

# Have Justice—Will Travel

*Ending the Generational Cycle of Violence*



## NEWS FALL 2021

## SERVING CLIENTS THROUGH A NEW COURT PROCESS “Vermont Family and Probate Courts Institute New Hearing Procedures”

*By Wynona I. Ward, Founding Director, HJWT*

Just when we thought the pandemic was coming to an end, the Delta variant reared its head, and it has been hard sledding ever since. The change in court procedures and working practices that were implemented at the beginning of COVID-19 remain to continue protecting all including co-workers and clients from the elderly on down to small children.

The Vermont judiciary system was just starting a new electronic filing system when the pandemic began. Not only were attorneys, court staff, and pro se litigants being introduced to an electronic filing system, at the same time the pandemic dictated that almost all hearings were to be held remotely to keep everyone involved safe from contracting COVID-19.



Wynona and JohnnieMae at the Central office on a windy wintery day.

One obvious outcome has been that Wynona, as a practicing attorney at Have Justice Will Travel (HJWT), has not been in a courtroom in Vermont for over twenty months. For twenty-three years she has been accustomed to traveling to courts all over

the state including Chelsea, White River Jct., Barre, Hyde Park, Brattleboro, Newfane, Bennington, Rutland, St. Johnsbury, and Newport—anywhere from 5 to 125 miles of travel one way from the office to get to court.

In addition to traveling for court hearings held in front of a variety of family and probate judges, Wynona has always traveled to client’s homes to provide in-home consultations, which is an important component of the HJWT mission. Sitting in a client’s home allows the lawyer to assess whatever other essential needs the client may have, i.e., food, heat, furniture, household goods, winter hats, mittens, or boots for the children.

The practice of traveling to client’s homes continues, but on a limited basis. For Relief from Abuse hearings, it is often necessary to interview clients over the telephone and receive copies of affidavits requesting relief via the Internet rather than in hand. It may be necessary to explain over the telephone



Laura and Elyse in front of the Bennington office. See pages 4 & 5.

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# NATIONAL, STATE AND HJWT STATISTICS ON DOMESTIC VIOLENCE

*By Wynona I. Ward, Founding Director, HJWT*

## **NATIONAL: [From National Coalition Against Domestic Violence]**

- In the US more than 10 million adults experience domestic violence annually.
- 1 in 4 women and 1 in 10 men experience sexual violence, physical violence, and stalking by an intimate partner during their lifetime.
- 23.2% of women and 13.9% of men have experienced severe physical violence by an intimate partner in their lifetime.
- In 2018, partner violence accounted for 20% of all violent crime.
- 19% of intimate partner violence involves a weapon.
- 1 in 5 female victims and 1 in 20 male victims needed legal services.

## **STATE: [From VT Domestic Violence Fatality Review–2020 Legislative Report]**

- In Vermont 8 of the 15 homicides that occurred were related to domestic violence.
- Of the 8 domestic violence homicides, 4 involved firearms, 2 involved stabbing and 2 involved blunt trauma injuries.
- Of the 8 domestic violence homicides, 2 were murder/suicides.
- Decedents ranged in age from 1 to 71 years old.
- All but one of the domestic violence related deaths occurred in or around the decedent's home. In 4 of the 8 homicides children were present.
- 3 suicides, unrelated to homicides, were related to domestic violence. All 3 were male, separated from their partners and involved firearms. 2 had criminal charges and their ex-partners had obtained relief from abuse orders.

## **HJWT: Clients Served from July 2020 to June 2021**

- HJWT received 804 calls from around the state. These clients, who range in age from 14 to 85 years of age had a total of 414 children.
- There were 155 LEAP clients, 56 who received attorney representation by a HJWT or a private attorney.
- HJWT services provided to Northeast Kingdom VT area including Caledonia, Essex, Lamoille, and Orleans Counties totaled 300.
- HJWT services provided to Central VT counties including Orange, Washington, and Windsor totaled 230.
- HJWT services provided to Southwestern counties including Bennington and Rutland totaled 213.
- HJWT services provided to other counties including Addison, Chittenden, Franklin, Grand Isle and Windham totaled 61.



JohnnieMae manages the HJWT database and statistics as part of her many responsibilities in the Central VT office.

In addition to the calls listed above, the two HJWT attorneys provided full representation (Court hearings) for over 200 clients.

# Improving LEAP for Clients in 2021

By E. Robin Goodrum, Paralegal and Coordinator of LEAP

Since its inception in 2006, the Legal Empowerment Assistance Program (LEAP) has been a constantly evolving effort to identify, evaluate, and respond to the persistent challenges preventing equal access to justice for all Vermonters. This past year was no different.

For several years, LEAP tried to identify a pool of pro bono (free) attorneys to represent LEAP prepared cases for crucial hearings. By the end of 2020 the unavailability of pro bono attorneys to help LEAP clients on a “limited notice basis” became undeniably clear.

LEAP re-evaluated the issue and responded with a new idea about how to solve the problem of inequity in the courtroom: LEAP implemented a resolution-oriented focus to the legal assistance offered to its clients.

Legal cases are rooted in controversy: the parties present conflicting claims and desired outcomes that a judge must resolve based on the facts provided. Accordingly, the standard process for assisting LEAP clients throughout the development of their case had focused on preparing for a battle between the parties.

Although LEAP always hoped that, through the case manager’s conference or mediation, the gap between the two parties’ positions could be bridged, LEAP traditionally felt compelled to prepare its client for a courtroom hearing. Typically this was accomplished through identifying concrete evidence and good witnesses, to support our client’s request and/or negate the other party’s claims as to fitness and ability to parent. Each party had an all or nothing sort of stance.

This approach, right out of the gate, is inflammatory by nature, fuels animosity and increases division between the parents and relatives (LEAP’s most consistent client). As each side dug their feet deeper into their position, LEAP would recognize where the case was bound and begin to look for courtroom representation for its client.

After several years of trying the fact is, there are just not enough attorneys available to provide pro bono representation in family court cases even for a “limited appearance.”

In light of this prevailing fact, LEAP switched its focus from preparing for courtroom hearings and the possible need for an attorney to a resolution-oriented approach: from opposition to compromise.

Except in the case of a relief from abuse, LEAP started to focus services on preparing a proposed stipulated agreement at the start of the relationship with a new client. Whether the LEAP



Robin gets ready to travel to a client’s home for a meeting about her legal case. Her dogs Cocoa and Striker wish her well.

client was initiating or responding to a complaint, LEAP started the client off with a resolution-oriented process.

This process involved educating the client about the statute that guides a judge in reaching a decision, and the fact that Vermont recognizes and supports a child’s right to form a meaningful relationship with each parent. This information shifted the focus from the parents to the child.

LEAP successfully provided clients throughout the state with this new process via zoom, conference calls, emails, text, and U.S. Postal Service due to COVID – 19 protocols. LEAP collaborated with victim advocacy staff around the state to make sure our joint clients understood their legal rights and their children’s legal rights and how to access those rights. They also received the necessary support to complete tasks asked of them as a LEAP client.

Over the past year a variety of services were provided for clients: LEAP filed to open cases; responded to complaints; wrote motions to reopen, clarify, enforce, or modify; wrote and answered requests to produce and interrogatories; and most importantly wrote proposed stipulated agreements at the commencement of each case.

LEAP’s response to the reality that attorney representation is not available to its clients has been a positive one. It has resulted in an enhanced knowledge, confidence, and preparedness for unrepresented, disadvantaged Vermonters around the state, and their ability to present the proposed offer at mediation, case manager’s conference or a hearing when the initial attempt failed.

Wynona notes that Robin’s patient and knowledgeable assistance for clients guides them toward a positive future for themselves and for their children. ♦

# Bennington – Rutland Update for 2021

By Elyse Kolacy, Paralegal, Client Service Coordinator, and Office Administrator



Elyse joined HJWT in October 2021 and is quickly fulfilling much needed support services for HJWT in southwestern VT.

The Southern Vermont office is excited to welcome our newest member, Elyse Kolacy, as our Paralegal, Client Service Coordinator, and Office Administrator. As our support person in Bennington, Elyse wears many hats. She is responsible for coordinating with clients, assisting LEAP clients, grant reports, and general office administration.

Elyse graduated from Bennington College in 2020 and has stayed in the area ever since. While studying history at Bennington, she had several jobs in the social work field, which led her to working at PAVE (Project Against Violent Encounters). Through her position at PAVE, she learned how to best support clients that are victims/survivors of domestic and sexual violence, as well as learning about the local services that are available to clients.

Elyse takes pride in her ability to listen thoughtfully and treat every client with respect. HJWT is very thankful to have found Elyse. She has shown immense patience with our clients and a fast-learning style to quickly take on many tasks of office management. Attorney Laura Savall is thankful to now have full-time support in the Southern office.

Wynona notes that it is ideal having these two young women work together to provide HJWT services in Bennington and Rutland counties. They are an excellent example for clients of how professional and effective women can be in Vermont today.

