addition, U.S. District Judge Nina Y. Wang will speak about the POWER Act and its purpose and goals. Colorado Supreme Court / Office of Attorney Regulation Counsel Deputy Attorney Regulation Counsel James Wilder will present a 50-minute ethics CLE titled "Ethics & Pro Bono Representation," discussing limited representation principles when volunteering through non-profit legal organizations.

FFA and CBA members are welcome to attend the event at the Denver Indian Center, or attend by Zoom webinar. Those who attend in person are also invited to participate in the Denver Indian Center Legal Clinic, from 6:00 to 8:00 p.m.

THE POWER OF PRO BONO

A Judicial Toolkit for POWER Act Implementation

AMERICANBARASSOCIATION™

Commission on Domestic & Sexual Violence

Standing Committee on Pro Bono and Public Service

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WELCOME & OVERVIEW

This toolkit offers free resources from the ABA for implementing the federal Pro Bono Work to Empower and Represent Act of 2018 (POWER Act), focused on helping victims of domestic, dating, sexual, and stalking violence gain access to critical pro bono legal services.

The POWER Act authorizes the chief judge in each federal judicial district to host at least one public event annually to promote free legal services for survivors of these types of gender-based violence.

This toolkit provides:

- Basic information on domestic, dating, sexual, and stalking violence
- Tools to identify statutorily-required training partners
- Resources for planning a POWER Initiative training event

The repercussions of domestic, dating, sexual and stalking violence are heartbreaking. A lawyer's skilled assistance is critical for survivors to be safe, regain stability, and move forward with their lives. Research shows that the availability of civil legal services in a community greatly reduces the likelihood of domestic violence. Pro bono assistance is crucial because the supply of trained lawyers is far below the demand. Your leadership on the POWER Act will make an enormous difference in the lives of victims and their children.

As you engage with this important work, please do not hesitate to call on the expertise of the ABA's Commission on Domestic & Sexual Violence and Standing Committee on Pro Bono and Public Service for technical assistance and support.

Andrew King-Ries, Chair
ABA Commission on Domestic & Sexual Violence

David Bienvenue, Chair
ABA Standing Committee on Pro Bono and Public Service

THE POWER ACT OF 2018

Public Law 115–237
115th Congress

An Act

To promote pro bono legal services as a critical way in which to empower survivors of domestic violence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pro bono Work to Empower and Represent Act of 2018" or the "POWER Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Extremely high rates of domestic violence, dating violence, sexual assault, and stalking exist at the local, State, tribal, and national levels and such violence or behavior harms the most vulnerable members of our society.

(2) According to a study commissioned by the Department of Justice, nearly 25 percent of women suffer from domestic violence during their lifetime.

(3) Proactive efforts should be made available in all forums to provide pro bono legal services and eliminate the violence that destroys lives and shatters families.

(4) A variety of factors cause domestic violence, dating violence, sexual assault, and stalking, and a variety of solutions at the local, State, and national levels are necessary to combat such violence or behavior.

(5) According to the National Network to End Domestic Violence, which conducted a census including almost 1,700 assistance programs, over the course of 1 day in September 2014, more than 10,000 requests for services, including legal representation, were not met.

(6) Pro bono assistance can help fill this need by providing not only legal representation, but also access to emergency shelter, transportation, and childcare.

(7) Research and studies have demonstrated that the provision of legal assistance to victims of domestic violence, dating violence, sexual assault, and stalking reduces the probability of such violence or behavior reoccurring in the future and can help survivors move forward.

(8) Legal representation increases the possibility of successfully obtaining a protective order against an attacker, which prevents further mental and physical injury to a victim and his or her family, as demonstrated by a study that found that 83 percent of victims represented by an attorney were

able to obtain a protective order, whereas only 32 percent of victims without an attorney were able to do so.

(9) The American Bar Association Model Rules include commentary stating that "every lawyer, regardless of professional prominence or professional workload, has a 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".

(10) As leaders in their legal communities, judges in district courts should encourage lawyers to provide pro bono resources in an effort to help victims of such violence or behavior escape the cycle of abuse.

(11) A dedicated army of pro bono attorneys focused on this mission will inspire others to devote efforts to this cause and will raise awareness of the scourge of domestic violence, dating violence, sexual assault, and stalking throughout the country.

(12) Communities, by providing awareness of pro bono legal services and assistance to survivors of domestic violence, dating violence, sexual assault, and stalking, will empower those survivors to move forward with their lives.

SEC. 3. DISTRICT COURTS TO PROMOTE EMPOWERMENT EVENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for a period of 4 years, the chief judge, or his or her designee, for each judicial district shall lead not less than one public event, in partnership with a State, local, tribal, or territorial domestic violence service provider or coalition and a State or local volunteer lawyer project, promoting pro bono legal services as a critical way in which to empower survivors of domestic violence, dating violence, sexual assault, and stalking and engage citizens in assisting those survivors.

(b) DISTRICTS CONTAINING INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—During each 2-year period, the chief judge, or his or her designee, for a judicial district that contains an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) shall lead not less than one public event promoting pro bono legal services under subsection (a) of this section in partnership with an Indian tribe or tribal organization with the intent of increasing the provision of pro bono legal services for Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, and stalking.

(c) REQUIREMENTS.—Each chief judge shall—

(1) have discretion as to the design, organization, and implementation of the public events required under subsection (a); and

(2) in conducting a public event under subsection (a), seek to maximize the local impact of the event and the provision of access to high-quality pro bono legal services by survivors of domestic violence, dating violence, sexual assault, and stalking.

SEC. 4. REPORTING REQUIREMENTS.

(a) REPORT TO THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Not later than October 30 of each year, each chief judge shall submit to the

Director of the Administrative Office of the United States Courts a report detailing each public event conducted under section 3 during the previous fiscal year.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than January 1 of each year, the Director of the Administrative Office of the United States Courts shall submit to Congress a compilation and summary of each report received under subsection (a) for the previous fiscal year.

(2) REQUIREMENT.—Each comprehensive report submitted under paragraph (1) shall include an analysis of how each public event meets the goals set forth in this Act, as well as suggestions on how to improve future public events.

SEC. 5. FUNDING.

The Administrative Office of the United States Courts shall use existing funds to carry out the requirements of this Act.

Approved September 4, 2018.

LEGISLATIVE HISTORY—S. 717:
CONGRESSIONAL RECORD:
Vol. 163 (2017): Aug. 1, considered and passed Senate.
Vol. 164 (2018): July 17, considered and passed House, amended.
Aug. 15, Senate concurred in House amendment.

Domestic & Sexual Violence and Pro Bono

FACTS ABOUT GENDER-BASED VIOLENCE

What is Domestic Violence?
Domestic violence is a pattern of coercive behaviors used by a person to maintain control over an intimate partner. Coercive behaviors can include isolation, psychological abuse, sexual violence, economic control, manipulation of children, stalking, threats, intimidation, and physical assaults.

National Domestic Violence Statistics

Domestic Violence Dynamics:

National Coalition Against DV, Dynamics of Abuse
National DV Hotline, What Is Domestic Violence?
National Resource Center on DV, About Domestic Violence

What is Sexual Violence?
Sexual violence is any type of unwanted sexual contact, including words and actions of a sexual nature against a person's will and without their consent. A person may use force, threats, manipulation, or coercion to commit sexual violence.

National Sexual Violence Statistics

Sexual Violence Dynamics:

National Sexual Violence Resource Center, About Sexual Assault
Rape, Abuse, & Incest National Network, Types of Sexual Violence

What is Stalking Violence?
Stalking is a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear.

National Stalking Violence Statistics

Stalking Violence Dynamics:

Stalking Prevention, Awareness, and Resource Center, Definition & FAQs
SPARC, Stalking & Intimate Partner Violence

National Intimate Partner & Sexual Violence Survey

Centers for Disease Control & Prevention (Full Report)

WHY IS LEGAL ASSISTANCE FOR VICTIMS IMPORTANT?

> *I asked my client why she was crying … She smiled and said that hers were tears of joy from having so many advocates, after feeling powerless for so long. More than the legal victory we won, her feeling of empowerment was an important measure of success. Her husband was a wealthy man and now she, too, had resources—the experience gave her strength, in addition to justice.*
>
> *Similar resources are ready and waiting throughout the United States to help those in need. Well-meaning attorneys and publicly minded law firms are eager to take on pro bono cases and help others access justice. Regretfully, too few nonprofit organizations maximize their engagement.*

Layli Miller-Muro, Founder of Tahirih Justice Center[1]

Skilled legal representation is critical to successful intervention and accountability.

- Legal services are second only to medical services as the most-requested need of victims. However, of all women who reported needing legal services, 64 percent received NO assistance from an attorney. [2]
- LSC-funded programs are the nation's primary source of legal assistance for victims of domestic violence.[3]
- According to one study, 83 percent of victims represented by an attorney successfully obtained a protective order, as compared to just 32 percent of victims without an attorney. [4]
- In 86 percent of cases where a victim received a protection order, the abuse stopped or was greatly reduced.[5]
- "[T]he provision of legal services significantly lowers the incidence of domestic violence…Because legal services help women with practical matters such as protective orders, custody, and child support they appear to actually present women with real, long-term alternatives to their relationships."[6]

FREQUENTLY ASKED QUESTIONS ABOUT PRO BONO

California Bar Association:
Pro Bono FAQ

CTLawHelp:
Frequently Asked Questions About Taking Pro Bono Cases

Michigan State Bar:
Common Questions About Pro Bono

ABA Model Rule 6.1 encourages attorneys to provide 50 hours of legal services annually to those who cannot pay.

Pro bono cases can be taken directly by an attorney or attorneys may receive case referrals through organizations that support pro bono work. These organizations typically screen cases beforehand for merit and financial eligibility before referring cases to pro bono attorneys. Most organizations will provide malpractice insurance to volunteers.

Organizations may provide training to attorneys on substantive areas of law in return for the attorney agreeing to take on a matter, especially in high need areas of practice, such as family law and domestic violence. These organizations should also provide ongoing assistance and oversight to pro bono volunteers, especially those who are working on a case outside of their typical practice area.

[1] Layli Miller-Muro, *The Power of Many*, 2011 Stan. Social Innovation Rev. 25.
[2] Michele C. Black et al., Ctrs. For Disease Control & Prevention, Intimate Partner Violence in the United States - 2010, at 56 (2014), *available at* https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_single_a.pdf.
[3] Legal Services Corp., LSC 2016 Annual Report 5 (2017), *available at* https://lsc-live.app.box.com/s/2z769d3pkv6o9qx5hb1njuz3w11yq7gl; Legal Services Corp., 2017 By the Numbers: The Data Underlying Legal Aid Programs 41 (2018), *available at* https://lsc-live.app.box.com/s/z0war4502dbngggwyd8h22ati36c8smr
[4] Jennifer S. Rosenberg & Denise A. Grab, Inst. for Pol'y Integrity, N.Y.U. Sch. Of L., Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence 1, 9 (2015).
[5] Meda Chesney-Lind, *James Ptacek, Battered Women in the Courtroom: The Power of Judicial Response*, 35 Crime, L. & Soc. Change 363 (2001) (reviewing James Ptacek, Battered Women in the Courtroom: The Power of Judicial Response (1999)).
[6] Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 Contemp. Econ. Pol'y 158 (2003).

WHAT CAN VOLUNTEERS DO IN GENDER-BASED VIOLENCE CASES? (AND WHAT IF THEY DONT WANT TO LITIGATE?)

Types of Volunteers:

- Litigators
- Transactional attorneys
- Policy attorneys
- Research attorneys
- Retired/inactive attorneys
- New attorneys
- Experienced attorneys
- Non-attorneys, including paralegals, administrative staff, and civilians

Types of cases:

- Civil Protection Order
- Divorce & Property Division
- Child Custody & Support
- Child Welfare/Juv. Justice
- GAL/Child's Attorney
- Immigration
- Disability
- Income Maintenance
- Consumer Debt
- Employment
- Expungement/Vacatur
- Housing
- Education
- Health Care
- Privacy
- Tribal law
- Military law
- Torts/Insurance
- Criminal law

Types of legal opportunities:

- Advice and counsel clinics & hotlines
- Legal information at self-help centers
- Brief or extended representation *(e.g. from protection orders to immigration to complex family)*
- Impact litigation or policy advocacy *(e.g. appeals, legislation/lobbying)*
- Litigation support *(e.g. depositions, experts, stenographers, transcripts)*
- Community education & outreach *(e.g. Know Your Rights)*
- Transactional or other legal assistance to nonprofit organizations *(e.g. subpoena defense, general counsel)*
- Mentoring other volunteers

Types of nonlegal opportunities:

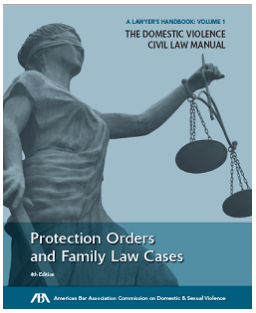
- Public awareness *(e.g. op-eds, articles, brochures, websites, social media...)*
- Outreach *(e.g. staffing info booths, campaign drives, fundraising, etc.)*
- Training support *(e.g. donating space, registration system, nametags, photocopying, lunch...)*

Types of time commitment:

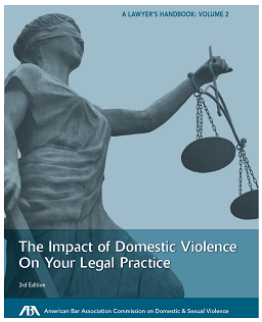
There are widely varying levels of time commitments and opportunities for limited scope representation.

TOOLS FOR ATTORNEYS REPRESENTING VICTIMS

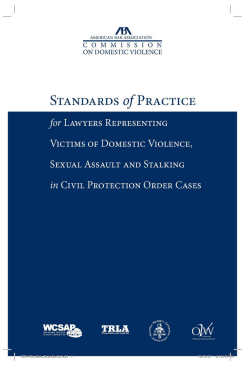
A Lawyer's Handbook, Vol. 1
Civil Law Manual: Protection Orders and Family Law Cases (4th Ed.)
Order Copies FMI click here
This long-awaited update of the popular resource manual is designed to guide the victim's attorney through the process of representing domestic violence victims in either protection order or family law cases. The Fourth Edition includes updated references and sample documents, an expanded discussion of assessing client needs to promote safe and effective legal outcomes, and re-designed layout and chapter division.



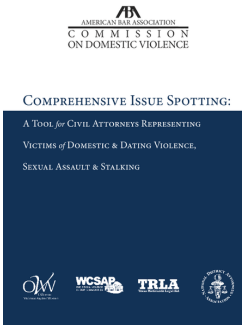
A Lawyer's Handbook, Vol. 2
The Impact of Domestic Violence on Your Legal Practice (3rd Ed.)
Order Copies
This updated and expanded edition aids attorneys in every field of practice to represent clients responsibly by helping them recognize domestic violence and how a legal matter may be affected by domestic violence. More than 25 authors contributed to this comprehensive reference, making it a valuable tool in assisting attorneys with the intersection of domestic violence and the law.



Standards of Practice
Download a Copy Order Copies
With "black letter" adopted by the ABA House of Delegates, these Standards of Practice are intended to improve the quality of legal representation of victims of domestic violence, sexual assault and stalking.



Comprehensive Issue Spotting
Download a Copy Order Copies
This screening and referral tool for civil attorneys--a companion to the Standards of Practice--is designed to facilitate effective and holistic client-centered representation. The tabbed booklet encourages attorneys and clients to identify areas beyond civil protective orders in which clients may need legal assistance, and provide them with information to make informed decisions regarding additional resources.

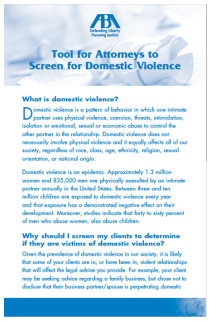


The ABA Commission on Domestic & Sexual Violence offers best practice resources for gender-based violence attorneys at low- or no cost.

TOOLS FOR ATTORNEYS REPRESENTING VICTIMS

Tool for Attorneys to Screen for Domestic Violence

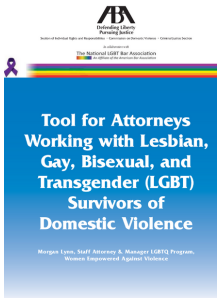
Download a Copy Order Copies



It is important for all attorneys representing individuals to screen their clients to determine if they are victims of domestic violence so that they may most effectively, ethically, and safely represent them. The Screening Tool provides clear, effective ways to properly screen a client for domestic violence in an easily accessible format.

Tool for Attorneys Working with LGBT Survivors of Domestic Violence

Download a Copy Order Copies



It is likely that some of your clients are LGBT, whether or not they are "out" to you. Domestic violence committed in LGBT relationships is similar to DV committed in heterosexual relationships, but it is also different in some important ways. This tool provides an understanding of these differences in order to foster ethical and effective representation to LGBT survivors.

Litigating for Deaf Clients

Download a Copy Order Copies

Representing victims who are d/Deaf in domestic violence cases requires more than hiring an American Sign Language interpreter at your expense or passing notes as a means of communication. This publication details practical skills and steps to take to develop an integrated language access plan for work with victims who are d/Deaf. This includes steps to take for emergency, or “unscheduled” court dates, issues of confidentiality for victims who are d/Deaf, and the importance of linguistic accuracy for positive litigation outcomes.

Use of Electronic Evidence in Domestic Violence Litigation

Download a Copy Order Copies

Technology seemingly pervades every aspect of modern interaction and communication. In domestic violence cases, it is no different, as abusers have adapted to exert coercive control over their partners using technology and the Internet. Preserving and entering this evidence at trial is playing an increasingly critical role in domestic violence litigation. This publication details a four-step framework and sample direct examination questions that will assist attorneys in analyzing the utility and practicality of introducing electronic evidence into domestic violence litigation.

CONTACT US

4407 Morrison Rd, Denver, CO
80219
(303) 936-2688
information@denverindiancenter.org

DONATE

DENVER INDIAN CENTER

ABOUT DENVER INDIAN CENTER

"To empower American Indian, youth, elders, families, and community by promoting self-determination and economic, mental, and physical health through education, advocacy, and cultural enrichment, since 1983".

OUR HOURS

Monday: 8 am- 5 pm
Tuesday: 8 am- 5 pm
Wednesday: 8 am- 5 pm
Thursday: 8 am - 5 pm
Friday: 8 am-4 pm
Closed Daily 12 pm- 1 pm

FOOD BANK :

- DICI is also for a proud partner of Food Bank of the Rockies through The Emergency Food Assistance Program (TEFAP) and our Commodities for Seniors (CFS) program.

FOOD BANK HOURS:
10:00 am- 2:30 pm Every Other Friday

Institution is an Equal Opportunity Provider

NATIVE WORKFORCE PROGRAM

- Skill and resume building workshops
- One on one career counseling
- Computer Lab (COVID-19 Restricted)

HONORING FATHERHOOD PROGRAM

- Career support services
- Enhance relationship and parenting skills
- One on one mentoring

COMMUNITY SERVICES

- Monthly lunches and services for Elders
- Energy Outreach
- Cultural Activities and Language Classes
- Youth Programming
- Community Events

NATIVE PEER OUTREACH TEAM

- ·Culturally appropriate resource and behavioral health navigation and support
- ·Emergency Assistance: Food, transportation, etc.
- ·Listening, support and encouragement

HONORING FATHERHOOD

a program of the DENVER INDIAN CENTER, Inc.

Fatherhood Sessions

Explore and learn!

Leading Generations of Men!

Why join us:

- Culturally Specific Relationship Education for fathers.
- Participants will also receive 1:1 support in the areas of relationship guidance and employment support.
- As a demonstration project, incentives and supportive services will be provided for participation.
- The Honoring Fatherhood Program will provide childcare and transportation assistance.
- A Certificate of Completion will be presented to participants that successfully meet the requirements at the conclusion of the 12 weeks of workshops.

Registration is now open!

FREE

CALL TODAY

720-576-0022

Funding for this project was provided by the United States Department of Health and Human Services, Administration for Children and Families, Grant#90FK006401 Denver Indian Center will not discriminate on the basis of race, ethnicity, color, religion, sex (including sexual harassment, pregnancy, gender identity, and sexual orientation), national origin, age (40 years of age or over), disability (physical or mental), family medical history or genetic information.

Email: HonoringFatherhood@denverindiancenter.org

DO YOU NEED FREE LEGAL ADVICE?

First Wednesday of Every Month | 6 to 8 p.m.

Denver Indian Center

4407 Morrison Rd. | Denver, CO 80219

Metro Volunteer Lawyers brings a team of dedicated pro bono attorneys to the Denver Indian Center, Inc. to provide Native American residents with free legal advice and resource referrals. This clinic is open and inclusive to all.

You can receive legal advice at no cost to you for questions regarding **Divorce, Custody, Probate, Wills, Powers of Attorney, Guardianships/Conservatorships, Consumer, Financial, Landlord/Tenant, Social Security, and more!** **Financial eligibility may be required to receive more in-depth services.*

For more information, please call the Denver Indian Center, Inc. at 303-936-2688.

Sponsored by The Denver Bar Association, Metro Volunteer Lawyers, and in collaboration with the Denver Indian Center, Inc.

METRO VOLUNTEER LAWYERS
a Denver Bar Association program
in collaboration with the Adams/Broomfield, Arapahoe, Douglas/Elbert, and First Judicial District Bar Associations

DENVER INDIAN CENTER

WHAT IS SEXUAL ASSAULT?

Sexual assault is any unwanted sexual act or a sexual act that occurs without the consent or permission of parties involved. This can include a large range of behaviors that violate a person's space and safety in a sexual way. Sexual violence is a tool used to hold power over another person and maintain multiple oppressions.

No one deserves to be sexually assaulted, and no one "asks" to be sexually assaulted because of their clothes, behavior, or lifestyle.

Consent is not given when:
When you are pressured to have sex.
When your partner refuses to take "no" as an answer.
When someone blackmails you to have sex.
When you physically push away your partner.
When you say "no" or "stop".
When fear is in the room.

CONSENT MUST BE:
Active and Ongoing
Free Choice- without coercion
Equal Power in the relationship

NO MORE BECAUSE WE SASO!
24 HR CRISIS HOTLINE:
(970)247-5400

CONTACT US:

24-hr Crisis Hotline
970-247-5400
Physical Addresses:
The Commons Building, Suite 312
701 Camino del Rio
Durango CO, 81301
970-259-3074
The ELHI, Room #22
115 Ute Street
Ignacio, CO 81137
970-563-0695
Mailing:
PO Box 2723
Durango CO, 81302

CONTACTENOS:

Línea Directa de Crisis de 24 horas
970-247-5400
Dirección Física:
The Commons Building, Suite 312
701 Camino del Rio
Durango CO, 81301
970-259-3074
The ELHI, Room #22
115 Ute Street
Ignacio, CO 81137
970-563-0695
Dirección Postal:
PO Box 2723
Durango CO, 81302

SASO
SexualAssaultServicesOrganization

This project was supported by Department of Criminal Justice Victims of Crimes Act Funding 2018-VA-19-171-06

SEXUAL ASSAULT SERVICES ORGANIZATION

No More! Because We SASO.

NADA MAS PORQUE ¡ASI LO DECLARAMOS!.

24 HR CRISIS HOTLINE/ LINEA DIRECTA DE CRISIS DE 24 HORAS: (970)247-5400

WHAT IS SASO?

SASO is dedicated to providing advocacy to victims of sexual assault and providing prevention education aimed at increasing public awareness and safety to stop sexual violence through an anti-oppression framework. SASO seeks to empower ALL victims of sexual violence regardless of immigration status, sexual orientations, religion, gender, income level, race/ethnicity, age and/or disability.

WHAT SERVICES ARE OFFERED:

24-hr Crisis Hotline
Forensic Medical Advocacy
Law Enforcement Advocacy
Criminal Justice Advocacy
Survivor Support Groups
Prevention Education
First Responder Trainings
Volunteer Opportunities

NO MORE BECAUSE WE SASO!
24 HR CRISIS HOTLINE:
(970)247-5400

¿QUE ES SASO?

SASO se dedica a proporcionar abogacía a las víctimas de agresión sexual y proporcionar educación de prevención con el fin de aumentar la conciencia pública y seguridad para acabar con la violencia sexual a través de un marco de anti-opresión.

SASO busca empoderar a TODAS las víctimas de la violencia sexual, sin importar su estatus migratorio, orientación sexual, religión, género, nivel de ingresos, raza/etnicidad, edad, y/o discapacidad.

¿CUALES SON LOS SERVICIO OFRECIDOS?

Línea Directa de Crisis de 24 horas
Abogacía con la Medicina Forense
Abogacía con Agencias del Orden Público
Abogacía con la Justicia Penal
Grupos de Apoyo para Sobrevivientes
Educación de Prevención
Capacitación de Primera Respuesta
Oportunidades de Voluntarismo

¿QUE ES LA AGRESION SEXUAL?

La agresión sexual es cualquier acción sexual no deseada o una acción sexual que ocurre sin el consentimiento o permiso de las partes involucradas. Esto puede incluir un amplio rango de comportamientos que infringen el espacio o la seguridad de una persona de una manera sexual. La violencia sexual es una herramienta utilizada para ejercer el poder sobre otra persona y mantener múltiples opresiones.

Nadie merece ser agredido sexualmente y nadie 'invita' la agresión sexual con su ropa, comportamiento o estilo de vida.

El consentimiento no se otorga cuando:

Te presionan para tener sexo.
Tu pareja se rehúsaa aceptar la repuesta de 'no'.
Alguien te chantajea para tener sexo.
Empujas paraalejar a tu pareja físicamente.
Dices que 'no' o que pare.
Existe el miedo.

EL CONSENTIMIENTO DEBE SER:
Activo y Seguido
Voluntario – sin coacción
Poder Equitativo en la relación

LINEA DIRECTA DE CRISIS DE 24 HORAS:
(970)247-5400

Mission Statement

The mission of the Southern Ute Victim Service Program is to provide comprehensive, coordinated services to ensure the safety and well being of victims involved in a crime within the exterior boundaries of the Southern Ute Indian Reservation.

Objectives/Goals

The Victim Services Program provides assistance to victims of crime in the forms of counseling, referrals, support through the criminal justice, and court system, as well as, provides shelter, in special cases for both primary and secondary victims.

This program has contracted a therapist to provide individual therapy to serve approximately 25 people during the one year contract.

The Victim Services Program currently works collaboratively with Violence Prevention Coalition of Southwest Colorado to provide a 911- cell phone loan program to assist primary victims involved in a domestic violent relationship.

Resources:

- Southern Ute Police Dept. 563-4401
- Southern Ute Victim Services 563-0245 (After hours 563-4401)
- Southern Ute Tribal Court 563-0240
- Southern Ute Prosecutor 563-3111
- Alternative Horizons (24 Hrs) 247-9619
- Sexual Assault Services (24 hrs) 247-5400 Organization
- Southwest Safe House 259-5443
- Durango Community Shelter 259-1255

Victim Service Program

149 CR 517
P.O. Box 737 #14
Ignacio, CO 81137

Phone: 970-563-0245
Fax: 970-563-0347
E-mail: lmanzana@southern-ute-nsn.gov
E-mail: jgomez@southernute-nsn..gov
E-mail: nthompson@southernute-nsn.gov

Victim Service Program

Southern Ute Victim Services Program

Assisting the Victims of Crimes to Find the Healing Path

Tel: 970-563-0245

THE SOUTHERN UTE VICTIM SERVICES PROGRAM

The Southern Ute Victim Program is located in the Law Enforcement Department of the Southern Ute Justice Complex. The program was created in order to provide comprehensive, coordinated services to victims of crimes on the Southern Ute Reservation.

WHY THE PROGRAM IS NEEDED

Victim/Witness programs have been set up in the District Attorney's offices all over the country to help victims through the prosecution process. Counseling services and support groups are set up to assist in transition from victim to survivor. Victim Compensation is available that can assist in financial matters such as counseling, broken locks, injuries, ect.

Most victims are not aware of the services available to them and research supports the belief that victims of crimes recover and return to more normal lives if support services are provided soon after victimization. Victims Services Programs set up in Law Enforcement Agencies can fill a void in referral, crisis intervention and support. Law enforcement agencies are reaping an added bonus; Officers have more time for active patrol while feeling comfortable that the victim is receiving adequate follow-up resources. Investigations can do their work more effectively because victim services personnel are answering the victim's questions about the process of the investigation and offering support during interviewing.

HOW THE VICTIM SERVICES PROGRAM HELPS VICTIMS OF CRIMES

The Victim Service Program is designed to provide a support and information system to victims immediately by responding to the scene of the crisis, the clinic or the law enforcement agency handling the case. This is usually the time when most victims feel alone, afraid and have feelings of hopelessness and helplessness. Victim assistance includes such aid as 24/7 on call victims advocate, crisis interventions, counseling, emergency transportation, victim notification, court accompaniment, victim impact statement, assistance with civil protection orders, child custody and divorce cases, other agencies referrals, victim/witness assistance, restitution recovery, temporary housing and security measures. Such services are vitally important for victims and their families as they wind their way through the Justice System and try to recover from life- shattering experiences.

If you are a victim of a crime act, you maybe eligible for assistance, feel free to call the Southern Ute Victim Services Program at 970-563-0245 to obtain information.

Victim Service Program

49 CR 517
P.O. Box 737 #14
Ignacio, CO 81137

Phone: 970-563-0245
Fax: 970-563-0347
E-mail: lmanzana@southern-ute-nsn.gov
E-mail: jgomez@southernute-nsn..gov
E-mail: nthompson@southernute-nsn.gov

CLS OFFICES

Alamosa
603 Main Street
Alamosa, CO 81101
(719) 589-4993

Boulder
315 W. South Boulder Rd.
Louisville, CO 80027
(303) 449-7575

Colorado Springs
617 S. Nevada Avenue
Colorado Springs, CO 80903
(719) 471-0380

Denver
1905 Sherman St., Suite 400
Denver, CO 80203
(303) 837-1313

Durango
835 E. 2nd Ave., Suite 300
Durango, CO 81301
(970) 247-0266

Fort Collins
211 West Magnolia
Fort Collins, CO 80521
(970) 493-2891

Grand Junction
200 N. 6th Street, Suite 203
Grand Junction, CO 81501
(970) 243-7940

Greeley
912 8th Avenue
Greeley, CO 80631
(970) 353-7554

La Junta
10 W. 3rd Street
La Junta, CO 81050
(719) 384-5438

Migrant Farm Worker Division
1905 Sherman St., Ste. 400
Denver, CO 80203
800-864-4330

Northwest Colorado Legal Services Project 800-521-6968 with offices in:

Craig
50 College Drive
Craig, CO 81625

Dillon
115 Village Place, Unit B
Dillon, CO 80435

Pueblo
1000 W. 6th Street, Suite 1
Pueblo, CO 81003
(719) 545-6708

Salida
1604 H Street, Suite 201
Salida, CO 81201
(719) 539-4251

COLORADO LEGAL SERVICES

Our mission is to provide access to high quality, **civil** legal services in the pursuit of justice for **low-income** persons and members of vulnerable populations throughout Colorado.

