

# Crime Victim Law Conference

## Event Schedule

Sat, Nov 14, 2020

10:00am

### Conference Opens

🕒 10:00am - 10:15am, Nov 14

🗣️ Speaker



**Meg Garvin** Executive Director and Clinical Professor of Law, National Crime Victim Law Institute

10:15am

### Opening Keynote

🕒 10:15am - 11:00am, Nov 14

🗣️ Speaker



**Lili Bernard**

11:15am

### Year in Review: 10 Key Victims' Rights Cases from 2019-2020

🕒 11:15am - 11:45am, Nov 14

12:00pm

### Lunch - Facilitated Discussions (Bring your food!)

🕒 12:00pm - 12:30pm, Nov 14

These discussions (TBA) will be a time to dialogue with other participants about current topics and trends in Victim Law.

12:45pm

### Saturday PM Breakout I: The Right to Privacy in Age of Technology & COVID-19

🕒 12:45pm - 2:00pm, Nov 14

Advanced VR Experience/Knowledge

Legal Practice Track

Description forthcoming.

🗣️ Speaker



Amy Liu Senior Appellate Attorney, National Crime Victim Law Institute

## Saturday PM Breakout II: Is the Me Too Movement for Real? The Implications for Jurors Rape Myth Biases

🕒 12:45pm - 2:00pm, Nov 14

Legal Practice Track

Moderate VR Experience/Knowledge

For decades the conventional wisdom asserted that law enforcement, prosecutors, judges, and jurors were skeptical of claims of sexual violence and largely unsympathetic to the plight of victims. Many high profile cases highlighted this reality. These include the acquittal of R. Kelly for rape despite some video evidence, the sentencing of Brock Turner to less than a year incarceration for sexual assault of an unconscious woman, and the guilty plea of Jeffrey Epstein to minor charges despite significant evidence of the sex trafficking of girl. This perception of a lack of justice for sexual violence victims is also generally supported by the documented attrition rates of sexual violence cases as they progress through the criminal justice system. Scholars suggest many reasons for this bias against sex crime victims including victim blaming, discrimination, a desire to not want to believe the abuse occurred, stereotypes of the victims, acceptance of the rape myth, or the perceived credibility of the offenders.

In October of 2017, a public social movement against sexual harassment and sexual assault emerged, entitled the "Me Too Movement." This movement awakened a revelation in the United States of the prevalence of the sexual harassment and abuse experienced by women. By underscoring the frequency with which women are assaulted, the movement forced a reluctant public to understand the breadth of the problem and the trauma experienced by these women.

A body of research exists regarding the lack of sympathy of jurors to victims of sexual violence. A new body of research is emerging documenting the effect of the so called Me Too Movement on societal perceptions of rape and other forms of sexual violence.

This presentation seeks to examine the latter focusing on the effect the movement could have on contemporary societal norms regarding sexual assault. It will explore whether these effects may alter previously accepted assumptions regarding jurors, perhaps suggesting a shift not only in public perception, but jury perception of sexual violence.

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### 🗣️ Speaker



Mary Graw Leary Professor, The Catholic University of America

## Saturday PM Breakout III: Fundamentals of Victims' Rights Litigation when Rights are New

🕒 12:45pm - 2:00pm, Nov 14

Beginner VR Experience/Knowledge

Legal Practice Track

This session will identify various stages in the criminal justice process where victims' rights may be implicated and discuss how attorneys can help victims assert and seek enforcement of their rights, including the logistical aspects of rights enforcement. During the session, attendees will work in small groups to workshop a hypothetical, identifying when victims' rights are at issue and what may be done to assert and seek enforcement of those rights in the court.

The goal of this session is to provide practical knowledge to attorneys and inspire attendees to be creative and assertive when assisting victims with enforcement of their rights.

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## Moderator



**Joshua Medina** Staff Attorney and Pro-Bono Coordinator, National Crime Victim Law Institute

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## Speakers



**Elinor Jordan** Senior Program Manager, Survivor Law Clinic at MCEDSV



**Rochelle Rolle** Staff Attorney, Legal Aid Service of Broward County



**Elizabeth Well** Legal Director, Ohio Crime Victim Justice Center

## Saturday PM Breakout IV: Conflicts of Interest in the Representation of Multiple Child Sex Abuse Victims

🕒 12:45pm - 2:00pm, Nov 14

Advanced VR Experience/Knowledge

Legal Practice Track

There are far more victims of child sex abuse than there are qualified lawyers available to help them. In addition, substantial economies of scale are often possible when a single lawyer or group of lawyers can represent multiple plaintiffs at the same time. Unfortunately, lawyers who wish to represent multiple victims of child sex abuse often find themselves limited by one or both of the general multiple client conflicts rule (typically RPC 1.7) and the aggregate settlement rule (typically RPC 1.8(g)).

This session will discuss approaches which conscientious lawyers can take to limit the potential negative effects of these rules while assuring maximum representation of their clients. Handouts will include forms that can potentially be incorporated by counsel for plaintiffs as a part of their practice. Attorneys are the primary intended audience for this session, but advocates will also benefit from the information provided.

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## Speaker



**Peter Jarvis** Partner, Holland & Knight LLP

## Saturday PM Breakout V: A Survey of Restitution in the Military Justice Process

🕒 12:45pm - 2:00pm, Nov 14

Beginner VR Experience/Knowledge

Legal Practice Track

This session will cover the evolution of restitution in the military justice process as it applies to sexual assault survivors. Specifically, it will provide a historical review of restitution in the military justice process;

the current status of restitution in the military justice process; and a prospective view of restitution in the military justice process.

This session will provide you with an understanding of the development of restitution as it applies to sexual assault survivors in the military justice system. Additionally, you will hear about important case law on restitution as it applies to sexual assault survivors. Attorneys are the primary intended audience for this session but advocates will also benefit from the information given.

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 **Speaker**



**LTC David Koon** Senior Regional Special Victims' Counsel, National Guard Bureau

## 2:15pm


### PM Plenary: The Trauma of Injustice

🕒 2:15pm - 3:15pm, Nov 14

**Legal Practice Track**

Description forthcoming.

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 **Speakers**



**Angela Onwuachi-Willig** Dean and Professor of Law, Boston University School of Law



**Tamara F. Lawson** Dean and Professor of Law, St. Thomas University School of Law

## 3:15pm

### Saturday Closing Remarks: Getting from Today to Tomorrow and Beyond

🕒 3:15pm - 3:30pm, Nov 14

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 **Speaker**



**Jennifer Storm** Author, Speaker, Blackout Girl, LLC

## Sun, Nov 15, 2020

### 10:00am

#### Opening Statements

🕒 10:00am - 10:15am, Nov 15

Speaker



**Meg Garvin** Executive Director and Clinical Professor of Law, National Crime Victim Law Institute

10:15am

**Sunday Opening Keynote (TBA)**

🕒 10:15am - 11:00am, Nov 15

TBA

11:15am

**Sunday AM Breakout I: The Intersection of Victims' Rights and Disability Law for Legal Professionals**

🕒 11:15am - 12:30pm, Nov 15

Legal Practice Track

Moderate VR Experience/Knowledge

This session will focus on the intersection of disability law and victim rights in criminal cases. We will begin with statistics on how disability impacts victimization. We will discuss disability law and how it specifically impacts a victim in the criminal justice system, identifying obligations of law enforcement and government administrators and attorneys.

We will describe common challenges seen in criminal cases in which the victim has a disability and suggestions on how to overcome these obstacles. The presentation will cover each stage of the criminal justice process. We will share case examples detailing successes as well as failures and what can be learned from those failures. Finally, we will detail what connections legal professionals can make in their communities to better serve victims with disabilities.

Attendees will be provided with knowledge of disability law and how to creatively apply this law when representing the interests of a victim with a disability from investigation to post-sentencing. Additionally, attendees will be able to identify common obstacles in criminal cases when the victim has a disability, and articulate methods to successfully overcome these obstacles, including examining caselaw and sample pleadings.

This session is intended primarily for attorneys, but advocates will also benefit from this session.

Speaker



**Sarah Hill** VOCA Attorney, Disability Rights Ohio

**Sunday AM Breakout II: Integrating Science with Strategy to Increase Effectiveness in Court**

🕒 11:15am - 12:30pm, Nov 15

Legal Practice Track

Moderate VR Experience/Knowledge

What does it mean to effectively prepare and advocate on behalf of someone who has been harmed? You know you need to be trauma-informed for your client, but is that enough? Can you also take that knowledge and skill set into the courtroom? Can you counsel and advocate in a way that is mindful and trauma-informed on behalf of the human being you represent but also build that into your strategy for effective representation? Can you present in a way that the judge, jury, and even other participants understand trauma-informed principals, respond to them, and take them into account in their decisions? We think you can. (We actually think you must.)

We will integrate the science and the courtroom for you with the goal that not only will your advocacy and preparation of your client be better, your outcomes will also be better because you are taking traumainformed practice into the courtroom, modeling it, teaching it, and leveraging it for better and more informed decision making by the judge and jury. We will share hard-earned real-life strategies and experience to make you better at and more effective in what you do. This session is primarily intended for attorneys but advocates will also benefit from the information presented.

#### 📣 Speakers



**Chris Wilson** Director, Being Trauma Informed



**Shaun Floerke** Judge, 6th Judicial District Minnesota, Duluth

### Sunday AM Breakout III: Building Trauma Focused Cultural Specific Services for Immigrant Survivors

🕒 11:15am - 12:30pm, Nov 15

Moderate VR Experience/Knowledge

Non-Legal Practice Track

Survivors of domestic and sexual abuse face challenges in seeking help and rebuilding their lives. Immigrant survivors of domestic and sexual abuse face unique challenges that often make seeking help difficult. These challenges include unique forms of abuse, differing cultural and family structures, and fears regarding immigration status. The workshop will introduce service providers to these unique challenges faced by immigrant victims, and recommend the best trauma-informed and culturally competent practices when providing services to immigrant communities.

This session is primarily intended for advocates but is also beneficial for law enforcement professionals.

#### 📣 Speaker



**Dr. Nusrat Ameen**

### Sunday AM Breakout IV: Unique Issues in Working with Sexually Victimized Men

🕒 11:15am - 12:30pm, Nov 15

Beginner VR Experience/Knowledge

Legal Practice Track

Moderate VR Experience/Knowledge

Non-Legal Practice Track

There is a widespread misconception that males are rarely victimized sexually. This misconception has been fostered by society's deeply-held beliefs about men, masculinity and sexuality, as well as by male victims' profound reluctance to disclose their victimization. Yet research over the past two decades indicates that the rate of sexual victimization of males is far higher than society recognizes. Approximately one in six males are sexually abused during childhood. Sexually victimized men comprise one of the most unrecognized and under-served traumatized populations who suffer the full array of trauma symptoms but who rarely receive any help in coping with them.

Driven by an unending series of public scandals – clergy abuse; the Boy Scouts; Penn State; the Citadel; Horace Mann – and by the public disclosures of individual men, once silenced men are now emerging into

visibility, and they are seeking help in increasing numbers.

This presentation will focus on the unique issues faced by male victims and by those who work with them: barriers to disclosure; partial disclosure; denial and masking of symptoms; and the long term functional, psychological and medical consequences faced by male survivors.

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#### Speakers



**David Lisak** Board Chair, 1in6



**Marcel Anderson** CEO, Accelerating Men, Inc.

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### Sunday AM Breakout V: Specific Legal Issues and Strategies for Working with Child-Victims

🕒 11:15am - 12:30pm, Nov 15

**Legal Practice Track**

**Moderate VR Experience/Knowledge**

This training will address unique legal issues in cases involving child victims. This would include how to establish a child's competency to testify, the criteria for permitting a child to testify remotely, caselaw regarding allowing therapy dogs to accompany vulnerable witnesses in the courtroom, specific hearsay exceptions that may be invoked to support the child's testimony or if the child is unable to testify, and how rape shield law applies to child victims. The primary focus will be on federal law and the federal rules of evidence with some references to military and state caselaw. There will also be a discussion as to how to develop rapport with child witnesses and techniques for preparing them to testify.

This presentation will equip attendees to 1) Identify specific legal issues that can arise in cases involving child victims; and 2) examine methods to develop rapport, lessen stress, and facilitate the child witness in testifying.

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#### Speaker



**Ann Lundwall** Victims' Legal Counsel, United States Navy

### 12:30pm

#### Lunch - Facilitated Discussions (Bring your food!)

🕒 12:30pm - 1:00pm, Nov 15

These discussions (TBA) will be a time to dialogue with other participants about current topics and trends in Victim Law.

