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EXPLORING THE RELATIONSHIP BETWEEN CIVIL LEGAL ASSISTANCE AND THE
OUTCOMES OF DOMESTIC AND INTIMATE PARTNER VIOLENCE VICTIMS:
A LITERATURE REVIEW

by

Kailena Anderson

A Thesis Submitted in Partial Fulfillment
Of the Requirements for the
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Abstract

EXPLORING THE RELATIONSHIP BETWEEN CIVIL LEGAL ASSISTANCE AND THE OUTCOMES OF DOMESTIC AND INTIMATE PARTNER VIOLENCE VICTIMS: A LITERATURE REVIEW

Kailena Anderson

Director: Shane Nordyke, Ph.D.

While there are a variety of services available to victims of Domestic and Intimate Partner Violence, the civil legal needs of victims often go unmet. In addition to this, there is a relatively small body of research from which programs that provide civil legal aid can discover best practices and use evidence-based approaches. This article aims to begin addressing these issues by examining available literature and program evaluations, connecting program factors to client outcomes. The two main conclusions found from the evaluation are that full representation provides the most benefits and that the type of law being practiced (i.e. protective order, custody, etc.) has little to no effect on outcomes. While these findings begin to provide vague direction concerning best practices for DV and IPV civil legal assistance services, another important finding to note is that there is a general lack of information concerning this topic. In response to this, I provide rudimentary recommendations for an open access case tracking framework that programs could utilize to improve data availability.

Keywords: Domestic Violence, Intimate Partner Violence, Civil Legal Aid, Program Evaluation

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Literature Review

The Problem

A widely cited, 2003 study conducted by the National Violence Against Women Survey (NVAWS) found that “5.3 million IPV victimizations occur among U.S. women ages 18 and older each year.”¹ In the more recent National Crime Victimization Survey, 1,237,960 Americans experienced domestic violence in the previous six months.² Domestic violence has been and will continue to be a prevalent problem in the United States. These statistics likely underestimate the severity of the problem due to known issues with underreporting and conservative estimation techniques. Although the literature disagrees on specific statistics, functional definitions, and study design, there is wide agreement that domestic violence (DV) and Intimate Partner Violence (IPV) are major concerns. This article adds to the available body of research by focusing on legal aid for victims of DV and/or IPV.

Recent research has identified a need for civil legal assistance in the lives of many DV survivors. Victims have numerous legal needs that aren’t being met in other services. While DV service providers often offer other services such as shelters, counseling, and resource provision (e.g. food pantries), this type of assistance generally does not aid in addressing legal needs. Chiappetta found that “59 percent of those leaving a domestic violence shelter still had unmet legal needs.”³ For example, according to Moore and Gertseva, DV survivors in Washington state experience more than double the amount of legal issues than other low-income persons in Washington.⁴ While this data is from a singular state, it demonstrates that the need for civil legal aid is much higher in populations that experience domestic violence, making it imperative that civil legal services are available. One of the best methods to meet the legal needs of DV and IPV survivors is civil legal aid.

Civil Legal Aid/Assistance Definitions

Definitions surrounding the field of civil legal aid and the issue of domestic violence come with a degree of ambiguity and contradiction, oftentimes making it difficult to understand findings and compare results.⁵ In an attempt to provide clarity, I drew largely from Chiappetta's and Houseman's definitions. For the purposes of this study, Domestic Violence refers to abuse committed by intimate partners and/or family members and Intimate Partner Violence refers to abuse committed by current or former intimate partners (i.e. spouses, boyfriends, girlfriends, etc.).⁶ Under these definitions, all DV is also IPV, but not all IPV is DV. Due to the varied definitions represented in the highlighted studies throughout this analysis, I have adopted a "broad" definition of abuse which includes all "physical, sexual, emotional and economic abuse."⁷

I also adopt a broad definition of civil legal aid. For the purposes of this study, civil legal aid refers to aid provided to low-income and/or unrepresented people designed to help them "navigate various civil matters."⁸ Civil legal aid can include "court-based and other self-help services, limited representation, and full representation."⁹ Under these definitions, civil legal aid includes any non-criminal legal assistance provided to those who are not being assisted by a private attorney. This can include a variety of legal issues some of which may not at first glance seem to be related to DV. Moore and Gertseva noted needs for legal assistance with issues such as, "family, health care, consumer-financing, municipal services, rental housing, and employment," in the lives of people who experienced domestic violence.¹⁰ For this reason, I do not limit the definition of civil legal assistance for victims of domestic violence to certain types of law.

Does Civil Legal Assistance Help?

There is resounding agreement in the literature that legal aid in many different forms, creates a positive impact. Examining the field of civil legal assistance at large, it becomes evident that civil legal aid has been a necessary component in fortifying many civil law concepts we see today. In his research on the history of civil legal aid, Houseman found that judicial decisions which came about as a result of civil legal aid created precedent that protects the poor by accurately applying federal law.¹¹ The positive effects seen on the “macro” civil legal landscape are echoed in studies that examine the “micro” civil legal landscape. A randomized experiment conducted in New York, New York found that low-income individuals who received representation through civil legal aid experience more beneficial court outcomes than their unrepresented counter parts.¹² We see similar trends in the literature concerning civil legal aid and DV and IPV victims’ outcomes.¹³ For example, a widely cited article by Farmer and Tiefenthaler demonstrates that increased provision of legal assistance is strongly correlated with a decrease in DV rates.¹⁴ They found that legal services (as opposed to other services such as shelters) created the greatest change by addressing practical matters and therefore creating long-term effects.¹⁵ One reason legal assistance has likely contributed to a decrease in DV over the years is that legal assistance of any kind has been demonstrated to improve court outcomes.^{16 17} When a court’s rulings are more favorable for victims of domestic violence, the tangible benefits gained, such as increased physical and economic security, can be life changing. In addition to the positive effects created in victims’ lives, many studies have also demonstrated a larger societal benefit stemming from civil legal services. For example, Able and Vignola found a reduction in the need for state provided services (i.e. foster care, medical aid, police, etc.), a reduction in the

need for law enforcement services, and ultimately economic stimulation were all related to the provision of civil legal services for survivors of DV.¹⁸ Cost benefit analyses conducted in other parts of the US corroborate this finding by demonstrating investment in civil legal aid for victims of DV almost always results in a positive economic return for society.^{19 20 21 22}

Underfunding

Despite wide agreement that civil legal aid for survivors of DV is beneficial, legal aid programs remain underfunded. In an article concerning the justice gap¹ and civil legal aid at large, Houseman notes that the congressionally funded Legal Services Corporation (LSC) has faced many funding cuts over the years.²³ While funding has increased for the LSC over the past few years, more resources are still needed.²⁴ Inadequate funding is recognized as “one of the main barriers to receiving [legal] service”²⁵ a finding corroborated by Chiappetta’s who states that “almost half of those seeking legal aid services are turned away due to lack of resources.”²⁶ In response to the lack of resources, legal aid entities have found innovative ways to continue providing services. Much of this innovation has focused on further utilizing technology to automate services when possible and on creating educational support for those who are representing themselves.²⁷ Even with continued recognition of the problem and an increase in funding over the years, the justice gap, or the space between the services that can be provided and the services needed, still remains great. To ensure funds allocated are used most effectively, it remains important to learn how to create civil legal aid programs that function well and meet the needs of those they serve. This analysis aims to begin developing an understanding of how DV focused civil legal aid program factors relate to program outcomes by examining multiple

¹ The LSC defines a justice gap as “the difference between the civil legal needs of low-income Americans and the resources available to meet those needs.”

program analyses. The goal is to begin establishing the base of a framework that might one day assist civil legal aid programs in providing the best service possible.

Methodology

Gathering Literature

I utilized multiple search engines including, but not limited to, Academic Search Premier, JSTOR, ProQuest, Google Scholar, and National Legal Aid & Defender Association's Legal Aid Research Database to begin my research. From these searches, I identified a large body of literature on the issue of civil legal aid for domestic violence victims. However, the majority of the articles were literature reviews that focused on the state of civil legal aid rather than analyzing civil legal aid programs that were already in place. From literature reviews, studies, and reports found via the process above, I performed both forward and backward citation searching. This allowed me to unearth articles not found in my initial searches. In addition to this, I explored a variety of LSC's grantee's websites hoping to discover organizations which had been proactive in commissioning program evaluations. Sadly, the websites only contained documents such as annual reports which did not provide information necessary for program evaluation. Finally, I attempted to utilize government websites (such as Bureau of Labor Statistics) to find broader program analyses that could lead to more narrow program analyses, but the data I discovered did not lead to any accessible evaluations or statistics that would be relevant to the analysis at hand. The studies and program evaluations I discovered therefore came from my initial searches and the citation searches I performed.

Analysis Approach

For the analysis, I gathered and identified possible program factors from the entire body of literature. Additionally, I noted the type of outcomes generally measured in the studies suited for both the analysis and the literature review. Once the relevant factors and outcomes were established, I created a table to illustrate how program factors were related to the outcomes. I then performed a second read-through of the studies using this framework as a guide. During this second read-through, I made connections between factors and outcomes, filling in the table (see below) and noting additional information (i.e. limitations, sample characteristics, etc.) in one-page, bulleted summaries of each article.

Table 1: Analysis Table Template

		Factor	Improvement in Victims Situation				Benefit to Society		
			Psychological Well Being	Increased Safety	Social Safety Net	Stability	Avoided Damages	Avoided Public Costs	Inflow of Money to the Community
Representation	None								
	Partial								
	Full								
Type of Law	Protection Orders								
	Divorce								
	Other Family Law								
	Custody								
Cost	No (Pro-Bono)								
	Medium (\$1 - \$100)								
	High (> \$100)								
Time	Low (> 49 hr)								
	Medium (11 hr to 48 hr)								
	High (< 10 hr)								

Analysis

For each study, I provide a short summary of the study factors, outcomes, and possible concerns or limitations. Beneath each summary, I will include an analysis chart summarizing how the study factors were correlated to certain outcomes. Finally, I will provide a summary of the trends that emerge by layering the analyses of these programs. Studies are presented in order

from those that presented the least relevant information to those that presented the most relevant information.

Legal Aid Foundation of Long Beach California (LAFLB)

Founded in 1953, the LAFLB has provided assistance to those in need of legal services for a long time.²⁸ In 2001, LAFLB merged with the Legal Aid Foundation of Los Angeles (LAFLA) while expanding their focus on providing legal services to those in poverty.²⁹ The LAFLB program was not limited to services for those who experienced domestic violence, but for this study, the only portion of the program examined was the TRO (Temporary Restraining Order) Clinic. The TRO Clinic program was provided assistance around 84 people per month or 1008 people per year.³⁰ While it is not fully clear from the information presented, it seems as if the clinic was a “no representation” model in which information and assistance were provided, but neither full representation nor assistance during court proceedings were provided.

This 1993 study attempted to discover what happened to victims who received supportive services from LAFLB program following the receipt of a protective order. While the study included a variety of measures, those relevant to the topic at hand were the effectiveness of the TRO clinic and the effectiveness of protective orders. Every TRO clinic participant between September 1993 and January 1994 was invited to participate. Of this group, 137 filled out intake forms, but only 50 people participated.³¹ Surveys were given one and four months after the initial visit via mail and 10 participants were interviewed two months after their initial visit.³² 36 people responded to the one-month survey and 14 people responded to the four-month survey.^{2 33}

² Due to conditions that often surround the lives of DV and IPV survivors, it is common to see high attrition in studies with survivor participants. This also contributes to difficulties obtaining reliable data, but it is a limitation most studies of this nature face.

All but one of the 36 participants in the one-month survey received a TRO and around 40% of the one-month participants received permanent restraining orders.³⁴ Only 5 of the 14 participants in the four-month survey attempted to obtain a permanent restraining order and 4 of these participants were successful.³⁵ While there are major differences between the one month and four month survey groups, both had about an 80% success rate in obtaining a permanent order if they went to court for one. This suggests that the TRO clinic was successful in providing improved outcomes for those seeking to obtain a TRO and CPO considering a higher success rate than previous studies. Despite this, there is not true comparison or control group, so it is unknown whether the clinic caused the improvement. In addition to statistics about the impact of the clinic on receiving a TRO, 87% of participants said that the TRO helped stop physical abuse.³⁶ This demonstrates that programs that increase the likelihood of receiving a TRO could also be correlated to improved physical safety.

Table 2: Legal Aid Foundation of Long Beach California (LAFLB)

Legal Aid Foundation of Long Beach California (LAFLB) (Kaci)		Factor	Improvement in Victims Situation				Benefit to Society		
			Psychological Well Being	Increased Safety	Social Safety Net	Stability	Avoided Damages	Avoided Public Costs	Inflow of Money to the Community
Representation	None / Other Assistance	X		/					
	Partial								
	Full								
Type of Law	Protection Orders	X		+					
	Divorce								
	Other Family Law								
	Custody								
Cost	No (Pro-Bono)								
	Medium (\$1 - \$100)								
	High (> \$100)								
Efficiency	Low (> 49 hr)								
	Medium (11 hr to 48 hr)								
	High (< 10 hr)								

X	= factor was present in study
+	= factor is correlated to a positive outcome
-	= factor is correlated to a negative outcome
/	= factor is correlated to a neutral or inconclusive outcome

3

Butte County, Self-Help Assistance Regional Project (SHARP)

The Butte County Self-Help Assistance Regional Project (SHARP) is one of five programs commissioned in 2002 and funded by the Model Self-Help Center Pilot Program.³⁷ The Butte County project, the focus of this evaluation, serves residents of three different counties in California with centers in four different cities.³⁸ On average they serve 1,220 people - half in-person and half online.³⁹ Anyone who is not being represented by an attorney can receive assistance. Services are provided in areas of family law, unlawful detainer, civil complaints, small claims, and other miscellaneous civil matters.⁴⁰ Services can be provided one-on-one or in group settings (i.e. workshops) and cover issues such as form completion, referrals, and provision of self-help materials. Workshops account for around 17% of their services and 70% of the workshops offered focused on family law issues.⁴¹ Lasting one to three hours, these

³ Not all studies included every element on the table. To account for this, with each study I present the whole table, but factors not addressed are left blank.

workshops most often focus on procedural assistance, assistance with forms, hearing preparation through lectures, Q & A, one-on-one assistance, and small groups. One-on-one, walk-in assistance (not including workshops) is provided to around 31% of clients and tends to focus on procedural assistance and direct assistance with form completion.⁴² Finally, 51% of clients receive phone services mostly concerning information on legal procedures or referrals.⁴³

For this study, the information concerning the SHARP program came from an extensive report to the California legislature in 2005 concerning multiple types of Self-Help programs currently operating in California. The reason the SHARP program was chosen as a program of focus was that a significant amount of its services related to domestic violence and the program still highlighted person-to-person interaction, unlike other programs that may have had greater domestic violence focus. In addition, because this is a report and not a study, impacts and measurements are noted, but not necessarily compared against a comparison or control group. About 55% of the cases the SHARP program helps with are concerned with family law.⁴⁴ Most of these cases (63%) are dissolution of marriage cases followed by assistance with restraining orders (21%).⁴⁵

Aside from assistance with child support, there were no legal self-help programs prior to SHARP in the counties served, meaning the presence of the program is beneficial in and of itself. SHARP attempted to measure these impacts in various ways. Firstly, they conducted a two-week survey of those who used their services. The survey only received a 26% participation rate, but the feedback was quite consistently positive.⁴⁶ While the majority of people strongly agreed with statements such as “Would recommend to friends,” less participants stated that they would strongly agree that they “Know more about how laws work.”⁴⁷ These trends in the survey results indicate that while services might be helpful in the moment, participants still felt unsure about

how to approach the law, courts, and next steps in their situation. When asked if services were helpful, 100% of the participants said they were “very helpful” or “somewhat helpful.”⁴⁸

Secondly, the effects on the courts were investigated. The results were overall positive including outcomes like (1) “fewer complaints from pro se litigants,” (2) more accurate paperwork, (3) less dependence on court clerks by pro se⁴ litigants, and (4) cases were resolved in a more timely and organized fashion.⁴⁹ Finally, by reviewing court files, the Center for Families, Children and the Courts (CFCC) analyzed SHARP’s contribution to improved outcomes in dissolution cases.

Findings from this analysis indicate that SHARP improves court processes for their clients.

SHARP clients were 8% less likely to have missing or inconsistent information on petitions, 8% more likely to ask for a default judgment, and 17% more likely to receive a default judgment.⁵⁰

While the latter two results may be skewed because those in need of SHARPs services could be in a situation where a default judgment is necessary, it is still encouraging to see that SHARP is likely increasing awareness of different legal avenues and possibly saving time.

⁴ Pro se representation is the Latin phrase which means self-representation and it will be used synonymously to self-representation throughout this article.

Table 3: Self-Help Assistance Regional Project

SHARP (Self-Help Assistance Regional Project)		Factor	Improvement in Victims Situation				Benefit to Society		
			Psychological Well Being	Increased Safety	Social Safety Net	Stability	Avoided Damages	Avoided Public Costs	Inflow of Money to the Community
Representation	None	X				+/\		+	
	Partial								
	Full								
Type of Law	Protection Orders	X							
	Divorce	X							
	Other Family Law	X							
	Custody	X							
Cost	No (Pro-Bono)								
	Medium (\$1 - \$100)								
	High (> \$100)								
Time	Low (> 49 hr)								
	Medium (11 hr to 48 hr)								
	High (< 10 hr)	X							

5

X	= factor was present in study
+	= factor is correlated to a positive outcome
-	= factor is correlated to a negative outcome
\/	= factor is correlated to a neutral or inconclusive outcome

Domestic Violence Intake Center Compared to Law Student Advocacy

The Domestic Violence Intake Center in the District of Columbia is a project where governmental and non-governmental agencies cooperate to provide a “single access point” of services for those experiencing domestic violence.⁵¹ The center provides victims of domestic violence with access to counseling, safety planning, assistance with pro se representation, and, in specific cases, free legal representation.⁵² For protection orders specifically, when someone arrives at the intake center a volunteer meets with them to provide referrals, explain the process, and then accompany them to the courtroom.⁵³ While some victims may receive follow-up guidance between the TPO and CPO hearing, it is not guaranteed. While the Intake Center provides services to anyone who has experienced or is experiencing domestic violence, the law

⁵ The table contains both a + and / symbol in the same box here. I chose to do this on some tables to note that different measures of the specific outcome (in this case stability) brought back differing results.

student advocacy program has stricter requirements for participation. Thus to make the comparison and control groups similar enough to each other, the control group (service as usual) placed limitations on their samples due to restrictions of the law student advocacy program.^{6 54} As a result, this study is quasi-experimental because participants were not truly randomly selected.⁵⁵ The Law Student Advocacy Program paired a victim with “two 2nd or 3rd year law students from Georgetown University or Catholic University of America law schools.”⁵⁶ While each school’s approach was slightly different, students involved in the law students’ advocacy group were all taking a class either concerning family law or domestic violence and each student was involved in at least one case where they assisted a victim in obtaining a TPO and CPO.^{57 58} The students were expected to have extensive contact with their client between the TPO and CPO hearings which ended up averaging 4 visits per week with the average time of each visit being 1 ½ hours.⁵⁹ The support provided through these programs is supposed to be mainly legal, but some students go beyond this in offering personal support and/or referrals to other community based services or programs that might fit the participants needs.

The goal of the evaluation was to compare the outcomes of those who received legal assistance “as usual” from a Domestic Violence Intake Center to those who received additional intensive services from Law Students. This was a quasi-experimental study held over 6 weeks in 1999 with 57 participants (21 in the intensive advocacy group and 36 in the “services as usual” group).⁶⁰ The study added limitations to the sample meaning only women who were 18 years of age or older who came to the intake center “as a result of an assault by an intimate, heterosexual partner” were able to participate.⁶¹ Poverty guideline restrictions were \$18,670 for one person,

⁶ Only women who were 18 years of age or older who came to the intake center “as a result of an assault by an intimate, heterosexual partner” were able to participate. Poverty guideline restrictions were \$18,670 for one person, \$21,700 for one adult with one child, and \$27,300 for one adult with two children.

\$21,700 for one adult with one child, and \$27,300 for one adult with two children.⁶² The women participating in the study answered questionnaires when they enrolled in the study and six weeks after their first questionnaire. These questionnaires measured emotional and social support, symptoms of depression, and psychological and physical abuse and re-abuse.

While both groups demonstrated a perceived increase in social and emotional support levels, those receiving service from the intensive advocacy program had slightly better results than those receiving services from the Intake Center alone.⁶³ Specifically, the Law Student Advocacy condition participants “felt their advocates cared [more] deeply about them and were [more] knowledgeable about their particular situation.”⁶⁴ The change in study condition accounted for about 7% of the variance in answers on the Interpersonal Support Evaluation List (ISEL) test (used to measure emotional and social support), which is considered a medium effect size.⁶⁵ This indicates that while both partial and full legal aid are beneficial, full representation creates differential improvements in victims’ perceptions of social and emotional support. Both groups experienced fewer depressive symptoms after 6 weeks.⁶⁶ While depressive symptoms seem to be negatively correlated with legal aid, the lack of difference in the two groups suggests that amount of legal representation is insignificant in relation to decreasing depressive symptoms. Finally, a major difference was observed between the Law Student Advocacy programs and the Intake Center program concerning physical and psychological re-abuse. Despite participants reporting similar levels of contact with their abusers, those in the advocacy group reported “substantially lower levels of re-abuse.”⁶⁷ This suggests that victims’ safety and stability is greater in situations where full representation is provided. It is important to note though that this study had some challenges when it came to composing their samples. Firstly, the study did not actively recruit participants, so the people who participated sought out services of

their own volition meaning it was not a truly random sample. Additionally, there was a struggle to retain participants in the comparison (service as usual) group making the sample size and thus data from that group weaker. Although these are common limitations with studies like these, they remain important to consider when analyzing the results.

Table 4: Domestic Violence Intake Center (DVIC)/ Law Student Advocacy

Domestic Violence Intake Center (DVIC)/Law Student Advocacy (Bell and Goodman)		Factor	Improvement in Victims Situation				Benefit to Society		
			Psychological Well Being	Increased Safety	Social Safety Net	Stability	Avoided Damages	Avoided Public Costs	Inflow of Money to the Community
Representation	None / Other Assistance								
	Partial	X	+		+				
	Full	X	+	+	+	+			
Type of Law	Protection Orders	X							
	Divorce								
	Other Family Law								
	Custody								
Cost	No (Pro-Bono)								
	Medium (\$1 - \$100)								
	High (> \$100)								
Efficiency	Low (> 49 hr)								
	Medium (11 hr to 48 hr)								
	High (< 10 hr)								

X	= factor was present in study
+	= factor is correlated to a positive outcome
-	= factor is correlated to a negative outcome
\	= factor is correlated to a neutral or inconclusive outcome

Marin County Family and Children’s Law Center (FACLC)

Founded in 1985, the FACLC is a law center that aimed to close the justice gap between women and men that was apparent in their community, especially in situations of domestic violence.⁶⁸ As time progressed, they broadened their focus to include children and found that they developed a capacity to assist with more complex cases.⁶⁹ FACLC provides “family law services to low-income families in Marin county” ranging from self-help to full representation.⁷⁰ These services are provided for those facing family law matters such as cases involving divorce, custody, child support, domestic violence, and/or the legal needs of children. They offer legal

advice, clinics/workshops, educational materials, referrals, and extended legal representation on family law issues, including but not limited to domestic violence cases.⁷¹ Another interesting aspect of this program that is worth noting is their use of case tracking systems. Although this is not a factor in my analysis, it was mentioned multiple times as a practice which greatly aided in evaluating the program through CBA and other methods.

Like the SHARP program, this program evaluation was not academic in nature. The Marin County Community Foundation wanted to assess the impacts their grantees were having on the community from 2009 to 2012 and commissioned a cost benefit analysis of sorts. The goal of this analysis was to identify what was working, the size and nature of the justice gap in Marin County, and possible changes that could be made to improve services.⁷² This evaluation utilized information previously collected by the programs so as not to further burden the non-profits being evaluated. Because of case management systems, there was a fair amount of helpful data, but for the areas where more information was needed, the data set provided was augmented with internet research. To perform the economic impact analysis, case types known to have an economic impact were numbered and multiplied by an average benefit. To ensure results were not overstated, estimates for the evaluation were made conservatively.

As FACLC provides aid for family law matters beyond domestic violence, some of the outcomes presented in this analysis are not isolated to cases involving domestic violence, but it could be assumed that at least a portion of the cases involved domestic violence. For example, one of the measures included in the analysis is child support. FACLC had around 399 cases involving child support between 2009 and 2012, 319 of which were estimated to have been awarded child support.⁷³ This resulted in \$7.5 million dollars in estimated benefit and while this cannot be attributed solely to cases involving domestic violence, it is noted that domestic

violence cases are included in those calculations.⁷⁴ In addition to child support, the analysis explored the economic impacts of the prevention of domestic violence from cases handled by FACLC and Legal Aid of Marin (LAM). The estimated avoided costs for services including medical treatment, counseling, police protection, and more totaled \$2.3 million from 2009 to 2012.⁷⁵ In addition to the quantifiable impacts, other non-quantifiable impacts were noted in the article. Firstly, they brought attention to the fact that a decrease in the issues such as domestic violence allows children to stay in school and “on track” per se with education and development.⁷⁶ The second non-quantifiable issue they brought up was the benefit to the courts.⁷⁷ Providing representation or self-help resources to pro se litigants eases burdens on the court by making cases run more efficiently and allowing the courts to further stretch their resources.⁷⁸

Table 5: Marin County Family and Children’s Law Center (FACLC)

Marin County, Family and Children’s Law Center (FACLC)		Factor	Improvement in Victims Situation				Benefit to Society		
			Psychological Well Being	Increased Safety	Social Safety Net	Stability	Avoided Damages	Avoided Public Costs	Inflow of Money to the Community
Representation	None / Other Assistance	X						+	+
	Partial	X							
	Full	X					+	+	+
Type of Law	Protection Orders	X	+				+	+	
	Divorce	X							+
	Other Family Law	X							+
	Custody	X							+
Cost	No (Pro-Bono)								
	Medium (\$1 - \$100)								
	High (> \$100)								
Efficiency	Low (> 49 hr)								
	Medium (11 hr to 48 hr)								
	High (< 10 hr)								

X	= factor was present in study
+	= factor is correlated to a positive outcome
-	= factor is correlated to a negative outcome
\	= factor is correlated to a neutral or inconclusive outcome

Iowa Legal Aid (ILA)

Iowa Legal Aid (ILA) is a non-profit organization that provides legal services to low-income persons across the state of Iowa.⁷⁹ With 10 regional offices that provide “coverage” to the entirety of Iowa, ILA’s staff includes 65 attorneys, 20 non-attorney professionals, and 16 support members.⁸⁰ Since 1977, ILA has been providing a wide range of legal assistance ranging from Community Economic Development to Racial Equity issues including a special focus on domestic violence considering approximately one third of ILA cases involving family law issues (the majority of which include IPV).^{81 82 83} ILA provides an array of service including self-help materials, legal advice, referrals, and full representation.⁸⁴ In the case of full representation, ILA has limited resources and thus employs selection procedures for cases involving IPV which consider (1) the immediacy of needs, (2) the legal merit of the case, and (3) the impact which the case will likely have.⁸⁵ Analyzation of ILA for the purpose of this article, was a pleasure as they have been extremely cooperative with various researchers and therefore had multiple published evaluations of their program. As a result, I analyzed each of the analyses individually then layered them on top of each other. For the sake of brevity, the following section is a summary of the factors and outcomes of all the ILA evaluations utilized.

