

# National Crime Victim Law Institute

## Annual Report

### 2010-2011

[WWW.NCVLI.ORG](http://WWW.NCVLI.ORG)



Clockwise from upper left: Diane Humetewa presents *Victims' Rights in Tribal Courts in Light of the New Tribal Law and Order Act* at NCVLI's 10th Annual Crime Victim Law Conference; Participants at NCVLI's 2011 National Crime Victims' Rights Week Event; NCVLI alumnus Ben Lull, Dean of Lewis & Clark Law School Robert Klonoff, lead law student intern Jacqueline Swanson, and NCVLI Executive Director Meg Garvin catch up at Open House; NCVLI Founder Doug Beloof closes the Annual Conference.



Photos throughout credit: cfwphoto.com or Susan Bexton

## Message from NCVLI's leadership

This was an amazing year. While the country was navigating an economic recession, our work on behalf of crime victims continued because it had to. In 2010, there were 3.8 million violent victimizations and 14.8 million property crimes. What victims of these crimes have in common is that in the aftermath of their victimization, when forced to navigate the justice system, they will either be empowered or experience additional trauma. Securing meaningful rights can go a long way toward ensuring that their experience is the former.

In the midst of the country's economic strife, we worked to secure significant legal victories for victims of stalking, sexual assault, domestic violence, trafficking, homicide, and fraud; we trained thousands so that by sharing our expertise more victims could be helped; and we advanced the law in states where protections were weak.

Over the years we have made great strides toward a society in which every crime victim, in every state has access to meaningful rights. While our programs evolve, we remain true to a vision of a world in which every victim of crime is empowered to become a survivor.

As we pursue this vision, we are fortunate to have a strong team of dedicated board members and staff, and committed partners and supporters. With diligence, teamwork, and your generosity, NCVLI will remain the premier defender of victims' rights through its advocacy, training & education, and public policy.

As you read about our achievements from this year and our plans for the year ahead, we hope that it will inspire you. With available government funding diminishing, we need your help now more than ever to continue the momentum toward a better future for victims.



Meg Garvin, MA, JD, Executive Director



Carl Davis, JD, Chairman of the Board

### NCVLI's Board of Directors:

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Diane Humetewa, *Advisory Member*



# LEGAL ADVOCACY

Advocating through amicus curiae (friend of the court) briefs and legal research, writing, and strategic advice to attorneys and advocates ensures that victims’ rights, no less than defendants’ rights, are protected at every turn.

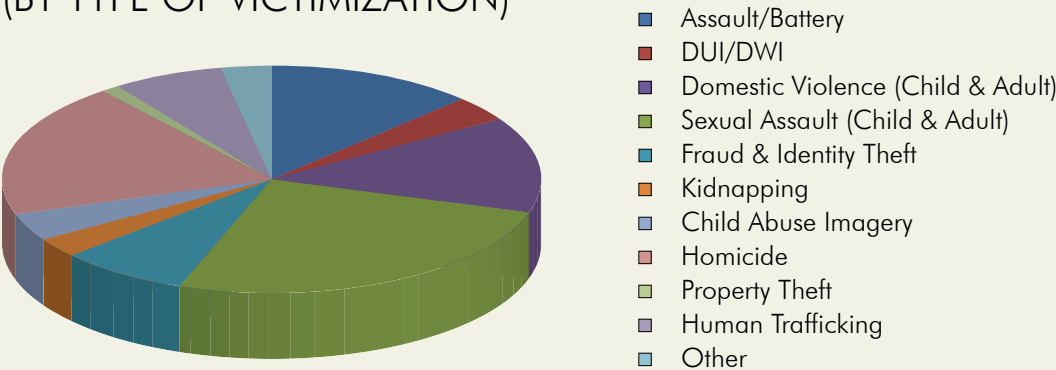
This year we:

- Filed **14 amicus curiae briefs** in state and federal courts, including **4 in state supreme courts** and **2 in the United States Supreme Court**.
- Provided technical assistance on **122 unique victims’ rights issues** in response to requests from attorneys, advocates, judges, and legislatures **from across the country**, including **22 states**.
- Worked on **criminal, civil, and juvenile** issues in **federal, state, tribal, and military** courts.
- Helped secure victories in Alaska, Maryland, Oregon, and federal courts on victims’ rights, including **privacy, protection, and restitution**.

“In Alaska, a convicted murderer died in prison while his appeal was pending. The court vacated the conviction under the abatement ab initio legal doctrine. [Under the doctrine if an offender dies while his appeal is pending his conviction is overturned and he is again presumed innocent.] The crime victim’s parents were devastated. NCVLI prepared an amicus brief; the outdated legal doctrine was overturned. The decision is a great victory for the crime victims’ legal rights movement in Alaska and beyond. Thanks NCVLI!”

Katherine J. Hansen, Staff Attorney,  
Alaska Office of Victims’ Rights

## TECHNICAL ASSISTANCE PROVIDED (BY TYPE OF VICTIMIZATION)



# EDUCATION & TRAINING

Educating a variety of audiences through multiple educational tools on the meaning, scope, and enforceability of victims’ rights helps to secure the culture change necessary for victims to become participants in the justice system with legally recognized rights.

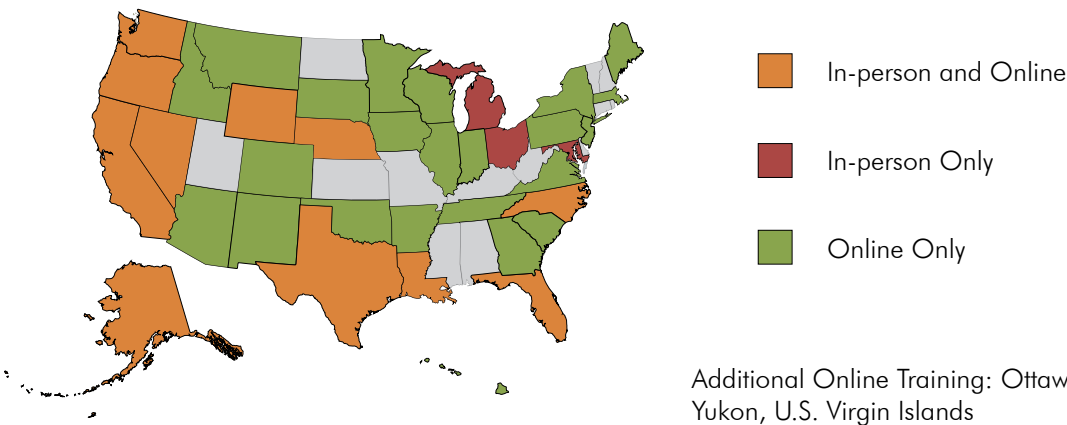
This year we:

- Provided more than **42 unique trainings** with topics ranging from “A Victims’ Right to be Heard: An Analysis of this Critical Legal Right” to “Civil and Criminal Protective Orders: A Comparison”.
- Reached more than **2700 practitioners** in **37 states** and the District of Columbia through in-person trainings, webinars, and teleconferences.
- Released a variety of publications, including the 13th edition of our *Newsletter of Crime Victim Law*, which reached more than **2500 recipients**, and **3 Bulletins** on victim law.
- Hosted more than **170 attendees** in June at our **10th Annual Crime Victim Law Conference**, the only national conference on rights enforcement.
- Trained tomorrow’s victims’ rights attorneys by teaching **12 students** the “how to” of rights litigation in the Crime Victim Litigation Clinic at Lewis & Clark Law School.

“NCVLI’s training focuses on the core issue surrounding victims’ rights: what enforcement of those rights looks like in the real world. NCVLI provides not only the legal and statutory requirements, but also the practical guidance on implementation of those rights within our courts.”

