The Mary Byron Project –
Celebrating Solutions Award Nomination Form

Legal name of organization: Legal Momentum

Year established: 1970 (Founded as the NOW Legal Defense and Education Fund)

Name of program being nominated (if different): National Judicial Education Program

Year established: 1980

Address: 5 Hanover Square, Suite 1502

City/State/ZIP code: New York, NY 10004

Agency phone number: 212-925-6635

Name of contact person: Lynn Schafran

Title of contact person: Director, National Judicial Education Program and Acting President

Phone number: 212-413-7518

Fax number: (212)-413-7518

E-mail address: lschafran@legalmomentum.org

Website address: www.legalmomentum.org

Brief description of organization: Legal Momentum is the nation's oldest legal defense and education fund dedicated to advancing the rights of all women and girls. For more than 40 years, Legal Momentum has made important contributions through litigation and public policy advocacy to advance economic and personal security for women. Our current programmatic work is focused on five strategic goals: expanding rights, justice, and services for victims of violence; increasing pathways into quality employment opportunities; protecting the workplace rights of vulnerable populations; strengthening the safety net; and promoting gender equity and challenging gender bias.

Geographical area served: National

Is the organization tax-exempt under IRS 501 (c) (3) guidelines or a public agency/unit of government? Yes
Please check up to five descriptors that best apply to the program you are nominating:

- Batterer treatment
- Coalition/collaboration
- Communication
- Counseling
- Dating violence
- Elder abuse
- Employment/training program
- Faith-based
- Health care setting
- Hotline service
- Legal aid/assistance
- Prison-based
- Public awareness/education
- School/youth violence
- Shelter-based
- Stalking
- Technology/Internet service
- Transitional housing
- Underserved population
- University setting
- Victim relocation
- Workplace Intervention
- Other: Intersection of domestic violence and sexual abuse
Release of Information

As one of the goals of the Mary Byron Project is to disseminate information about cutting-edge programs and best practices, we wish to post exemplary Celebrating Solutions Award nominations on our website (www.marybyronproject.org). Those posted will include the organization’s website address, telephone number, and e-mail address. If you have concerns about this request, please address them to kathypaulin@marybyronproject.org, prior to submitting a nomination.

By my signature on this letter, I grant the Mary Byron Project permission to use the contents of my nomination for the Celebrating Solutions Award in the manner and for the purposes set above. I further affirm that I am fully authorized to grant such permission to the Mary Byron Project.

Signature

Date 2/14/14
1. Describe the work of the nominated program and explain how the mission of the program is accomplished.

Since its inception in 1980, the National Judicial Education Program to Promote Equality for Women and Men in the Courts (NJEP), established by Legal Momentum and co-sponsored by the National Association of Women Judges, has been a leader in securing fair treatment and justice for victims of domestic violence, sexual assault, and those for whom coercive control, physical violence, and sexual abuse intersect. NJEP both invented the concept of judicial education regarding gender bias' prevalence in civil, criminal, family, and juvenile law, and has, for the past 30 years, been a major catalyst for the establishment of high-level state and federal task forces to address issues such as the treatment of victims of domestic violence in the justice system, and recommend reforms.

In the early 1990s, when Legal Momentum worked closely with then-Senator Joe Biden to draft the original Violence Against Women Act (VAWA), the findings of these task forces played a major role in gaining the support needed to pass VAWA by demonstrating the ways in which the justice system was treating victims unfairly.

NJEP accomplishes its mission of eliminating gender bias in the courts and ensuring fairness in cases involving domestic violence and sexual assault by directly educating and creating resources for judges and other justice-system professionals, providing technical assistance to courts and other organizations working to improve the court response to the intersection of domestic violence and sexual assault, and through advocacy efforts such as providing legislative testimony. NJEP uses many different educational methods and has created a wide variety of types of resources: in-person trainings, a web course on intimate partner sexual abuse, model curricula, DVDs, publications, and webinars. All of these resources are described and are available on Legal Momentum’s website at www.njep.org.

Regarding domestic violence, NJEP focuses on the particular subset of these cases involving intimate partner sexual abuse (IPSA). Although studies document that sexual abuse is perpetrated in 40-70% of domestic violence cases, with a profound impact on victims and critical implications for risk assessment, it remains an all-too-often hidden dimension of domestic violence. This is in part because the U.S. justice system began to take domestic violence seriously at a time when marital rape was not a crime, so IPSA remained invisible to the courts as that reform movement evolved. Many barriers prevent victims from reporting IPSA—including the fact that often no one asks about it, and when victims do disclose, service providers and the justice system often fail to respond appropriately.

NJEP educates judges, lawyers, victim advocates, law enforcement, and other justice system professionals about the reality and impact of IPSA, helping them better meet victims’ needs and hold offenders accountable. Identifying and understanding IPSA is vital to providing victims with specialized services, batterers with appropriate dispositions and treatment, and courts with the information needed for risk assessment. Forced sex in intimate relationships presages increasing physical and sexual violence, potential lethality, and increased risks to children, which should be taken into account in custody/visitation decisions.

2. Describe the most innovative aspects of the program you are nominating for consideration.

NJEP has been innovative from its start as the world’s first project to focus on the rampant gender bias confronting women in the courts, particularly in cases of domestic violence and sexual assault. While judges exercise enormous influence over the lives of victims, they are not required to receive any specialized training before presiding in these cases. Though impartiality and objectivity are supposed to be part of the job description, judges often hold the same biases about violence against women as the population at large. When judges view the facts of a case in light of these pervasive myths, they risk making decisions that place the victim and her family in grave danger.

