

Introduction to Legal Advocacy

The focus of this course

There are many people who do legal advocacy:

- Advocates at community-based programs
- Advocates in systems (governments agencies-prosecutor's office, Department of Corrections, etc.)
- Attorneys
- Policy-makers

In the anti-violence field, the term “legal advocate” usually refers to a person who works at a community-based program or nonprofit. This person is usually not an attorney, but rather a lay advocate with in-depth knowledge of and experience with the legal system.

This course focuses primarily on the work of advocates at community-based programs.

What is legal advocacy?

Legal advocacy is:

- advocacy
- with survivors
- in a legal context

The practice of legal advocacy

Typically, legal advocates have two major roles:

Individual Advocacy

assisting and advocating on behalf of individual domestic violence survivors with legal-related issues

Systems Advocacy

evaluating how legal systems are responding to survivors, identifying problems and advocating for systemic changes

Legal Advocacy with Individuals

- Understand what is possible for survivors, including limitations of legal options
- Understand and offer available options that don't involve the police or courts
- Provide survivors with time and space to decide which options they would like to try, if any
- Work with survivors to implement their choices- try one thing, regroup and try something else
- Support survivors to identify what they truly want- not what has been recommended to them or what they “should” do

Legal Advocacy with Systems

- Monitor your work with many survivors and figure out where the legal system fails in its response
- Work as an objective outsider to create positive change within the legal system
- Identify and speak out about the limitations, harms and unintended consequences of laws on survivors
- Work to identify problems in other systems that undermine survivors' legal protections

The practice of legal advocacy

Over time, legal advocates learn the DV-related legal issues and people within:

the Criminal Legal System:

criminal DV laws, crime reporting, prosecution, resolution of criminal cases, sentencing, probation, victim notification, survivors charged with crimes, and so on.

the Civil Legal System

protective orders, dissolutions, parenting plans, paternity cases, and so on.

Legal rights and protections in other systems

child welfare, public assistance, immigration, housing, employment, and so on.

The practice of legal advocacy

- State statutes and regulations offer some definitions about the who and what of legal advocacy
- The work of legal advocates is primarily guided by the needs and decisions of survivors.
- This means legal advocacy can go wherever it needs to- immigration defense, housing protections, name changes, working with victim defendants and more!

Defining Legal Advocacy

Let's take a look at how the WAC (Washington Administrative Code) defines legal advocacy:

[WAC 388-61A-0220](#).

"Legal advocacy" is defined as personal support and assistance with victims of domestic violence to ensure their interests are represented and their rights upheld within the civil and criminal justice systems, including administrative hearings.

Defining Legal Advocacy

“Legal advocacy” includes:

Educating and assisting victims in navigating the justice systems.

Assisting victims in evaluating advantages and disadvantages of participating in the legal processes.

Facilitating victims' access and participation in the legal systems.

Promoting victims' choices and rights to individuals within the legal systems.

Why is legal advocacy important?

- Many survivors are involved in the legal system in some way- whether by choice or entrapped by the criminal or civil legal systems
- The legal system is confusing and not trauma informed
- There is a serious lack of pro and low bono legal support for survivors
- Legal advocacy is part of supporting survivors to have more options and make choices about their futures

Why is legal advocacy important?

- Domestic violence survivors and their children can be profoundly affected – positively or negatively – by their involvement with the legal system.
- All advocates should understand how the legal system is set up and know the basic legal options, keeping in mind that some survivors may never want to go to court.

Practice of law vs. legal advocacy

Practice of Law = Giving specific advice about legal rights

But: Advocates can give general information about the law and legal procedures

Practice of Law = Selecting, drafting or completing legal documents

But: Advocates can set up their offices so that survivors can wisely choose the correct forms themselves, and advocates can help survivors understand what the forms are asking and help survivors think through what they want to say to the court

Practice of law vs. legal advocacy

Practice of Law = Representation in court or other adjudicative proceeding

But: Advocates can help survivors get emotionally & logistically prepared for court & can accompany them to court

Practice of Law = Negotiation of legal rights

But: Advocates can help survivor plan for & navigate conversations with other legal professionals

It's okay for legal advocates to:

- Safety plan with survivors- both physical and emotional safety planning to cope with stress and challenges of legal system involvement
- Support survivors in understanding & evaluating potential risks and benefits of various legal options
- Work with survivor to implement their choices
- Help survivors access & understand legal resources, including self-help packets

It's okay for legal advocates to:

- Act as a scribe
- Edit for punctuation and grammar
- Read court forms or the law out loud to an individual
- Help individuals fill out protection order or anti-harassment order forms, for FREE. -GR 24(b)(6)
- Provide general information about the law and legal procedures to members of the general public, for FREE. -GR 24(d)