Kim Roewert, Victim Witness Specialist, U.S. Attorney’s Office, District of Nebraska

## TRAININGS BY STATE





# PUBLIC POLICY

*Working with partners nationwide to promote victims' rights through model legislation, strategic advice, and expert testimony ensures the advancement of robust rights for victims everywhere.*

This year we:

- Testified before the full **U.S. Senate Committee on the Judiciary** as part of Crime Victims' Rights Week, updating Congress on the state of the nation and highlighting the need for Congress to fulfill its commitment to fund legal services for victims.
- Testified before the **Oregon House Judiciary Committee** on Oregon crime victims' constitutional right to restitution and its pivotal role in addressing the impact of crime on their lives.
- Provided strategic advice on how to strengthen **Vermont's** victims' rights to ensure that victims will have stronger rights in the future; advocates on the ground are carrying the work forward.
- Worked with **Washington** advocates to stop a proposed court rule that would allow recording of pretrial victim interviews over their objection and in violation of their rights to privacy and protection.
- Researched and drafted a 50-state chart for the **Hawaii Legislature** on the propriety of victims proceeding in a civil proceeding against their offenders using a pseudonym, which contributed to passage of a new law to protect victim privacy.



"Because of the help of [NCVLI], we have strategically developed a plan to challenge current policy toward an enforceability model in Vermont. NCVLI's ability to provide on request a thorough analysis of specific policy has been invaluable. Most importantly, the recommendations based on case law and other state statutes are very effective tools toward change. Because of this kind of support, inspiration and partnership, we are improving outcomes for victims in Vermont."

*Sharon Davis, Special Projects Coordinator, Vermont Center for Crime Victim Services*

# STEP BY STEP . . .

by leveraging expertise . . .

## Our **Responding to Violence Against Women Project** and **Safeguarding Child-Victims' Rights Initiative**

combined knowledge of the unique hurdles faced by child-victims and victims of sexual assault to successfully fight for the right of a child-victim of sexual abuse in Oregon to receive full restitution.

evolving our response . . .

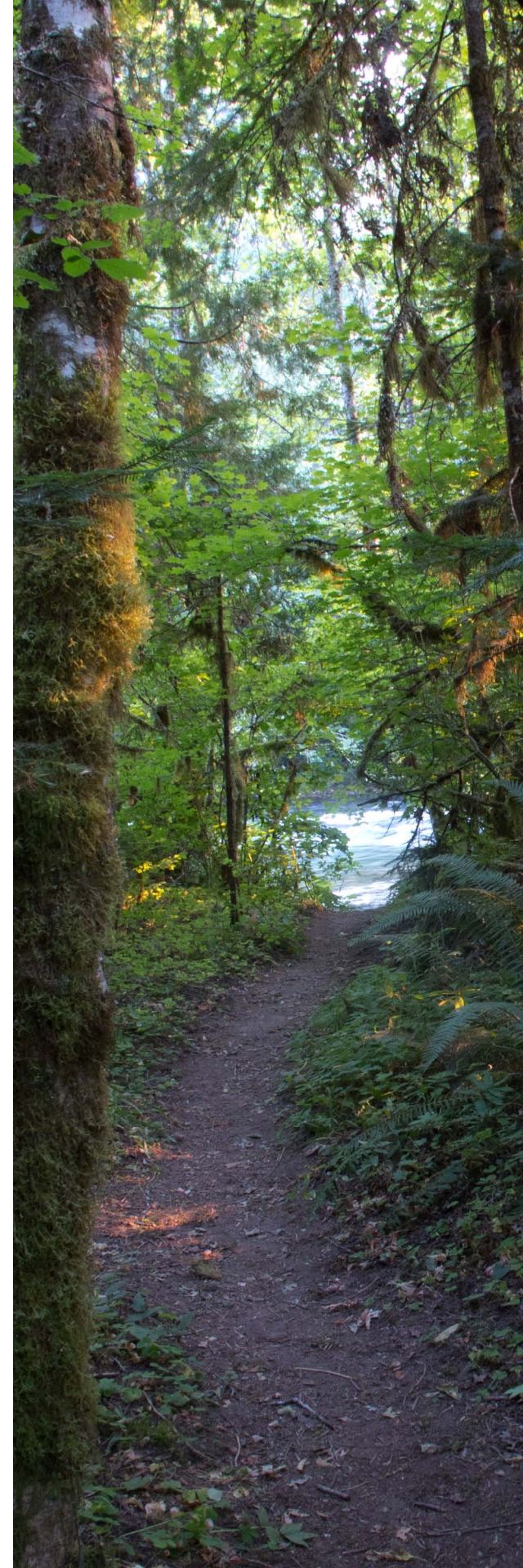
Through a three-part webinar, the **Responding to Online Fraud Project** educated nearly **300** people on how to help victims of the new and emerging crimes of online fraud and identity theft.

listening to partners . . .

