Legal Advocates
Legal Advocate Role

- Domestic/Intimate Partner Violence Victim Advocates play an invaluable role in helping survivors of domestic violence navigate the justice system.

- Advocacy includes a broad range of activities pursued on behalf of victims to assure that survivors are informed, competent and effective participants in the legal system, and to help them be able to safely achieve the remedies they seek.
Legal Advocate Role (continued)

The Primary Objectives of Victim Advocates

- Helping survivors identify the range of options available to help protect their rights and safety
- Assisting survivors in asserting those rights
- Providing a safe space in which survivors may disclose information
- Giving support and encouragement throughout the legal process
- Offering guidance on finding answers when questions arise
- Providing continued support when the legal process has concluded
Legal Advocates are often called upon to walk a fine line between offering information about the justice system and process (which is appropriate) and providing legal advice (which is prohibited by law).

The following is intended to help clarify the role of the Legal Advocate and to offer information about the unauthorized practice of law (e.g. providing legal advice) and tips on how to avoid it.
Help survivors identify their needs and preferred outcomes in the criminal justice system.

Engage survivors in critical thinking about strategies to avert further violence and to assess their readiness to participate in the justice system, taking into account the resources of the victim and the potential barriers to achieving the preferred outcome.

Prepare victims for their experience in the courtroom and help them plan to arrive at and leave the courthouse safely.

Prepare victims for the potential outcomes of court proceedings. This includes helping victims to define “success” in ways that they can control. For example, “I am asserting my right not to be hit” rather than “The judge will make sure that he never hits me again.”
Other Ways to Help Victims

- Help survivors identify safety plans to enact, should the perpetrator respond violently to legal intervention
- Provide resources that will assist in obtaining legal counsel
- Aid those who may not have proficiency in written and/or spoken English (e.g. by ensuring an interpreter is available throughout the process)
- Arrange transportation, childcare, care for elderly parents and other practical assistance to make it possible for survivors to participate in the legal process
- Help survivors collect documentation of past abuse
- Help victims develop “back-up strategies” should their initial efforts prove unsuccessful
What is the Unauthorized Practice of Law (UPL)?

- It is practicing law without being authorize or license to do so. In Virginia, the definition of “Practice of Law” includes:
  - Representing a person in a legal proceeding
  - Giving legal advice
  - Applying law or legal principles to the facts of a particular case or situation
  - Representing a person’s interests by “preparing legal instruments” (documents) on their behalf.

- Practicing law without a license is a Class 1 misdemeanor (VA Code Section 54.1-3904).
Tips on Avoiding Practicing Law

- State clearly that you are an advocate, not an attorney. Therefore you can help by providing information, but cannot offer advice to individuals on their particular situation.

- Avoid applying laws or legal principles to a person’s particular situation. One example of a statement to avoid is: “If you want to leave home, you can petition for custody and take your children to your mother’s house in another state.” You may say, “According to the VA Statute, both parents typically have legal custody of the children unless there is a court order to the contrary. Generally, both parents have equal rights to petition the court for custody and/or visitation.”
State facts, not opinions.

- An example of a statement of fact is: “One criterion for obtaining a Protective Order that a judge may consider is whether a person is in fear for her/his health or safety”.
- Another example of a statement of fact: “In Virginia, individuals are eligible to petition for a Protective Order if they have been assaulted by a family or household member.”
- An example of an opinion is: “You are in fear for your safety; therefore it is quite likely that you will be granted a Protective Order”.

When discussing legal options, avoid using “you: and/or “I” statements. Rather than saying, “You have a right to do X, Y, Z”, you could say, “Generally, a person has a right to do X, Y, Z, according to Virginia Law.”
Legal Advocates Must

- Be informed, victim-directed, strategic and articulate.
- Be knowledgeable about law and legal practice.
- Be engaging, diplomatic and able to think critically.
- Set the standard for ethical practice and approach their work with utmost respect for the victims they serve and their colleagues in the legal and public policy arenas they seek to change.
For further information about Legal Advocacy see: