



BRIEFLY SPEAKING

The Newsletter of Pisgah Legal Services

Second Quarter 2005 Edition

The Mountain Violence Prevention Project

"No one should be in danger in her own home." -Mae Creadick, PLS Staff Attorney

Victims of domestic violence come to PLS fearing for their safety, for their children's safety, and sometimes even for their lives.

"In front of my daughter, he would kick me, punch me, and spit at me, throw furniture at me and say he was going to kill me," says Sane (at right) about her abusive ex-husband.

The Mountain Violence Prevention Project helps



Above: Sane and Lauren. "I wake up every morning happy because I survived," says Sane. "And I wake up every morning happy because she is my mom," adds Lauren.
Sane and Lauren's story: page 2

victims of domestic violence escape violent situations and prevent future violence.

PLS helped Sane with divorce, custody, and immigration issues. In 2004, PLS closed more than **690** cases involving domestic violence.

See inside for Sane's story and more about how PLS helps victims of domestic violence become survivors.

DID YOU KNOW?

- **31%** of women in the US report being physically abused by a husband or boyfriend during their lifetime.
- **92%** of **homeless women** have experienced severe assault. **63%** have been victims of domestic violence.
- Immigrant women living in the US are **more likely to be killed** by their partners than their American-born counterparts.
- In North Carolina alone, there were **94 lives lost** due to domestic violence in 2004.

*Our mission is to provide high-quality, effective legal services to help low-income people **meet basic needs**, to advance and protect the **legal rights** of low-income people, and to ensure **equal justice for all**.*

Inside:

- ♦ **Update on the Gudger House lawsuit...page 6**
- ♦ **Helping victims of domestic violence seek criminal justice...page 3**

From the editor:

This edition of our newsletter highlights Pisgah Legal Services' Mountain Violence Prevention Project. Upcoming editions will look at other PLS programs that help western North Carolina's most vulnerable people.

Sane's Story

Sanebia ("Sane") is 25 years-old and is from Jamaica, where she met and married a US citizen eight years ago. Sane experienced severe physical and sexual abuse at the hands of her husband, who brought her to the United States where they quickly became homeless.

"I had never experienced this kind of cold or homelessness before," remembers Sane. "It was terrible." Because of her husband's alcohol and drug habit, there was never enough money for food. "I would be so hungry [that] when I stood up my eyes would go black," she recalls.

Sane's husband tried to maintain power over her by demeaning her constantly with racist insults and telling her she was stupid and ugly. He abused her in public, yelling racial slurs at her and pushing her down. "I really felt like I was nobody," she says.

Sane's husband would not allow her to work or have friends, and never petitioned to make Sane a US citizen via their marriage, but instead used her immigration status to control her. "Once I tried to call the police," Sane recalls, "and he pulled me by the hair and threatened he would hurt me or have me deported and hung up the phone. I had no money to call my grandmother in Jamaica, or any relatives, and was too ashamed of my situation."

Two years ago, Sane separated from her husband after a particularly vicious attack in the presence of their daughter, who was three years old at the time.



"He had held me hostage for so long, I had made up my mind to end the years of abuse and not continue to let my daughter experience this anymore," Sane says.

Sane escaped her husband and fled with her daughter to North Carolina in the summer 2003. She came to PLS and met with staff attorney Mae Creadick. Now, says Mae, "Sane is a different person, in part because of legal assistance from PLS." **PLS helped Sane secure her divorce and full custody of her daughter.** Sane's ex-husband was ordered to attend a 26-week abuser treatment program, and his visitation with the child must be supervised.

Currently, PLS is helping Sane with an immigration case. Since Sane is the battered spouse of a US citizen, she can file her own petition for residency with USCIS (formerly INS) without the assistance of her abuser. Sane's self-petition should be approved, allowing her to obtain work authorization, eligibility for public benefits for herself and her child, and eventually a green card.

"Because PLS helped Sane get a divorce, child custody and eventually work authorization and citizenship, she has the means to safely end a long-abusive relationship and build an independent life for herself and her daughter," says Mae. "And Lauren can grow up without witnessing chronic physical abuse of her mother."

Getting Results for Victims of Domestic Violence

In 2004, PLS closed more than **690** cases for victims of domestic violence, obtaining or enforcing more than **130** domestic violence protective orders and providing advice or representation to stabilize the living situation for a child or children more than **100** times.

Thank you to all of PLS' partner agencies working to prevent domestic violence:

Helpmate (Buncombe County) Path (Rutherford County)
Mainstay (Henderson County) SAFE (Transylvania County)
My Sister's Place (Madison County) Steps to Hope (Polk County)
Interlace (Affordable Housing Coalition of Asheville & Buncombe County)

Staff Spotlight: Mae Creadick, Domestic Violence Attorney and Mountain Violence Prevention Project Coordinator



“I chose to do this work because I saw a huge need for battered women to have access to free attorneys,” says Mae Creadick, who has been a PLS staff attorney specializing in domestic violence prevention for

three years. “I wanted to be the kind of attorney who a victim knows will be compassionate and treat her with respect.”

Legal advice and/or representation can literally make the difference between life and death for a victim of domestic violence. Starting with a protective order, and going deeper to address the problems that may

force women to return to their abusers -- custody, equitable division of marital property, alimony, child support, housing issues, access to public benefits, and immigration status -- PLS helps victims become survivors.

“Because abusers often control the finances,” says Mae, “many battered women do not have access to funds to hire a private attorney.” **Studies show that access to legal services is one of the most important factors in decreasing the incidence of domestic violence** (Legal Assistance Lowers Rate of Domestic Abuse: Brennan Center for Justice, 2002).

Mae, three other attorneys, and two legal assistants work on PLS’ Mountain Violence Prevention Project team helping victims overcome legal and economic barriers to create safe, independent lives for themselves and their children.

Mae grew up in western NC, and chose to work at PLS “because of its outstanding reputation as an agency serving low-income people.”

Helping Victims of Domestic Violence Seek Criminal Justice

In the past, a victim of domestic violence in western NC could obtain a civil protective order, custody, divorce, or division of marital property with the help of a PLS attorney (all civil proceedings), but she was without an advocate in criminal court proceedings for crimes committed against her by her abuser.

PLS found that of the 190 emergency cases PLS closed for victims of domestic violence in 2003, almost all clients had potential or pending criminal cases against their abusers. Often, a client needed someone familiar with her case to help her compile evidence, stay on top of court dates, and understand the language and process of criminal court.



Above: Thalia Hoy, PLS bilingual court advocate

With this problem in mind, PLS sought and was awarded grant funds from NC Victims of Crime Act (VOCA) to create a new position at PLS: a **court advocate** for victims of domestic violence. In October of 2004, **Thalia Hoy** began assisting victims who had potential or pending criminal cases against their abusers. In addition to attending criminal

hearings with clients, the court advocate helps Spanish- and English-speaking clients take out warrants and stay informed of their court dates, accompanies clients to court, and helps provide evidence and information (such as doctors’ bills) to investigating officers and District Attorneys’ offices.

For clients who need help with immigration issues, the Court Advocate also helps with the “U Visa” application to USCIS (formerly INS), a special process for immigrants who assist in prosecuting or investigating crimes. With the U Visa, PLS helps battered immigrant women gain permission to work legally in the United States.

“**My job is to empower women to carry the process through,**” says Thalia. Often, victims of domestic violence are so overwhelmed by the ongoing ordeal of court proceedings that they consider giving up. “Just to stick with the court process, our clients are dealing with childcare, transportation, time off work, facing their abuser in court, and even sometimes feeling like they are the ones on trial,” says Thalia. “I explain the process ahead of time, explain what’s happening along the way, support them, and remind them that often justice takes time.”

First-ever Children's Law Project Golf Tournament a Success!

On May 21 the Young Lawyers Division of the Buncombe County Bar hosted the first annual Children's Law Project Charity Golf Tournament at High Vista Country Club. The event was a resounding success, raising almost \$2,500 for the Children's Law Project of PLS!

MANY THANKS to the generous sponsors of the event. **RBC Centura Bank, The Genesis Alliance,**

Roberts & Stevens, P.A., and Mission Children's Hospital gave significant financial support to the tournament. More than twenty other sponsors also stepped up to the tee, donating prizes, refreshments, and embroidery for the dozens of baseball caps that were distributed to players.