Through the Department of Justice's *Vision 21: Transforming Victim Services* more than **400** stakeholders and partners shared their vision of the future of victim services through surveys, webinars, and a forum held in Portland, Oregon.

empowering with resources . . .

We launched the **Online Victim Resource Map** so that victims have a clear path to direct help and enhanced the **National Alliance of Victims' Rights Attorneys** member website to provide on-demand practice tools for attorneys.





## ... AND WITH THE HELP OF A GROWING COMMUNITY ...



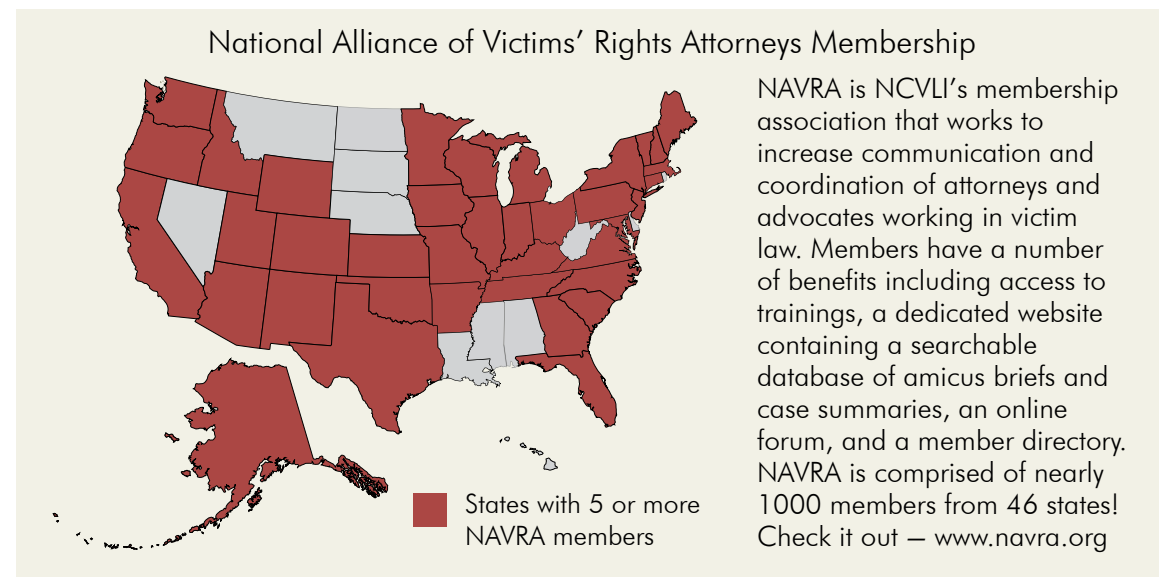
### Pro Bono Spotlight — Keith Franz

Azrael Franz Schwab Lipowitz LLC, Baltimore, Maryland

"I was greatly honored to be asked to be Counsel of Record for NCVLI on two amicus curiae briefs presently pending in the Supreme Court of the United States. The successful conclusion of each case will significantly clarify and enhance the rights afforded to victims under the Crime Victims' Rights Act of 2004. NCVLI should be justifiably proud of its effort to take on these vital cases and for beautifully articulating the need for effective enforcement of victims' rights."

### Highlights of the year include:

- Volunteers donated **more than 1250 hours** to help crime victims, valued at more than **\$30,000** in services.
- **Pro bono attorneys** worked on cases ranging from a Supreme Court brief on victims' rights to be treated with dignity, fairness and respect, to a legal memorandum on a victim's right to protection in a case involving stalking.
- Six **bright and passionate law student interns** dedicated substantial time to supporting NCVLI's legal work.
- NCVLI launched the ***Victims' Rights Community Update***. This electronic publication is now received by more than **3,000 community members**.