We are located at:
835 E. 2nd Avenue, Ste. 300
Durango, Colorado 81301
(toll free) 1-888-298-8483
(local) 970-247-0266

Colorado LEGAL Services

Colorado Legal Services (CLS) is a private, non-profit corporation founded in 1925.

Its mission is to provide meaningful access to high quality civil legal services in the pursuit of justice for low income persons and members of vulnerable populations throughout Colorado.

The program is **funded** by the Legal Services Corporation, United Way, and a variety of other public sources and private contributors.

Financial eligibility is based on nationwide poverty guidelines set annually by the federal government and approved by the CLS Board of Directors.

CLS provides legal advice and representation to low income eligible persons in civil matters. The office protocols vary somewhat around the state but are based on community and client needs and mainly defending clients from actions which threaten their ability to meet their basic human needs. **You must make an application and qualify for services through your local office before receiving services.**

Services are not available for criminal cases, traffic disputes, or fee-generating cases (such as personal injury and worker's compensation).

CLS attorneys, paralegals, and volunteers offer assistance in the following areas:

Family Law

Domestic violence issues, protection orders, dissolutions, custody, and child support (when occurring with a dissolution or custody case).

Housing Rights

Public and subsidized housing evictions, foreclosures, security deposit issues, and housing conditions issues.

Public Benefits

Social Security, welfare, disability benefits, food stamps, child care, unemployment compensation, Medicaid, Medicare, and some healthcare issues.

Consumer Law

Bankruptcy, debt collection, public utility shutoffs, the Low Income Energy Assistance Program, and other consumer issues.

*In limited cases, some financially eligible clients may be referred to attorneys outside of CLS. Colorado Legal Services has a **Volunteer Attorney Program (VAP)** that provides pro bono assistance to low income individuals who otherwise cannot afford legal representation. The members of the VAP are local private attorneys who donate their time and expertise to selected cases, free of charge.*

The **Durango Office** services the following counties:

- La Plata
- Archuleta
- Montezuma
- Dolores
- Hinsdale
- San Juan
- Ouray
- San Miguel
- Southern Ute & Ute Mountain Ute Reservations

For more information about our program, general legal information and other recourses, visit our website at: www.coloradolegalservices.org

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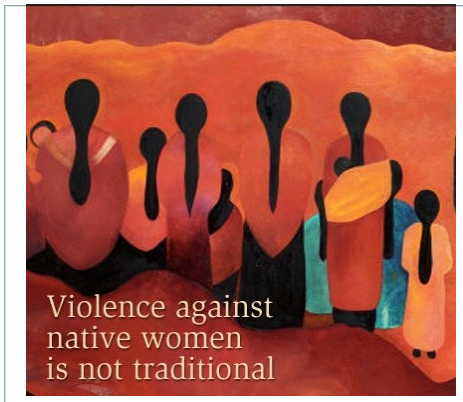
APPLY FOR OUR PROGRAM:

- Online (www.coloradolegalservices.org)
- In person (at office address)
- By phone (970-247-0266)

United Way of America

LSC



Program funded by:

OVW Rural Domestic Violence,

I H S Behavior Health Grants: MSPI and DVPI

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NORMA PEABODY
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NPeabody@utemountain.org

KIMBERLY MULTINE
Domestic Violence Prevention

WENDY LANER-SPAULDING
Suicide Prevention Case Manger
WLaner-spalding@utemountian.org

Victim Support Services
440 Sunset Blvd
Towoac, CO 81334

Phone: 970-564-5470
Fax: 970-564-5482

Revised 7/20/2019

THE GREAT SEAL OF THE UTE MOUNTAIN UTE TRIBE
TOWAOC, COLORADO

Victim Support Services

"Tú éí Nú nág ít"

(Healing from Within)

Goals

The overall goal of Victim Support Service Program is to advocate on behalf to victims of crime as well as those who suffer from suicidal ideation (s). To inform and educate on services, programs available, victims' rights, and the UMUT Tribal criminal justice system.

SERVICES

Victim Support Services will provide culturally appropriate prevention, intervention, postvention, and advocacy supportive services free of charge.

Western and traditional spiritual practices are available upon request.

All services will be provided in a supportive and safe environment that will help with healing and the ability to self-advocate with confidence.

TYPE OF SERVICES

Awareness topic areas:
Advocacy

Human Trafficking

Stalking

Domestic Violence

Dating Violence

Sexual Assault

Substance Abuse /Suicide Prevention

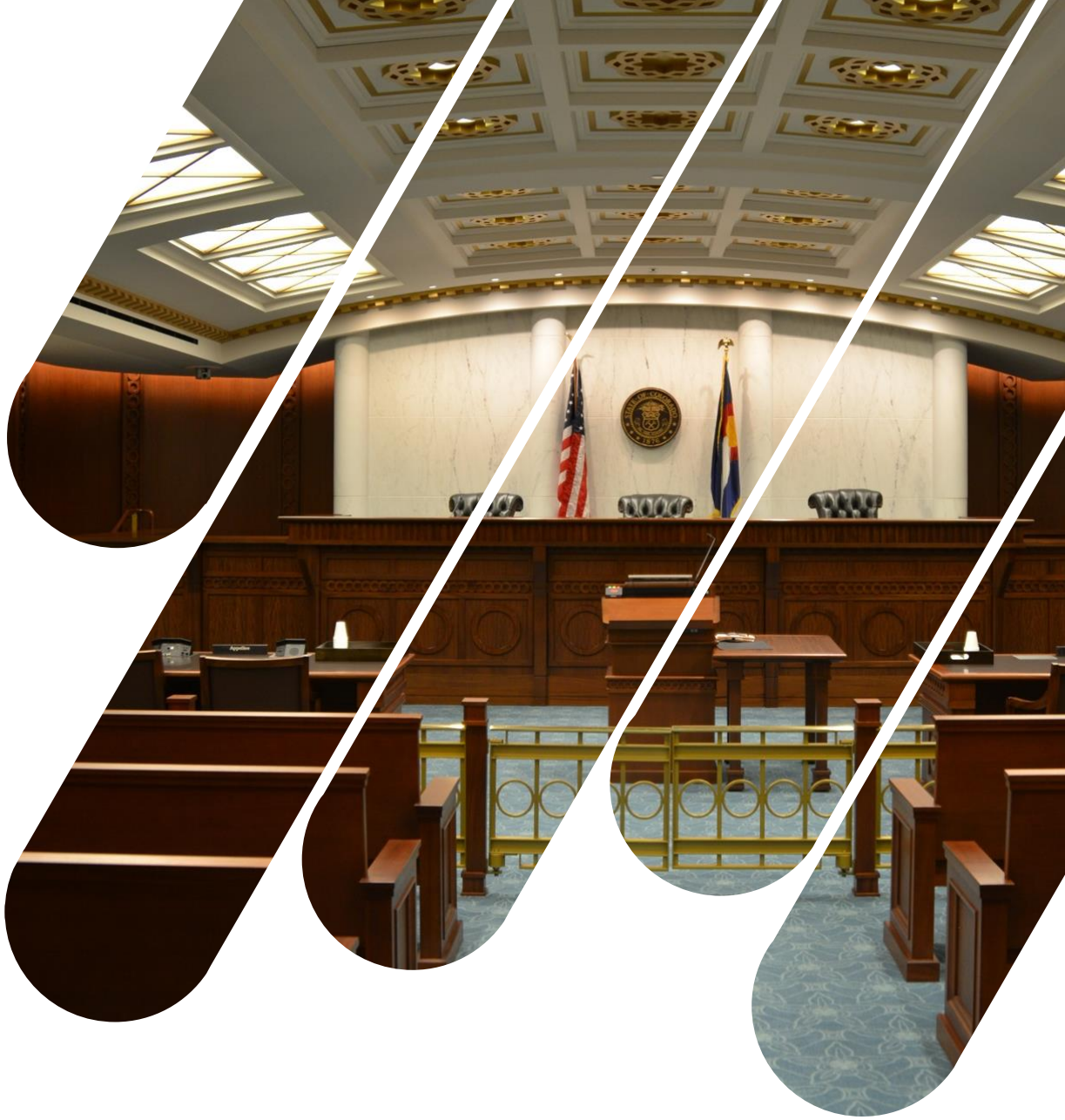
Victims Advocacy

Services: Case management, Crisis intervention, Danger Assessments, Referral services, and Court advocacy

GOAL: ACCESS TO JUSTICE

“A lawyer shall be mindful of the deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.”