Participants ranged in age from 7 to 63 and included lawyers and family members, sponsor representatives, and friends. The "Captain's Choice" tournament was competitive--the first-place team was separated from the last-place team by only twelve strokes, with all other teams finishing within five strokes of one another.

Special thanks to Young Lawyers Division president **Gary Bruce**, who created the tournament, inspired others, and donated countless hours of his time, and to irrepressible attorney volunteer **Gale Collins**, who coordinated in-kind donations from local businesses.

CHILDREN AND DOMESTIC VIOLENCE

- Just over **50%** of US victims of domestic violence live in households with children **under the age of 12.**
- **Children** exposed to domestic violence are **more likely to have behavioral and physical health problems** including **depression, anxiety, and violence towards peers.** They are also more likely to attempt suicide, abuse drugs and alcohol, and run away from home.
- **Boys** who witness domestic violence are **twice as likely to batter their female partners** as adults than boys raised in nonviolent homes.



Above: PLS supporters & Asheville attorneys Bob Deutsch and Lou Bissette at the tournament.

Thank you Golf Tournament Sponsors!

Silver Sponsors (\$500-\$999):

Mission Children's Hospital
RBC Centura Bank
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The Genesis Alliance, Inc.

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Prize, refreshment, and service donors:

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**Support the future of Pisgah Legal Services
by making a gift to the PLS Endowment.
Call Beth Trigg at 210-3410 for more information.**

Volunteer Attorneys Honored for Service to Low-Income People

More than 300 local attorneys volunteer to provide free (pro bono) legal services to low-income people screened by Pisgah Legal Services through the Mountain Area Volunteer Lawyers Program (MAVL). These attorneys help low-income clients meet the most basic of needs, including shelter, safety, and subsistence income.

Christy, P.A. were honored by the Buncombe County Bar, and the **Honorable Laura A. Powell** was honored by the Rutherford County Bar. All were nominated for North Carolina Bar Association **2005 Outstanding Pro Bono Service Awards**.

In May, PLS and the Buncombe and Rutherford County Bars honored eight local attorneys for outstanding pro bono service.



Above: Pro Bono Award nominees. From left to right: Bill Christy, James Ellis, Walton Davis, Bryant Webster, and Ingrid Friesen. Not pictured: Terry Young, Cindy Strom.

In 2004, local attorneys donated more than 1,700 hours through MAVL, services conservatively valued at more than \$258,000, and closed 595 cases for low-income people.

Ingrid K. Friesen, Cynthia A. (Cindy) Strom, and Terry P. Young (Asheville attorneys) and **William H. (Bill) Christy, Bryant D. Webster, James M. Ellis, and R. Walton Davis** of the Black Mountain law firm **Stone &**

Says PLS staff attorney and MAVL coordinator **Bill Whalen**, "Every day MAVL volunteers are making a real difference in low-income people's lives by giving so generously of their time and talent."

"You are not here merely to make a living.

You are here to enable the world to live more amply, with greater vision, and with a finer spirit of hope and achievement. You are here to enrich the world.

You impoverish yourself if you forget this errand."

—Woodrow Wilson, quoted by Judge Gary Cash at the 28th Judicial District Bar Pro Bono Awards



Above: Nicola Smith speaks at the Pro Bono Awards luncheon.

My ex-husband carried a life insurance policy, and our ten-year-old son was the primary beneficiary. I had no idea about the legal issues involved, but was told that I needed to assume guardianship. As a single mother of four children, I had no money for an

Nicola's Story: A Volunteer Lawyer Made the Difference

"On May 14, 2004, I was faced with a tragedy in my life that none of us ever expect to have to face. My ex-husband was found dead at the age of 36.

"I feel that if I hadn't had an attorney then my son would not have received the one thing his father left for him.

So to Pisgah Legal Services and especially to Mr. Christy, I say thank you for a job well done."

- Nicola Smith

attorney, so I began to search for help. I was told to call Pisgah Legal Services, which I did. I spoke with the receptionist who took my information. I was contacted by Mr. Christy with Stone and Christy. He was very nice and helpful. I explained to him that I wanted the funds put into a trust for my son, and that there were questions [from the insurance company] about whether or not the claim would be paid.