For three of the articles, Renner and Hartley along with other various researchers, utilized the same data from surveys conducted from 2012 to 2015 following 85 participants each for a 1-year period. In one analysis, three people were omitted from the sample because of income parameters required to participate in the study.⁸⁶ This study was limited to women over 18 who currently were experiencing or recently had experienced domestic violence and had at least one minor child. Across the three analyses, data was used to identify changes in psychological wellbeing, economic status and self-sufficiency, private income, public income, and public

expenditures. In addition to this evaluation, a CBA of ILA was used. This study used data from 2014 to 2017 provided by ILA and other estimates by organizations such as the CDC to estimate the amount of money legal aid services brought into their community and costs avoided as a result of such legal aid.⁸⁷

The results of the first evaluation of ILA provide insight into how legal aid could improve both psychological and physical wellbeing of those affected in IPV cases. Firstly, results showed improvement in Depressive and PTSD symptoms from the baseline survey to the 6-month survey indicating that civil legal assistance is correlated to improved mental health.⁸⁸ In addition to this, goal-oriented thinking and resilience were measured, but it seemed that legal assistance had no significant correlation to improvement in these realms.⁸⁹ The evaluators speculated this was because the participants already demonstrated average levels of these traits at the start of the research. In the second analysis of this study, the focus was on economic self-sufficiency. This evaluation demonstrated that legal aid was positively correlated to perceived income adequacy as well as to a decrease in use of public benefits.⁹⁰ The third analysis found similar results and noted that a decrease in use of public benefits was likely due to an increase in income which subsequently disqualified participants from certain public benefits. In the final evaluation of this data set, those receiving legal aid were found to have experienced an average \$5500 increase in annual income from the baseline survey to the one-year survey and had decreased odds of being in poverty.⁹¹ When calculated, this translated to a \$2.41 increase in client income for every \$1 invested in legal aid.⁹² The outcomes of each of these evaluations are unique as they all chose a different focus for analysis, but one similarity spanning the analyses is that the type of legal aid and the amount of hours spent on a case did not affect the outcomes.⁹³

While the focus of the cost-benefit analysis is much wider than that of the other study, the results from both align quite well. For example, the prevention of domestic violence through cases that received legal aid from ILA is estimated to have resulted in \$11.5 million private and public savings.⁹⁶ This echoes both the result of decreased use of public benefits and the decrease in negative mental health symptoms. In addition to this, ILA funding drew in around \$5.8 million from federal and state funds to the community they serve.⁹⁷ Because ILA addresses more than just domestic violence issues with legal aid, the \$5.8 million is not solely attributable to legal aid for DV victims but a portion of that funding is drawn to the community for the purpose of aiding these victims.

Table 6: Iowa Legal Aid Combined

ILA Combined		Factor	Improvement in Victims Situation				Benefit to Society		
			Psychological Well Being	Increased Safety	Social Safety Net	Stability	Avoided Damages	Avoided Public Costs	Inflow of Money to the Community
Representation	None / Other Assistance	X							
	Partial	X							
	Full	X	+		/	++	+	+	+
Type of Law	Protection Orders	X	/		/	//	+	+	
	Divorce	X	/				+	+	
	Other Family Law	X	/		/	//	+	+	
	Custody	X					+	+	
Cost	No (Pro-Bono)								
	Medium (\$1 - \$100)	X			/				
	High (> \$100)								
Efficiency	Low (> 49 hr)								
	Medium (11 hr to 48 hr)								
	High (< 10 hr)								

X	= factor was present in study
+	= factor is correlated to a positive outcome
-	= factor is correlated to a negative outcome
/	= factor is correlated to a neutral or inconclusive outcome

Combined Analysis

The layering of these programs allows us to see emerging trends. To clearly convey the findings, this section is divided into four parts: (1) level of representation's effects on

improvement in an individual victim’s circumstances, (2) level of representation’s effects on benefits to society, (3) the effect different types of legal aid had on the improvement of individual victim’s circumstances, and (4) the effect different types of legal aid had on benefits to society.

Table 7: All Study Tables Combined

All Combined		Factor	Improvement in Victims Situation				Benefit to Society		
			Psychological Well Being	Increased Safety	Social Safety Net	Stability	Avoided Damages	Avoided Public Costs	Inflow of Money to the Community
Representation	None / Other Assistance	X		/		/+		++	+
	Partial	X	+		+				
	Full	X	++	+	/+	+++	++	++	++
Type of Law	Protection Orders	X	/+	+	/	//	++	++	
	Divorce	X	/				+	+	+
	Other Family Law	X	/		/	//	+	+	+
	Custody	X					+	+	+
Cost	No (Pro-Bono)								
	Medium (\$1 - \$100)	X				/			
	High (> \$100)								
Efficency	Low (> 49 hr)								
	Medium (11 hr to 48 hr)								
	High (< 10 hr)	x							

7

X	= factor was present in study
+	= factor is correlated to a positive outcome
-	= factor is correlated to a negative outcome
/	= factor is correlated to a neutral or inconclusive outcome

Level of representation’s effects on improvement in individual victim’s circumstances

In looking at the effect representation had on individual victims, the results are mixed. The “no representation” category (including self-help, referrals, legal advice) seemed to have relatively neutral effects in both LAFLB and the SHARP program, with the exception of one positive effect directly correlated to the self-help model of the SHARP program. In this program, service recipients felt they understood more about their situation and how to move forward.⁹⁸

⁷ In this case, multiple symbols in a single box is due to the fact that I placed the tables on top of each other. If a box has multiple symbols, that means more than one study found a correlation between the factor and the outcome.

While this is a positive “stabilizing” effect, I chose to categorize the “no representation” category as having an overall neutral effect on the improvement of the victim’s situation because the remainder of the studies suggested it had a minimal individual impact.

Both the partial and full representation categories differed from the no representation category in that they produced consistently positive effects at the individual level. The only evaluation that deviated from this suggested that social support did not increase after receiving full representation services, but the authors theorized this was because social support measures were high in the pre-test.⁹⁹ While the evaluations of ILA and DVIC suggested overall improvement of individual victims in all areas, psychological well-being and stability were especially affected by full representation.