Preamble: A Lawyer’s Responsibilities



Pro Bono Ethics

E. James Wilder

Assistant Regulation Counsel

Office of Attorney Regulation Counsel

Colorado Supreme Court

Regulatory Objectives

In April 2016, the Colorado Supreme Court adopted the regulatory objectives, which are now the Preamble to Chapters 18-20 (the rules that govern the regulatory system).

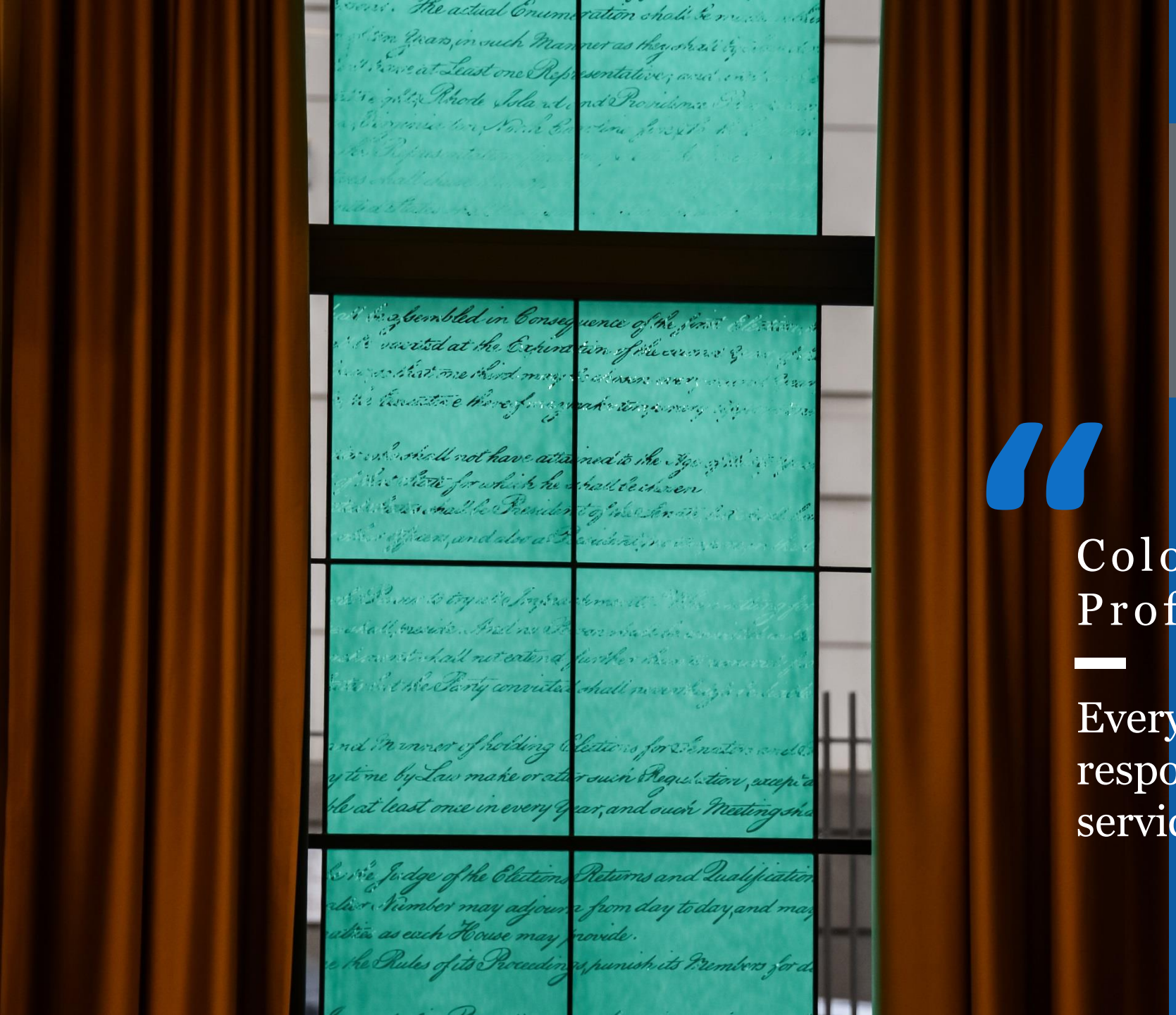
REGULATORY OBJECTIVES

Colorado was the first state to adopt the objectives and formally announce our purpose for regulation.

Our office looks to these objectives when gauging our initiatives and role in the legal community.

Objective #6

Promoting **access to justice** and consumer choice in the availability and affordability of competent legal services



Voluntary Pro Bono Service Encouraged

Colorado Rule of Professional Conduct 6.1

Every lawyer has a professional responsibility to provide legal services to those unable to pay."

ACCESS TO JUSTICE

Legal Nights

Legal Clinics

Ghost Writing

Drafting for pro se party

NOT PERMITTED IN FEDERAL PRACTICE

D.C.COLO.LAttyR 2(b)(1) and LAttyR 5(a)-(b)

ACCESS TO JUSTICE

Unbundled Legal Services

Limited Representation

Modest Means Representation

Low fee representation

- ✓ **Resource: Successful Business Planning: Serving the Moderate Income Client handbook**

Pro Bono Representation

No fee representation either limited or full representation

THE GOOD NEWS:
NOT MANY COMPLAINTS

Unbundled Legal Services has not been a significant problem with OARC.

C.R.P.C. 6.2 limits rules regarding conflicts of interest when working at a legal night.

Distinguish between providing legal information as opposed to legal advice.

Particularly for clinics and legal nights:

Depending on the situation, you may create an attorney-client relationship.

KEY TO SUCCESS

know your role

LEGAL INFORMATION

ABA Standards for the Provision of Civil Legal Aid, Standard 3.6 – Provision of Legal Information

"Legal information is aimed at helping the recipients of the information understand their rights and responsibilities and the appropriate procedures for redressing those rights and fulfilling those responsibilities. It is general in nature and not tailored to the unique facts of the individual's situation, although when legal information is offered to individuals, the provider may have enough knowledge about the person's situation to choose generally what information is appropriate."

LEGAL ADVICE

Legal advice in contrast is specific to the unique circumstances of the inquirer. It is strategic in that it offers an approach that is tailored to the fact situation of the asker and goes beyond mere general advice appropriate for all persons who confront the same issue. The giving of legal advice is legal representation and creates an attorney-client relationship.

ABA Standards for the Provision of Civil Legal Aid, Standard 3.6 – Provision of Legal Information

WHO MAY PROVIDE LEGAL INFORMATION?

Lawyers and non-lawyers may provide legal information.

Chief Justice Directive 13-01

Directive Concerning Colorado Courts' Self-Represented Litigant Assistance

WHO MAY PROVIDE LEGAL ADVICE?

Legal advice should only be provided by an attorney when the attorney and client intend to create an attorney-client relationship, limited or otherwise.

Note:

There are state and federal statutory exceptions.

Analyzing the Attorney-Client Relationship

The relationship of attorney and client can be inferred from the conduct of the parties.

People v. Morley, 725 P.2d 510 (Colo. 1986).

Payment of fee is not necessarily the determining factor.

Signing an agreement is not necessarily the determining factor.

WHEN DOES REPRESENTATION BEGIN?