Mr. Christy assured me that he would do all he could to see that we could get this taken care of for my son, and he did just that. The insurance money was paid into a trust for my son and

the money will be there for him when he turns eighteen years old."

Gudger House Update

Lawsuit Pending Against Pisgah Legal Services

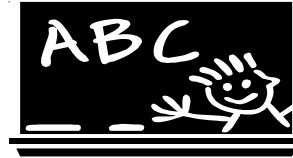
On May 9, 2005, volunteer attorneys for PLS filed an "answer" and "motion to dismiss" the case brought by the federally-funded Legal Services Corporation in federal court to take the Pisgah Legal Services office and parking lot on Montford Avenue in Asheville.



The answer, motion and accompanying legal brief explained many reasons why the case should be dismissed. PLS requested that the Court rule that PLS owns the property. We are grateful that generous volunteer lawyer efforts have prevented PLS staff from being distracted by the case. We do not know how soon the case will resolve. We will keep the community informed as it progresses. For more information, contact Jim Barrett at 253-0406.

School Partnership Project

Thank you
to the schools & school-based organizations
that referred families to PLS this school year:

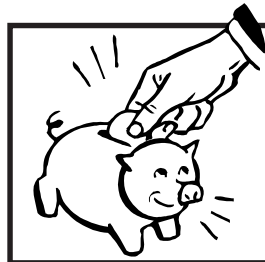


Asheville City Schools Preschool
Asheville City Schools Social Workers
Asheville Middle School
Asheville High School
Barnardsville Elementary
Brevard High School
Buncombe Co. Schools: ESL Program
Buncombe Co. Schools: Social Workers
Cane Creek Middle School
Chase High School
East Henderson High School
Emma Elementary
Emma Family Resource Center
Head Start & Early Head Start
Hot Springs Elementary
Laurel Elementary
Randolph Learning Center
Reynolds Middle School
Reynolds High School
Valley Springs Middle School
Weaverville Elementary

Your support matters!

Update on the Campaign for Pisgah Legal Services:

Many thanks to all of the individuals, faith-based congregations, law firms, small family foundations, and civic organizations who have contributed to the PLS Annual Campaign for 2005 so far! Your support makes a difference – with community support, PLS improves lives and strengthens communities.



If you have an outstanding pledge for the 2005 campaign, please honor your pledge as soon as you are able. If you haven't yet made your donation this year, or if you would like to make an additional gift, you can contribute by mail, in person at 89 Montford in Asheville, or on the internet (www.main.nc.us/pls).

Since November 1, 2004, the campaign has raised more than **\$159,000** in gifts and pledges to PLS. **THANK YOU!**

To make a donation, or for information about the campaign, call Beth Trigg at 210-3410 or e-mail btrigg@pisgahlegal.org.



PLS Online

- ◆ client photos and success stories
- ◆ outcomes reports
- ◆ secure, instant online giving
- ◆ community links

www.main.nc.us/pls

PLS Wish List

**Pisgah Legal Services is in need of the following items
for our offices in Asheville and Hendersonville:**

microcassette recorders
palm pilots
digital cameras

conference room chairs
space heaters
small fans

floor lamps
bookshelves
office chairs

Contact Beth Trigg (210-3410; btrigg@pisgahlegal.org) to donate any of these items!

News from the Front Lines

- A warm welcome to **Shelley Brown** and **Laura Collins**, who joined PLS as staff attorneys this spring. Both Shelley and Laura have been PLS volunteers in the past. Shelley, who was formerly a private attorney, will be based in the Hendersonville office of PLS. Laura, who is fluent in several languages, will be a generalist based in the Asheville office.

- Attorney **Joe Knight** left PLS in April to return to private practice. We appreciate Joe's representation of victims of domestic violence for more than two years.

- Thank you to **Margo Searson**, **Cindy Rice**, and **Shelley Brown** for hosting an Open House at the Asheville office of PLS. If you would like to host an open house for friends or colleagues to learn more about PLS, contact Beth Trigg at 210-3410.

- Congratulations to PLS staff attorney **Bill Whalen** who was elected president of the 28th Judicial District Bar for 2006.