Level of representation’s effects on benefits to society

Societally, self-help models seemed to have a positive impact. The CBA of both FACLC and SHARP suggested that the implementation and utilization of self-help programs led to avoided public costs such as medical treatment, counseling, police protection, court’s time, and more. In addition to this, self-help programs created money inflows into communities through federal funding used to aid the program and child support paid directly to victims.^{100 101} The evaluations which assessed full representation in relation to societal benefits echoed the results of the “no-representation” category and also demonstrated avoided damages. Both FACLC and the ILA programs, estimated millions of dollars in savings due to the prevention domestic violence through successful cases in which the client received full representation.^{102 103} While communities with “no representation” models benefited from the services, again, those with “full representation” models seemed to benefit more.

The effect different types of legal aid had on the improvement of individual victim's circumstances

The findings concerning the connection between types of law and individual victims' outcomes were quite interesting. While the services themselves produced positive effects for the individual, the ILA evaluations specifically stated that they type of law made no difference in the psychological well-being, perceived social support, or stability of the individuals.¹⁰⁴ The FACLC program contradicted the findings of ILA in that they correlated improved psychological well-being with protective order cases, but this is likely due to the effects successful protective orders had rather than a difference in services provided for protective order cases.¹⁰⁵ The LAFLB program connected protective orders to increased safety as well, but again this is likely due to the effects set in motion by a successful protective order rather than a difference in service.¹⁰⁶ These findings suggest that *differences in service* due to the type of law an organization assists clients with *have little effect on their personal well-being*, but direct effects of certain cases (like a protective order) do increase the safety and psychological well-being of victims.

The effect different types of legal aid had on benefits to society

Each type of law examined in this analysis was shown to have positive effects for society at large. Despite this, certain types of law were associate more strongly to specific societal outcomes. For example, the FACLC program recognized cases which related to child support (i.e. divorce, custody, etc.) as cases which contributed to inflows of money into the community while other case types (i.e. protective orders) did not have the same effects.¹⁰⁷ Although protective orders were not correlated to inflows of money, the FACLC evaluation correlated

successful cases “in which the victim received legal protection” to millions of dollars in avoided costs and damages.¹⁰⁸ While the FACLC evaluation recognized differences in the effects of each type of case, the ILA evaluation took a different perspective. At ILA “almost all” family law cases involved some instance of domestic violence and thus it was concluded that all types of law contributed to avoided damages and public costs.¹⁰⁹ The evaluation noted the positive effects of each type of case, but did not compare the extent of the effects of the differing types of cases. From this, we can conclude that there are positive societal impacts regardless of what type of law is being practiced, but it is reasonable to assume there is a difference in overarching effects of differing types of law.

Limitations of This Analysis

This study has multiple limitations. One major limitation of this study is the age of the studies used. The evaluations used range from dates in the 1990’s to the 2010’s. While it would have been ideal to have more recent information, there were few recent studies that fit this evaluation framework. The factors and outcomes considered would likely show similar results despite passage of time, but this does not change the fact that the age of the studies limits the applicability of this analysis. In addition to this, many of these studies possessed similar limitations to each other. Through one avenue or another, many of the studies only focused on low-income women with at least one child whose cases posed the most imminent need. People who fit this description are often considered those most in need of civil legal assistance and thus, the prioritization of their cases is an important ethical consideration. In addition to limits the researchers placed on the sample, many of these studies relied on surveys. Due to this, one must consider the possibility that those who responded to the surveys did so due to high levels of

satisfaction or dissatisfaction with the services or outcomes. Because the samples used have these limitations, it is important to note that a large majority of these evaluations might not be generalizable to anyone experiencing DV or IPV. Finally, while many of the studies were similar in their limitations, they all had differences in the factors they focused on and their measurement methods. In one sense, this can be seen as a strength because a variety of approaches allows for the shortcomings of a singular approach to be addressed. Sadly though, for the purposes of comparison, a variety of approaches weakens the results. Thus, the lack of uniformity in these evaluations is a limitation that must be taken into account.

In addition to these factors, the largest limitation of the study was a general lack of information. Despite the helpful information gleaned from these evaluations, there are still some major pieces missing from the picture and holes in the data provided. Two areas I hoped to find information for in my research (average service costs and average time input) were rarely included in evaluations. Such knowledge would make evaluations even stronger and could improve program recommendations. In addition to a lack of data in these areas, many of the evaluations used in this analysis had a particular focus (i.e. psychological wellbeing) so the “picture” of their program was severely limited. While there is purpose to such a focused evaluation, it creates a barrier to an encompassing program evaluation making the data less versatile.

Recommendations for Improving Data Availability

As noted in the limitations section, a general lack of data, and more specifically a lack of comparable data, makes evidence-based recommendations for DV and IPV civil legal aid programs difficult to find. One practice that could greatly improve data availability is the use of case tracking. Though it can be costly and/or time consuming based on how it is executed, the

potential return on that invested money and time could be great. Data gathered via case tracking would allow organizations to understand their own functioning better by bringing to light their productivity and outcomes. With this information in hand, organizations personally benefit by discovering their strengths and weaknesses. In addition to this, data from routine case tracking creates a springboard for further research. When attempting to address an issue as large as providing necessary civil legal aid to DV and IPV victims, narrowing one's scope can be quite difficult. As trends emerge from a large body of data though, potentially fruitful research paths become evident. Due to how beneficial it could be for both individual organizations and larger research purposes, it is reasonable to ask organizations to invest time into case tracking and to ask organization funders or government entities to provide resources to carry out case tracking.