## ... WE ARE BUILDING A BETTER WORLD!



In 1999, the people of Oregon amended the state constitution to afford rights to crime victims. But there was a hitch – there was no remedy if the rights were violated. So NCVLI, together with many partners, worked for change and in 2008 the constitution was amended to remove the barrier. A year later, recognizing that removing a barrier is not the same as carving a path, NCVLI, again with many partners, worked on legislation to provide a step-by-step guide for protecting victims' rights.

In 2011, the constitution and statute were tested. In *Barrett v. State*, the defendant was charged with stalking his estranged wife. The victim invoked her rights to be notified, present, and heard. The victim had been told she need not be present at the pretrial hearing, but the defendant pleaded guilty and was sentenced immediately. The victim's rights were ignored. Later, when the victim learned of the plea and sentence, she secured a pro bono victims' rights lawyer through NCVLI's partner clinic, Oregon Crime Victims Law Center, and filed a claim asserting the violation of her rights. The trial court held that the victim's rights had been violated but denied the victim a remedy.

Based on the new laws, the victim appealed. Through the efforts of NCVLI's partner clinic, assisted by NCVLI's legal team, the victim prevailed! May 27, 2011, the Oregon Supreme Court reversed the decision of the trial court, vacating the defendant's sentence and remanding the case for resentencing.

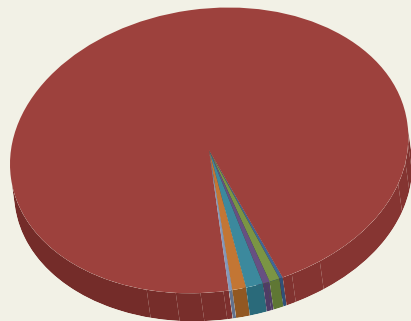
What started with a community working for better laws led to a victim being heard! NCVLI was there every step of the way:

- *shining a light on the laws that needed to be changed*
- *providing guidance on how to improve those laws*
- *ensuring that the victim had an attorney*
- *helping the attorney succeed*
- *ensuring victims have a voice*

## FINANCIALS

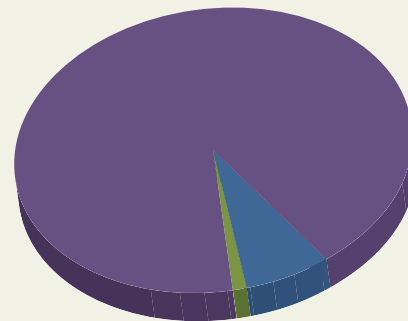
NCVLI leverages every dollar to provide victims with the most effective advocacy possible! We partner with pro bono attorneys and law students to increase the power of your contributions. We work diligently to keep costs down so that 92 cents of every dollar goes directly to programs.

Income by Source, FY 2010-2011



- Federal Grants 96%
- State Contracts 0.3%
- Training & Technical Assistance Contracts 0.9%
- Individual Donors 0.5%
- In-Kind Support 1%
- Institutional Support 1%
- Other 0.1%

Percentage of Costs Spent, FY 2010-2011



- Programs 92%
- Administration 7%
- Fundraising 1%

## WHAT TO EXPECT IN 2012

- **International Victims' Rights:** Recognizing the needs of victims around the world, NCVLI is committed to expanding our horizons to ensure meaningful rights everywhere. In March 2011 NCVLI Executive Director Meg Garvin and NCVLI Founder Doug Beloof will travel to Tel Aviv, Israel, to lecture on victims' rights at the NOGA Center for Victims of Crime.
- **Crime Victim Law Conference:** June 8-9, NCVLI will host the 11th Annual Crime Victim Law Conference in Portland, Oregon. We look forward to moving into the second decade of hosting the only conference on rights enforcement in the country.
- **For Law Students:** NCVLI will partner with the newly-formed Crime Victims' Rights Student Alliance at Lewis & Clark Law School. In winter 2011 NCVLI will invite submissions for the Victims' Rights Student Writing Competition to encourage scholarship on victims' rights.
- **Child-Victims' Rights Training:** Recognizing that child-victims face unique hurdles and that attorneys serving child-victims need unique training, the **Safeguarding Child-Victims' Rights Initiative** will host 3 two-day practical skills trainings to help attorneys better protect child-victims' rights.
- **Victims' Rights Skills Trainings:** Effective litigation of victims' rights is a skill best learned in an intensive continuing legal education course. In the first half of 2012 NCVLI will host 5 day-long trainings around the country for lawyers, teaching the "how to" of victims' rights litigation.