- Client's mind
- Reasonable belief
- Subjective test
  - People v. Bennett, 810 P.2d 661 (Colo. 1991)

Analyzing the Attorney-Client Relationship

Relationship of attorney and client is sufficiently established when client seeks and receives advice of attorney on legal consequences of client's past or contemplated actions. *Id.* Attorney responds to informal request for legal advice or opinion.

See, e.g., People v. Boyer, 934 P.2d 1361 (Colo. 1997).

For legal clinics, there are some modifications to application of the Rules of Professional Conduct. See Colo. RPC 6.5. Otherwise, the Rules apply.

Start with clearly communicating the scope of the representation. The clinic may have documentation to explain the limited nature of the representation.

For all other representations, the Rules apply in their entirety.

If there is an attorney-client relationship…

CONFLICTS OF INTEREST

AT A LEGAL NIGHT

Be aware that Colo. RPC 6.5 limits the application of the conflicts Rules. Rules 1.7 and 1.9(a) only apply "if the lawyer knows that the representation of a client involves a conflict of interest."

Rule 1.10(Imputations of Conflicts of Interest; General Rule), only applies if the lawyer "knows" that another lawyer in the law firm is disqualified under 1.7 and 1.9(a).

Colo. RPC 1.2(c)

A lawyer may limit the scope or objectives, or both, of the representation if the limitation is reasonable under the circumstances and the **client gives informed consent**. A lawyer may provide limited representation to pro se parties as permitted by C.R.C.P. 11(b) and C.R.C.P. 311(b).”

Know the Parameters of the Program or Clinic

Are you permitted to provide your business card? In what circumstances?

- See Colo. RPC 7.3 Solicitation of Clients

Are you permitted to provide names of other lawyers who provide the types of services the clinic attendee needs?

Note Colo. RPC 6.5, Cmt. 2.

If the attendee wishes to hire you beyond the clinic, are you permitted to represent the attendee? Are you permitted to charge a fee?

Colo. RPC 1.18 Duties to Prospective Clients

A “prospective client” is a person “who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter.”

Colo. RPC 1.18 Duties to Prospective Clients

A lawyer shall “not use or reveal information learned in the consultation.”

A lawyer may be conflicted in representing another party “if the lawyer received information” that could be “significantly harmful.”

A potential conflict can be waived with “informed consent, confirmed in writing” or through appropriate “screening” and written notice to the prospective client.

Colo. RPC 1.1 Competence

"A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

QUESTIONS TO ASK

If I need assistance/mentoring, who can I turn to?

Is this my field of practice?

Do I have the resources necessary to take on the representation?

What does the client need?

Should I refer this case to another lawyer?

Colo. RPC 1.3 Diligence

"A lawyer shall act with reasonable diligence and promptness in representing a client."

Allot sufficient time to work on pro bono matters.

Colo. RPC 1.4 Communication

Explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Colo. RPC 1.4
Communication

Consult the client.

Keep the client informed about the status of the matter.

Comply with reasonable requests for information.

Document, document, document

Set realistic expectations with the client. Just because it is free/lower cost, does not mean you have unlimited time.

Colo. RPC 1.5 Fee Agreements

- ✓ Even if it is free, **put it in writing**… (Colo. RPC 1.5(b)).
- ✓ Make sure the scope of the representation is clear.
- ✓ This is especially important with limited/unbundled representation.

SEE ALSO

Colo. RPC 1.16(d) and
Colo. RPC 1.16A

CONFIRM THE REPRESENTATION ENDED

Best practice: follow up in writing to confirm representation has ended.

The clinic/program may have documentation to confirm the representation has ended.

YOU AND YOUR PRACTICE

REQUIREMENT: SELF-CARE AND GOOD PRACTICE MANAGEMENT

To participate in any of the access to justice models, you and your practice must be in a place where you can allot time for the representation/participation in the clinic.

WHO IS YOUR ADVOCATE?

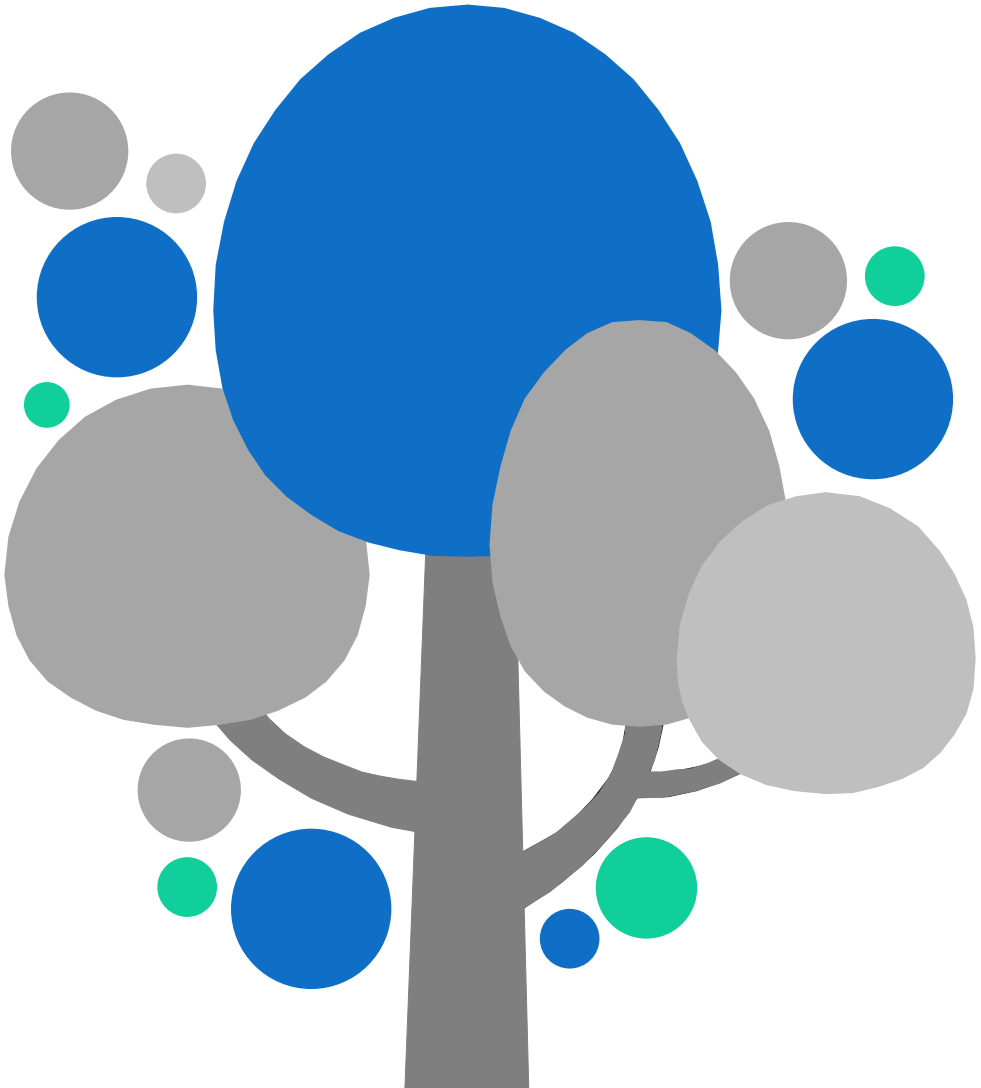
Self-care

- What's going on for you that may impact the representation?
- What's your support system?
  - Rule of Three

Set boundaries (and honor them)