To make the process of implementing case tracking as easy as possible and to ensure results are relatively comparable, I would recommend the creation of an open access framework⁸ that is general enough for any program to utilize. The framework would have a range of recommendations for data collection methods (case management plans). For programs with minimal funding, a manual collection method might be necessary. While following appropriate privacy procedures, these programs could utilize free or low-cost programs like Google or Microsoft forms (or even paper forms) to gather data and compile it using Google Sheets or Excel documents. Many of these programs have privacy settings that can be utilized to ensure the appropriate protection of client information, but it would create an extra step in the process to establish those privacy standards.¹¹⁰ Although low budget recommendations should be provided, it is important to note that these methods will be more time intensive and will make data

⁸ For the purposes of this paper, an open access framework refers to a collection of instructions, suggestions, surveys, and other materials which would provide the basics an organization would need to start case tracking. Ideally with time, this could expand into a larger open access database where case tracking information from all over the country could be stored.

comparison between organizations much more difficult. Programs with larger amounts of resources on the other hand may choose to utilize an automated approach with case tracking software. A quick Google search brings up companies like CaseStream, CaseWorthy, Collaborate, or CaseBook, all of which have programs specifically designed for DV and IPV case tracking. Programs like this can be costly though with average rates for a cloud-based program being \$2,000 to \$3,000 a year.¹¹¹ Ideally, a larger organization funder, such as the LSC, would take on an initiative to provide resources for routine case tracking. If this were the case, a more centralized system could be made that organizations could utilize at low or no cost. This would also enable more streamlined collection of the data on a national level, allowing for data comparison. A centralized system like this is an end goal, but it may be more practical to take small steps currently such as providing an open access framework that organizations can utilize individually. This would not yet address the need for a conglomeration of the data, but it would be a first step in the process of establishing a centralized model.

Once a program decides on the collection method that would work best for them, they could then use pre-made forms and surveys for data collection. My recommendations for the content of these surveys are drawn largely from the tables created for this analysis. First, providers would track *factors* which could influence outcomes. Open access forms from the framework would ask providers to indicate the type of services utilized (i.e. workshops, referrals, etc.), type of representation received (none, partial, full), the type of legal issue addressed, an estimated cost for services utilized, and the amount of time spent on each case. Each of these data points would give a fairly comprehensive understanding of what services looked like for each client. Second, to track outcomes, open access surveys would be administered to clients as intake and exit forms that measure certain factors and various outcomes. Program factors

measured by these surveys would be demographic information of each client including age, income, race, gender, number of children in the home, relationship status/history, and general location (i.e. city or county). In addition to collecting demographic information, these surveys would be especially important for tracking changes in outcomes. A range of questions would evaluate psychological wellbeing, general physical health, general physical safety, social support, and stability before and after services.

The open access framework I suggest here is rudimentary and does not comprehensively address the need for data collection and comparison. At some point, increased investment will be required from organizations like the LSC who fund many legal aid programs. I chose to begin with a milder recommendation though as I believe it would be a constructive step towards the more comprehensive system I briefly described in previous paragraphs. Starting “small” contributes to the ultimate goal in multiple ways. If organizations begin some form of case tracking now, there adjustment to a more centralized system in the future would likely be easier. Additionally, the more case tracking organizations engage in, the easier it will be to convince policy makers and organization funders that the benefits of a centralized case tracking system outweigh the risks of the investment. Although the ultimate goal is increased funding and more centralized data collection, it is important to consider what is the most practical first step. The framework I establish here is far from this end goal, but if expanded upon, it could further empower programs to engage in data collection and hopefully begin to create a large, comparable data set for researchers to work with.

In addition to the open access framework, there are certain resources currently available that might be worth focusing on. For example, many programs likely undergo some form of evaluation semi-regularly, but as I discovered in my research, finding these evaluations is

difficult and time consuming. To combat this, the LSC could invest in creating a repository of sorts for evaluations that organizations have already completed. This does not address the issues that differing evaluation methods create, but if organizations have already invested time and money into evaluations, researchers would be able to utilize that information as much as the data would allow. Another avenue that could be pursued is a change in annual evaluation requirements of some of the largest funders. LSC is one of the largest funders of civil legal aid services in the US, with around \$440,000,000 allocated to them through congress.¹¹² They currently require that their grantees collect the following information: (1) the client's name, (2) the client's legal problem(s), (3) the level(s) of legal assistance provided, and (4) the source(s) of funding that support the case.¹¹³ These measurements are a great start to case tracking, but if LSC was able to require and support the collection of more information, it would be a major step toward a more centralized method of data collection. No matter the route one chooses to take in improving data availability though, the underlying need is an increased investment in data collection. This process will be a costly and possibly long one, but the long-term benefits achieved through such investment have the potential to outweigh those initial costs.

Discussion and Conclusion

There are two main conclusions that can be drawn from this analysis. First, while any civil legal assistance has positive impacts, full representation seems to have the most benefits to both individuals and society. Self-help programs were shown to decrease public costs, but they only had a minimal impact on the safety and stability of individuals who participated in them. Conversely, full representation consistently resulted in improvement in individual situations and overall societal benefit. This suggests that those creating civil legal assistance programs should

aim to provide full representation when possible. While self-help programs and partial representation are better than no assistance, full representation is going to provide the most consistent positive results.

Second, the type of case (i.e. protective order, custody, etc.) seems to have little to no effect on the impact of the services. The only exception to this statement would be the evidence that suggests cases involving Protective Orders might provide a differential benefit. This exception is logical considering protective orders might result in increased physical safety and therefore avoided damages and public costs; but these results are not due to a difference in the services received, rather a difference in the consequence of the judicial decision. Despite this, in other evaluations where different case types were examined side by side, the outcomes were similar across a variety of case types indicating that the type of law practiced in a case had little to no effect on the outcomes.

As previously mentioned in the limitations section, it also became evident through this analysis that there is an issue with a general lack of information concerning how civil legal aid programs can best serve clients. While the conclusions we could draw from the data given are helpful, more evaluation/research is needed to provide evidence-based recommendations for civil legal assistance programs. Because of this reality, the strongest recommendation I have at the moment would be to create an open access evaluation framework that non-profits and researchers could easily access and follow and to encourage increased and comparable evaluations. This would require increased funding from government entities and other funding organizations.

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