## CONTRIBUTORS

### Individual Donors

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including all CFC donors  
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Board and Staff commitment is 100%.  
\* Board \*\* Staff

We extend a special thank you to Lewis & Clark Law School for its unwavering commitment to NCVLI.

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Peju Province Winery  
ProPhoto Supply  
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Team Quest MMA

### Community Partners

Crime Victim Assistance  
Network  
Mister Fisk  
New Avenues for Youth

## Why We Give to NCVLI

"As parents of a murdered child, we have found NCVLI to be informative, empowering, inspirational, and of immense help in our long search for justice and some peace. When our son Tim was killed 22 years ago, there were few rights for survivors of violent crime. NCVLI is the vanguard in increasing and enforcing crime victims rights."

Mike & Penny Moreau

National Organization for  
Victim Assistance  
Oregon Attorney General's  
Sexual Assault Task Force  
Parents of Murdered Children  
National Office & Greater  
Portland Chapter  
Washington Coalition of Crime  
Victim Advocates  
Women's Law Caucus at Lewis  
& Clark Law School

### Public Support

Office for Victims of Crime  
Office on Violence Against  
Women  
Victims' Services Division of  
the Oregon Dept. of Justice

### Volunteers & Interns

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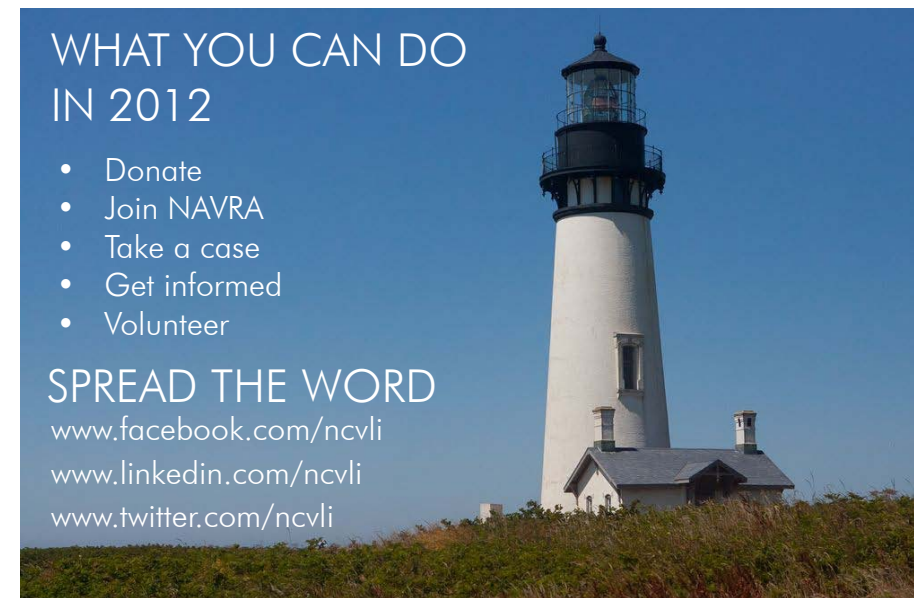
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Strasser, Attorneys at Law  
Charles Van Cott, Stevens &  
Van Cott, PLLC

## WHAT YOU CAN DO IN 2012

- Donate
- Join NAVRA
- Take a case
- Get informed
- Volunteer

## SPREAD THE WORD

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[www.linkedin.com/ncvli](http://www.linkedin.com/ncvli)  
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legal advocacy | education | public policy



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