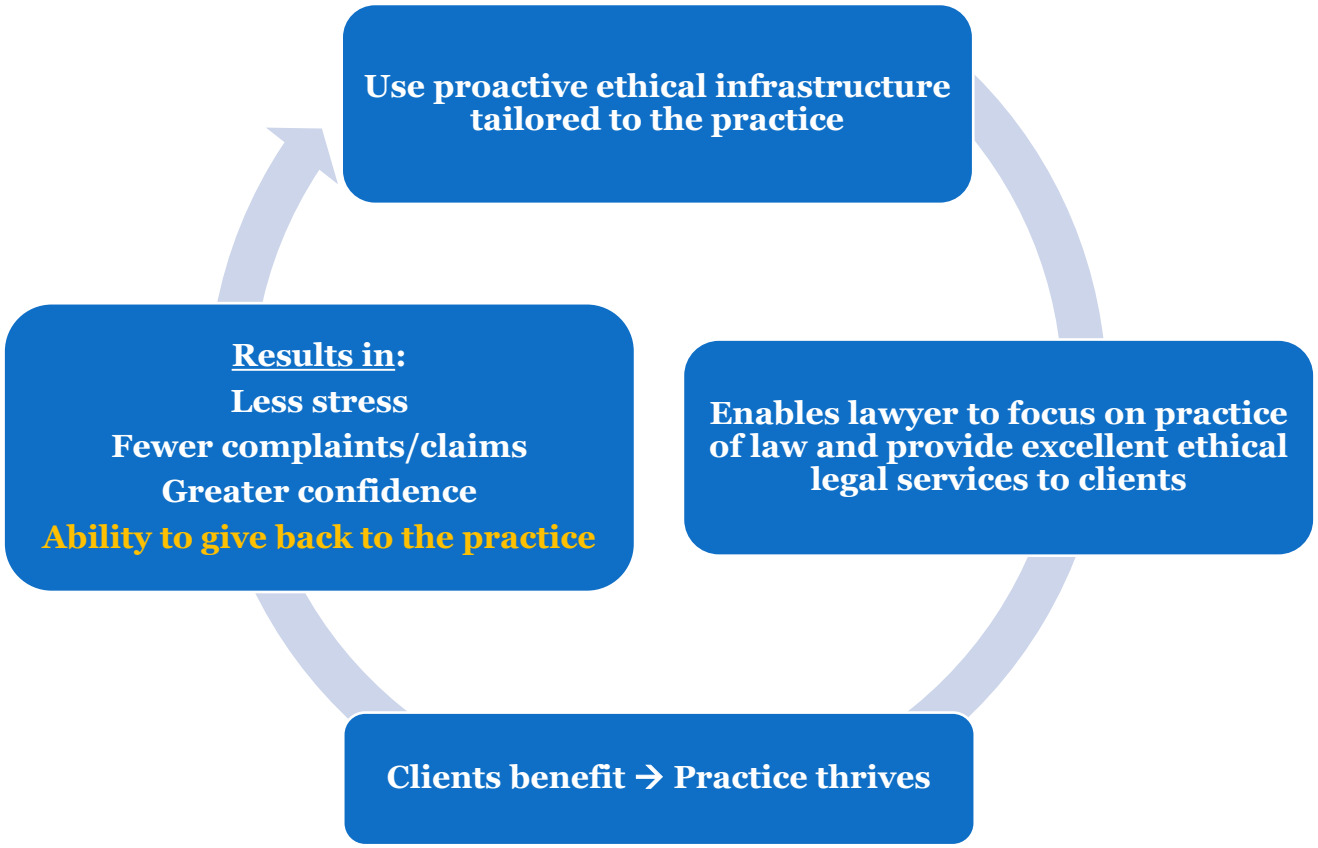
Utilize resources:

1. Metro Volunteer Lawyers
2. COLAP (lawyer assistance program)
3. CAMP (mentoring program)



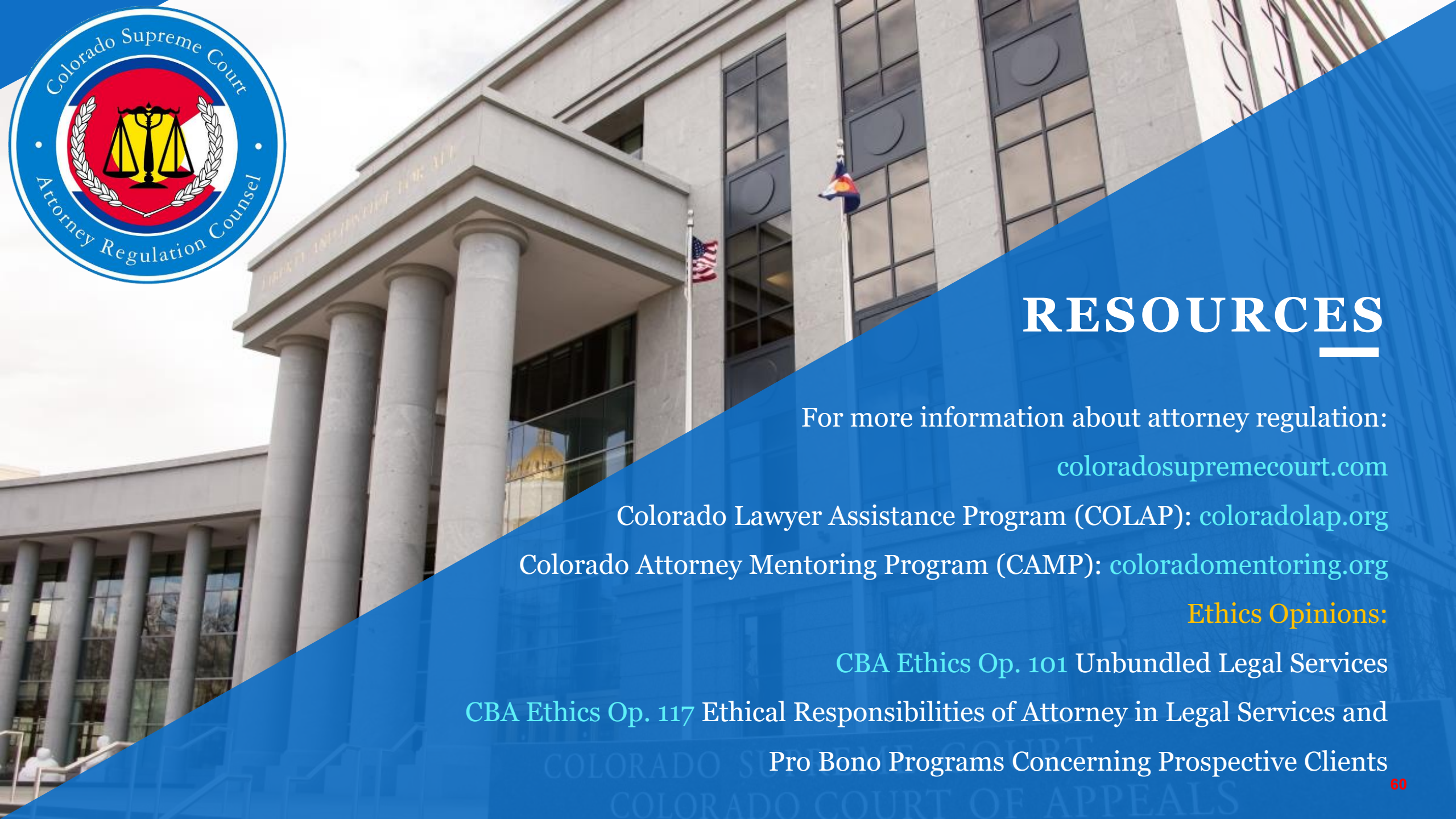
a new practice resource:

LAWYER SELF-ASSESSMENT



Launched: Monday, October 23, 2017

ColoradoSupremeCourt.com > Lawyer Self-Assessment Program



RESOURCES

For more information about attorney regulation:

coloradosupremecourt.com

Colorado Lawyer Assistance Program (COLAP): coloradolap.org

Colorado Attorney Mentoring Program (CAMP): coloradomentoring.org

Ethics Opinions:

CBA Ethics Op. 101 Unbundled Legal Services

CBA Ethics Op. 117 Ethical Responsibilities of Attorney in Legal Services and Pro Bono Programs Concerning Prospective Clients

THANK
YOU