## Client Story

We recently worked with a client who had been abused by his daughter and their daughter's significant other. The client, named Steven\*, called us stating that he just filed an emergency Relief From Abuse (RFA) against his own daughter, Shelby\*, and the

daughter's partner, Dylan\*. Steven had maintained residence in an apartment that he shared with his daughter for the past 4 years. He was the one paying the rent and the apartment was in his name. Their relationship was overall fine until Shelby started talking to Dylan.

Shelby was a teenager when she first met Dylan; soon afterwards Dylan moved into Steven's apartment. Steven never consented to this, and Shelby did not have the authority to allow another person to live in the apartment. Nevertheless, Dylan continued to live there and make Steven's life extremely hard.

After speaking more, we found out that Steven had been subjected to physical and mental abuse from his daughter; Shelby would do whatever her partner, Dylan, told her to do. She had never been physically violent towards her father before; that changed quickly after Dylan moved in. He stated he got physically assaulted numerous times and that the two controlled every aspect of Steven's life. There were cameras put all over the apartment that the couple could access whenever they wanted.

He was under surveillance 24/7 by the two. Whenever he left, they would ask where he was and why he left, who he was with and when he would be back. They started to threaten whoever he was with, attempting to stalk them, as well. Steven said he faced this abuse for over a year until he just could not take it anymore and decided to file for an RFA.

The couple was in the apartment when the police served them at 3am; they were removed, and Steven could finally come back to his home. HJWT represented him for the final RFA hearing.

HJWT was able to work out an agreement with the daughter and her partner, so our client didn't have to go to court and testify about the abuse he had endured. After the final order HJWT assisted further as a "middleman" for any communication between the two parties about property that needed to be picked up by the couple.

Through Steven's own strength and the services, we provide, HJWT was able to ensure that he gets to live in his own home, free of any abuse or violence. ♦

*\*All names have been changed*

*HJWT was sad to see Katie Jayne, who had been our Bennington County paralegal and client services coordinator for over nine years, leave our workplace family. We all said a fond farewell at a celebration of her work in June 2021. There we all thanked her and wished her the best in her new chosen career.*

# Promoting Financial Independence of Survivors by Negating Litigation Abuse

By Laura Savall, Esq., Staff Attorney, Bennington County

Have Justice—Will Travel’s (HJWT) holistic approach highlights the importance of financial independence for our clients. Many clients are stuck in the cycle of financial abuse and control when they first seek our services. Financial abuse can take many forms: limiting knowledge of household finances, controlling their income, or limiting access to joint funds. HJWT supports clients on their journey of self-reliance and financial independence.

Along with providing services at no cost to our clients, HJWT also provides flexibility with meeting clients at their homes and at times that do not interfere with their work schedule. A major impact on client’s financial stability is time taken for litigation.

After separating, survivors may face litigation abuse from their batterers which can have a big impact on their work schedules and financial stability. “Each day spent in court can mean wasted time, money spent on lawyer’s fees, and lost wages for victims who may be trying to restart their lives after escaping an abusive cycle.”<sup>1</sup>

Unfortunately, it is common that abusers will use the court system to have continued control and contact with survivors. When a survivor is in the process of escaping the control of their abuser they may have limited financial resources, some research has found that given limited financial resources survivors “may return to their abusive relationships at a rate of around 50 percent.”<sup>2</sup>

HJWT does see a higher rate of filing by some abusers. This is a common tactic in family court to modify existing orders they perceive as unfavorable to them. Family court proceedings can be easier for abusers to exploit because these proceedings can “lack finality and are susceptible to frequent motions for updates and change.”<sup>3</sup> HJWT has many clients who are required to return to court over the years based on motions to modify custody orders.

HJWT has represented one client for over three years. We helped her with a contested divorce two years ago and every year assist her in answering multiple motions to modify the custody and visitation order filed by her abuser. HJWT works hard to limit the time our clients take off work for court



Laura prepares for a morning in court via Webex.

appearances and we ensure flexibility in hearing preparation around their work schedules.

In addition to the litigation abuse in custody matters, HJWT clients also face litigation abuse in Relief from Abuse matters as well in the form of cross-filing orders, asking for multiple continuances to appear later, and filings motions to modify or vacate a final order.

Many abusers will try to file protective orders against their survivors to manipulate the narrative. HJWT represented a client years ago who was originally from Massachusetts. She had a final protective order from Massachusetts lasting for three years. Unfortunately, her ex-husband continuously violated the order, even after she fled to Vermont. Once in Vermont HJWT assisted her in getting a stricter protective order which limited his contact even further than her original order.

