

Teaching Suggestions

Purpose: The purpose of this exercise is to demonstrate the importance of being prepared for, and thorough when, conducting client interviews and of taking into consideration the legal consequences of a course of action on behalf of a client.

The Exercise: Divide the class into pairs. One student will be the lawyer, the other the client. While the exercise is a domestic violence scenario, the client may be played by a male or a female student. Having a male student play the victim of DV might be a very important teaching opportunity regarding challenging stereotypes/assumptions if students appear resistant.

There are significant facts in the client's Confidential Information that the lawyer must extract from the interview in order to make sound decisions regarding the representation.

After students conduct their interviews, discuss with the group how best to proceed with the representation vis-à-vis the information that was revealed during the interviews and its relevance to the following important issues set forth below.

- The “lawyer” needs to consider the protection order expansion.
 - Adults in a household must seek their own POs, but they can add children to the PO. Other adults in the house must get their own POs.
- Other considerations are the potentially negative consequences that a felony conviction might have for the family.
 - Might the spouse lose his/her job, jeopardizing the family's economic situation, i.e., law enforcement status AND ability to be licensed to carry a firearm.
 - Might the family be evicted from their home, leaving them homeless and leaving Tal without a location for her/his work
- The “lawyer” also should be alert to the immigration, tax, and other regulatory issues (food handling, etc...) that arise from the DV proceeding and Marty's possible retaliatory conduct.

You also might have the “lawyers” as a group meet to have a planning session, while the “clients” meet to compare their interviewing experiences. You could get reports from the groups before conducting a final debrief with the entire class.

RCW 26.50.020 Commencement of action – Jurisdiction – Venue.

(1)(a) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(b) Any person thirteen years of age or older may seek relief under this chapter by filing a petition with a court alleging that he or s/he has been the victim of violence in a dating relationship and the respondent is sixteen years of age or older.

(2)(a) A person under eighteen years of age who is sixteen years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

(b) A person under sixteen years of age who is seeking relief under subsection (1)(b) of this section is required to seek relief by a parent, guardian, guardian ad litem, or next friend.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under eighteen years of age if such respondent is sixteen years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) The courts defined in RCW [26.50.010](#)(4) have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW [26.50.110](#)(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW [26.50.070](#) if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter [13.34](#) RCW involving the parties; (b) the petition for relief under this chapter presents issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW [26.50.050](#) in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(6) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(7) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

(8) For the purposes of this section "next friend" means any competent individual, over eighteen years of age, chosen by the minor and who is capable of pursuing the minor's stated interest in the action.

Lawyer:

Tal Singh has consulted you about getting an Order of Protection and possibly pursuing criminal charges based upon her/his spouse's conduct. This is the basic information that s/he provided on the phone, and you are meeting with her/him in person to discuss the matter in more detail.

General Information:

Tal Singh emigrated from India with her/his brother in 2010. After s/he settled in, s/he met and married Marty Schiller, a police officer and a native-born US citizen. A year after the marriage began, Tal invited her/his elderly mother and aunt, along with a niece, to come and live with her/him and Marty. The three arrived speaking no English, having no job skills, and minimal savings. Tal has them staying with her/him and Marty. Not long after, Marty began verbally and physically abusing Tal. Marty then threatened to harm her/his relatives if Tal goes to the police, the hospital, her/his brother, or her/his religious leaders and/or reveals any information about the abuse. Tal's brother and extended family are present in the US on visas.

Tal Singh:

You have consulted a lawyer about getting an Order of Protection and possibly pursuing criminal charges based upon your spouse's conduct. This is the basic information that you provided to the lawyer on the phone, and you are meeting with your lawyer in person to discuss the matter in more detail.

General Information

**This is the information that you gave your lawyer over the phone.*

Tal Singh emigrated from India with her/his brother in 2010. After s/he settled in, s/he met and married Marty Schiller, a police officer and a native-born US citizen. A year after the marriage began, Tal invited her/his elderly mother and aunt, along with a niece, to come and live with her/him and Marty. The three arrived speaking no English, having no job skills, and minimal savings. Tal has them staying with her/him and Marty. Not long after, Marty began verbally and physically abusing Tal. Marty then threatened to harm her/his relatives if Tal goes to the police, the hospital, her/his brother, or her/his religious leaders and/or reveals any information about the abuse. Tal's brother, and extended family are present in the US on visas.

Confidential Information:

**These are the more detailed facts about your situation. Please do not volunteer any information that is not required to respond to a direct question from your lawyer.*

You are not formally employed, but you do some catering for private clients out of your home, for which you are paid cash as per Marty's suggestion. The lease does limit tenancy to "immediate family," but your Indian family members are very cautious about being discovered by the landlord. The lease also has clauses that prohibit occupancy by those arrested for or convicted of a felony and that prohibit the operation of a business; you and Marty had to make notarized declarations to that effect. Your mother openly supports Marty and disapproves of your protestations regarding the abuse. She is urging you to appease Marty in any way possible. The city in Southern India where you and her family are from is culturally conservative and tends to tolerate high levels of family violence regardless of a victim's economic or educational status.¹ However, your clients have told you that such behavior is unacceptable in the US. They are the ones who encouraged you to seek out an attorney and obtain a protection order.

¹ Rocca, C., Rathod, S., Falle, T., and et. al. "Challenging assumptions about women's empowerment: social and economic resources and domestic violence among young married women in urban South India." International Journal of Epidemiology. 38. (2009) (Showing that empowering women through education and employment may challenge prevailing social norms and actually increase the prevalence of violence against women where such norms are resistant to change.)