### 1:15pm

#### Sunday PM Breakout I: The Judge Did What? How to Proceed When Victims' Rights Violations Occur in Open Court: A Study and Discussion of Video Examples of Actual Court Proceedings

🕒 1:15pm - 2:30pm, Nov 15

**Legal Practice Track**

**Moderate VR Experience/Knowledge**

Participants will view real life court proceedings to identify victims' rights violations and discuss methods of addressing the violation at the moment it occurs as well as methods of addressing the issue after the fact.

Attendees will have the opportunity to identify victims' rights violations as they happen through real-life court proceedings. They will then be able to develop strategies to address victims' rights violations immediately as they occur and strategize follow up motions/actions to further address the violation.

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#### Speaker



**Jamie Balson** Crime Victims' Rights Attorney, Legal Services for Crime Victims in Arizona (LSCVA)

### Sunday PM Breakout II: Access to Justice and Language Access

🕒 1:15pm - 2:30pm, Nov 15

Beginner VR Experience/Knowledge

Non-Legal Practice Track

For crime victims, gaining access to the legal system can present seemingly insurmountable challenges. From understanding their rights, to learning who to contact, getting necessary resources, and communicating relevant information, crime victims face a complex system made all the more overwhelming by recent and prior traumas. When these victims are Limited English Proficiency (LEP) speakers, non-English speakers, and/or Deaf and Hard-of-Hearing, they are confronted with an additional barrier, which makes access to justice seem almost impossible. This language barrier also complicates the process for all involved in supporting them, and can often lead to adverse outcomes. With an estimated 25.9 million LEP speakers and 37 million Deaf or Hard-of-Hearing people in the United States, language access is a crucial component to providing crime victims effective access to victim-service providers and justice-related systems.

During this presentation, we will explore a brief introduction to the history of language access rights in the U.S. We will then differentiate language access from language assistance, and review important steps in language access planning. Finally, we will discuss the benefits of developing a strong language access plan, and share some actions you can start implementing right away.

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#### Speaker



**Marie-Eve Monette** Program Director, Creating Puentes

### Sunday PM Breakout III: Fundamentals of Victims' Rights when Rights are Established

🕒 1:15pm - 2:30pm, Nov 15

Advanced VR Experience/Knowledge

Legal Practice Track

This session will identify various stages in the criminal justice process where victims' rights may be implicated and discuss how attorneys can help victims assert and seek enforcement of their rights, including the logistical aspects of rights enforcement.

During the session, attendees will work in small groups to workshop a hypothetical, identifying when victims' rights are at issue and what may be done to assert and seek enforcement of those rights in the court.

The goal of this session is to provide practical knowledge to attorneys and inspire attendees to be creative and assertive when assisting victims with enforcement of their established rights.

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#### Moderator





**Meg Garvin** Executive Director and Clincial Professor of Law, National Crime Victim Law Institute

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**Speakers**



**Miriam El Menshawi**



**Colleen Clase** Chief Legal Counse, Arizona Voice for Crime Victims

**Sunday PM Breakout IV: Understanding the scope of a victims right to be treated with respect for their dignity and privacy in regard to subpoenas for their private or confidential information**

🕒 1:15pm - 2:30pm, Nov 15

**Legal Practice Track**

**Moderate VR Experience/Knowledge**

This session is an in-depth review of the right of victims to be treated with fairness and respect for their dignity and privacy under Article 6b, UCMJ. This includes discussion on the intent of the Uniform Code of Military Justice to include, under the Rules for Courts-Martial, the same rights found under the Fed. R. Crim. P. 17.

In doing so, the UCMJ provides victims the right to receive notice and the opportunity to move against a subpoena issued for their private or confidential information. However, ambiguity in the UCMJ often leaves victims without such right. This session is intended to provide military attorneys with an understanding that Fed. R. Crim. P. 17 can enable them to counter that ambiguity to secure their client's Article 6b right under the UCMJ.

Military attorneys are the intended audience for this session, but advocates will also benefit from the information given.

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**Speakers**



**Brad Baker** Special Victims' Counsel, U.S. Coast Guard



**Jason Roberts** Special Victims' Counsel, U.S. Coast Guard

**2:45pm**

**Closing Keynote: Rape Culture**

🕒 2:45pm - 3:15pm, Nov 15

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**Speaker**



Edward Obbie West Wilson Advocate / Performance Artist, Words of West LLC

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