Within six months of her getting the more restrictive protective order, he filed back in Massachusetts for his own protective order alleging that she had been there threatening his life, throwing a grill on his car, and stalking him. After a hearing the judge in Massachusetts found his behavior to be concerning and his testimony to be less than credible. Ultimately the court denied his order against our client.

Recently, her ex-husband filed for another protective order against her and her new partner in Vermont. HJWT represented her at that hearing. The hearing was continued because of

*continued on page 6...*

1. <https://www.greenwichtime.com/local/article/Abusers-use-court-system-as-a-weapon-12347570.php>

2. Emmaline Campbell, *How Domestic Violence Batterers Use Custody Proceedings in Family Courts to Abuse Victims, and How Courts Can Put a Stop to it*, 24 UCLA WOMEN’S L.J. 41, 54 (2017).

3. *Id.* at 55.

instead of sitting in a client’s home. We still discuss their legal options, however, and explain in detail what will happen in the courtroom.

With remote court hearings, all testimony occurs via video or by telephone. Courts are prepared to call witnesses via phone when it is time for that person to testify. All exhibits must be submitted electronically and provided for both the witness and the court before a hearing.

It is somehow comforting when an attorney and/or a client can participate in a court hearing via a computer screen since it allows you to see a face and not just listen to a voice on the telephone. The court system for hearings (Webex) is like participating in a Zoom meeting. When everyone participating can see the courtroom and see a judge on the bench as well as attorneys and litigants who participate via computer screens, it gives all who are participating a recognition that this is not just a meeting but an authentic court proceeding.

Whether it is a protective order hearing where lives are greatly affected by a court’s ruling, or a family court matter where the custody of children can change quickly from one parent to the other, or where both parents’ financial status can change with a child support order; life changing decisions continue to be made without anyone entering a courtroom. The judicial system in Vermont has worked hard to meet its traditional goal of providing justice for all litigants.

Through all these changes the attorneys, paralegals, and staff at HJWT continue to provide free legal services for family members as they seek the assistance of the law to make their lives meaningful and most importantly, SAFE. ♦

other legal issues in the case. HJWT ultimately got the matter dismissed through written briefs which saved our client time appearing in court and further affecting her employment. HJWT successfully argued that the Vermont court did not have jurisdiction over his request for an order because he is an out of state resident.

This ruling from the court prevents him from filing further protective orders against her in Vermont. Throughout the plethora of litigation because of her abusers filings our client faced employment issues related to loss of time and impact on her mental health. HJWT ensured she was connected to mental health supports and encouraged her to utilize the support system she set up around her.

HJWT tries to limit the need for litigation through using negotiation. When court is necessary, however, we prepare our clients outside of their work schedules and we limit how often court cases are continued. Survivors can also request court costs and time from work be compensated from their abusers especially when there is clear litigation abuse.

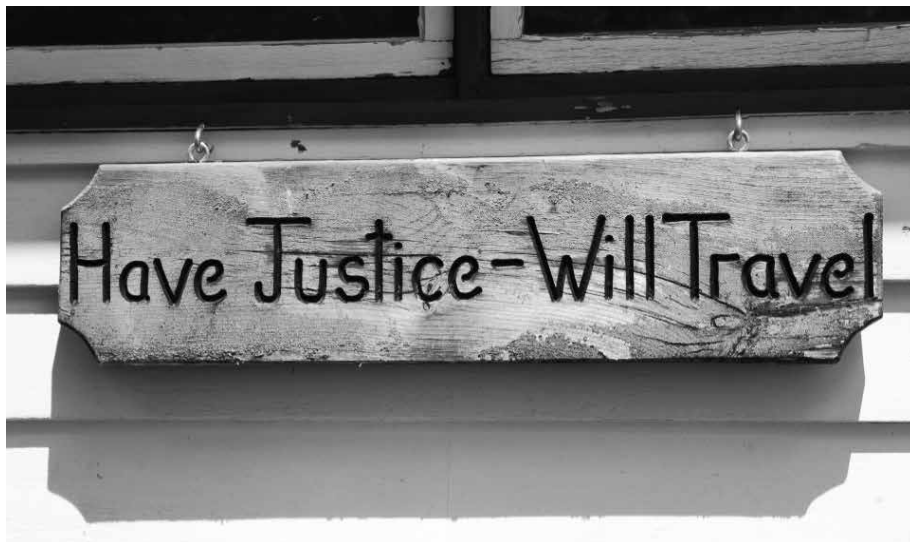
HJWT is proud to offer services to our clients at no cost to further promote financial stability and limit the impact of litigation abuse. ♦