- Congratulations to PLS staff attorney **Robin Merrell**, recently named the first NC LEAF Van Winkle fellow. (LEAF is a statewide loan repayment assistance program for attorneys choosing public service careers). **The Van Winkle Firm** is one of only two firms in the state participating in the LEAF sponsorship program at the level of underwriting a fellow.

- Thanks to **Mary Parker**, **Ward & Harriet Hendon**, **Frank Parker**, **Jim Jenkins**, and the **Trinity Episcopal Church Outreach Cmte.** for hosting an event for community members to learn more about PLS.

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**Thank you to the funders of the
Mountain Violence Prevention Project:**

Violence Against Women Act/Department of Justice
Legal Assistance for Victims Grants Program

Victims of Crime Act (VOCA)/Governor's Crime Commission

HUD (Affordable Housing Coalition Interlace subgrant)

NC state domestic violence prevention funds

United Ways of Asheville-Buncombe County, Henderson County,
Madison County, Rutherford County, and Transylvania County

The Genesis Alliance

Hundreds of individuals, civic groups, and faith congregations

**Pisgah Legal Services
is proud to be supported by:**

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Breaking the cycle of violence



It is a sad commentary on violence in our society that six PLS staff members work full time helping victims of domestic violence. Even with this strong team, joined by volunteer attorneys, we cannot begin to meet the overwhelming legal needs of victims of domestic violence in our service area. PLS prioritizes cases where children are in danger, where the abuse is extreme, or where the abuser has legal counsel representing him against the victim in court.

PLS staff members hear hundreds of stories of physical, sexual, and emotional abuse each year. Because of the dynamics of power and control, victims often return to abusers several times before finally escaping for good. **The work of ending domestic violence is slow, painstaking, and often heartbreaking.** PLS is fortunate to have an incredible team of dedicated staff and volunteers who share a deep commitment to helping victims become survivors.

Success stories like the one in this newsletter keep our staff and volunteers energized: stories of incredibly strong women who have survived abuse most of us can hardly imagine, former victims like Sane and Lauren who ended the abuse with the help of a PLS lawyer.

We know from experience and from a recent Colgate University study that legal counsel can be the crucial factor in reducing the incidence of domestic violence. Victims are often trapped in violent relationships because of concern for their children's safety and well-being or because they lack the financial means

to leave. Our first priority is safety for our clients and their children: legal protective orders and safety planning. But we often have to go further to make sure that the cycle of abuse is ended for good. PLS helps clients secure custody and the means to support their children, so that children cannot be used to control victims. Staff attorneys help clients secure housing for themselves and their children, either through equitable division of marital property or by helping clients access community housing resources.

Did you know that abusers have the legal right to a court-appointed attorney in criminal proceedings involving domestic violence, but that women and children who are victims do not have this right in civil proceedings such as domestic violence protective orders or custody cases?

This newsletter's focus--preventing domestic violence--is just one of six PLS programs. Fortunately for thousands of low-income people in our area, generous support for PLS' free legal services helps people meet basic needs. Thank you for being part of the safety net for victims of domestic violence, disadvantaged children, low-wealth seniors, people with disabilities, recent immigrants, people at risk of homelessness, and families

struggling to meet basic needs. Unfortunately, resources are scarce compared to the unmet need. **Your support is critical.** We welcome your help in solving these difficult issues for our lower-income neighbors. Tell your friends about the successful work of Pisgah Legal Services. Host a gathering to help educate your friends, neighbors, and colleagues about the need for legal services and the work of PLS. Let us know if you know people we should include on our mailing list for newsletters like this one. **And keep up the important work that all of you do: caring about people in need by contributing volunteer time and financial gifts to help PLS get results.**

Jim Barrett, Executive Director, Pisgah Legal Services

Facts About PLS

- PLS provides free legal representation and counseling in civil (non-criminal) cases only.
- Our clients are battered women, disadvantaged children, the elderly, the disabled, recent immigrants, & the working poor.
- PLS prioritizes cases affecting clients' basic needs, including housing, access to medical care, protection from domestic violence and abuse, subsistence income, a quality education, immigrants' rights, and the protection of essential assets.
- Virtually all clients live at or below 125% of federal poverty guidelines (less than \$24,000 annually for a family of four).
- PLS serves primarily Buncombe, Henderson, Madison, Polk, Rutherford, Transylvania, and Yancey Counties.