**HJWT -- Legal Issues Presented by Clients Served from July 2020 to June 2021**

Appeal	Criminal Matters	Guardianship	Parentage
Bankruptcy	Divorce	International Travel	Post Parentage
Child Abuse	Mediation	Parent Alienation	Relief from Abuse
Child Sexual Abuse	DCF	Homelessness	Separation
Wills and Trust	Disability	Interstate Divorce	Relocation
Contempt of Orders	Violations of COR	Spousal Support	Modify PRR/PCC
RFA Violations	Sexual Assault	Adult Protective Ser.	Post RFA
CHINS	Domestic Violence	Landlord/Tenant	Name Change
Insurance Issue	Financial Abuse	Jurisdiction	Quit Claim Deed
Emotional Abuse	Enforcements	Juvenile	Immigration
Harassment	Mental Health	Stalking	Rape

The mission of *Have Justice–Will Travel, Inc. (HJWT)* is to end the generational cycle of abuse in rural families by bridging the legal, cultural, geographical, psychological, and economic gaps that exist for victims of domestic abuse. HJWT is an innovative, mobile, multi-service program that **assists victims of domestic abuse through the legal process, from the initial interview and relief from abuse order through self-sufficiency and independence.** This holistic multi-service approach to assisting rural victims often is the key to victims first escaping the abuse and then moving forward to improving the quality of their lives and their children’s lives.



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## Have Justice–Will Travel, Inc.

### *Legal Services*

Representation in court for:  
Relief from Abuse hearings  
Child support needs  
Divorce and Parentage issues  
Custody and Visitation hearings

### *Social Services*

Safety planning/Shelter referrals  
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Women’s group

### *National toll free phone line*

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Life skills mentoring  
Job and Parenting skills  
Child Care Ideas/Assistance  
Psychological support  
Education about Violence

### *Supervised Visitation*

Referrals for:  
Supervised Visits  
Exchanges  
Parenting classes  
Counseling Arrangements



## Have Justice–Will Travel

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*HJWT is pleased to announce that we have begun to construct an updated website at [www.havejusticewilltravel.org](http://www.havejusticewilltravel.org). It has scenic backgrounds of Vermont seasons, in addition to helpful information about our work. Be sure to look!*

(802) 685-7809 or Toll Free (877) 496-8100 [www.havejusticewilltravel.org](http://www.havejusticewilltravel.org) E-mail: [Wynona.hjwt@gmail.com](mailto:Wynona.hjwt@gmail.com).

## Thank You to All Our Donors

*By Wynona I. Ward, Founding Director, HJWT*

Everyone at Have Justice Will Travel (HJWT) wants to thank all our wonderful donors for supporting the work we do to provide free legal services, transportation, and in-home consultations for victims and survivors of domestic and sexual violence. Everyday HJWT assures that the disadvantaged Vermonters we provide services for have meaningful and beneficial access to the legal system.

HJWT provides free legal representation for relief from abuse and family law matters. Legal services are provided for all family members including mothers, fathers, children, and grandparents in both family and probate courts.

Vermont families who cannot afford to live in larger towns live on back roads that can become impassable from heavy winter snows and muddy spring thaws. The isolation is virtually insurmountable if one does not have a driver's license, automobile, or telephone and the nearest neighbor lives miles away.

Children living in violent homes are often also abused; therefore, the trauma remains throughout their lives and is often passed on to future generations. In many isolated Vermont villages, women are still seen as second-class citizens whose purpose in life is to get married, raise children, and be subservient to their husbands.

The geographical isolation, lack of education, poverty, and social inequalities that women face are especially difficult for victims of domestic and/or sexual violence. Even if they leave and obtain a protective order, many times they are forced to return when the batterer is the only source of shelter, heat, food, and clothing for her and her children.

These barriers require innovative strategies such as those implemented by HJWT, which improves access to services, so mothers and their children are not forced to return to the batterers for everyday survival. HJWT continues its mission because of the generosity of individuals who recognize human worth and know that with education and resources individuals can overcome the odds and obstacles, which confront them and their families.

HJWT exists thanks to various family foundations, grants, and individuals who believe in the work HJWT does to help families who suffer from the trauma of violence. Everyone at HJWT, especially those we serve, want to thank all our donors for your loyal support that allows HJWT clients to not only survive, but also to live healthy and productive lives.