In addition to targeting a unique audience, NJEP also focuses on an often-overlooked subset of domestic violence cases: cases involving intimate partner sexual abuse (IPSA). As stated above, even though domestic violence and sexual assault are often co-perpetrated, they are usually treated as two separate types of violence against women, running along parallel tracks but never intersecting. This is true of both the justice system and even victim service organizations. A 2006 study found that only 29% of rape crisis centers and 31% of battered women’s shelters provide training on marital rape, and only 55% of rape crisis centers and battered women’s centers ask about victims’ experiences with IPSA. In a study of 148 Houston women seeking orders of protection, 68% reported having also been the victim of IPSA with very serious consequences. Yet none of these women mentioned this in their protection order, apparently because no one asked them about it. NJEP is one of the first programs to focus specifically on these cases, and its efforts have helped to draw much attention to this issue.

NJEP’s approach to training is equally innovative. As described above, NJEP has created a wide range of educational materials to suit the needs of judicial and multidisciplinary audiences operating with varying levels of resources. NJEP provides technical assistance on the use of its resources to ensure that various jurisdictions and other local organizations can best tailor them to their specific needs.

3. Describe your program’s implementation. What barriers did your organization have to overcome? How did you marshal the necessary resources for implementation?

Implementation:

With respect to its work on domestic violence, NJEP’s approach to implementing its program is led by its web course noted above, Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases, available at www.njep-ipsacourse.org. The web course includes thirteen modules, eight civil and criminal case studies, and several interactive elements including self-tests and reflection questions. It provides current social science and medical research on IPSA, relevant case law, and recommendations and best practices for handling IPSA throughout the justice system.

NJEP has partnered with other organizations to create specific adaptations of the web course. NJEP worked with the Minnesota Coalition Against Sexual Assault to create a version specific to Minnesota law and practice and with the American Indian Law Center, in consultation with the Southwest Indian Legal Clinic of the University of New Mexico School, to create a version specific to tribal courts. In addition, because education about domestic violence often fails to include discussion of IPSA, NJEP also developed self-contained modules on IPSA that can be integrated into existing trainings on domestic violence. Furthermore, because IPSA is also often overlooked as a type of elder abuse, NJEP created a separate module dedicated to this topic. All modules are available at the following link: http://www.legalmomentum.org/node/572.

---


NJEP also educates professionals and promotes the use of its materials at judicial colleges and national conferences about domestic violence and sexual assault. For example, NJEP has presented on IPSA for the Florida College of Advanced Judicial Studies, the Tulalip Tribal Court, New York City’s new Intimate Partner Sexual Assault Court, and the annual conferences of the National Coalition Against Domestic Violence, EVAW (End Violence Against Women), and the National Association of State Judicial Educators. By speaking at national conferences, NJEP reaches leaders in the field working to end domestic violence, extending the reach of its work to raise awareness about and address IPSA.

NJEP has also written numerous articles on IPSA and domestic violence for publications that reach professionals across the country. The April/May 2012 issue of Domestic Violence Report features a piece by NJEP Director Lynn Hecht Schafran titled “Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of DV Cases—A Free Web Course for the DV Community.” In 2010, Ms. Schafran published an article in Judicature about the web course, titled “Risk Assessment and Intimate Partner Sexual Abuse: The Hidden Dimension of Sexual Violence.” Most recently, Ms. Schafran authored a chapter titled “Intimate Partner Sexual Violence and the Courts” for the recent book Intimate Partner Sexual Violence: A Multidisciplinary Guide to Improving Services and Support for Survivors of Rape.

The wide, online availability of NJEP’s materials helps to connect people directly with NJEP for additional training and technical assistance. For example, after attending an NJEP webinar and reviewing the web course, the Kansas Coalition Against Sexual and Domestic Violence asked NJEP to provide a day-long training on IPSA at the preconference to the Kansas Governor and Attorney General’s Conference on Crime Victim Rights. After reviewing NJEP’s module “Women in Drug Treatment Courts: Sexual Abuse as the Underlying Trauma,” the Delaware Administrative Office of the Courts applied for and received a grant from the Office on Violence Against Women (OVW) to fund a project to provide trauma-informed care to female defendants who are also victims of domestic and sexual abuse, with NJEP providing technical assistance. An expert on domestic violence who runs the Coordinated Community Response Team for 27 counties in Oklahoma recently contacted NJEP to provide training at their multidisciplinary conference in June 2014 after reading NJEP Director Lynn Hecht Schafran’s 2010 article on risk assessment and IPSA in Judicature, available on Legal Momentum’s website.

Barriers:

NJEP has had significant barriers to overcome since its inception. When the idea for what became NJEP was raised at the birth of Legal Momentum in 1970, many assumed that because judges are impartial, per their job description, such a project would be unnecessary. Additionally, many legal professionals and journalists said judges would never accept the idea that gender bias was a problem in their own courts. As a result of these barriers, Legal Momentum struggled to establish NJEP for ten years. However, with the help of funding from OVW and the State Justice Institute, both government agencies mandated to improve the courts, NJEP has successfully brought gender bias to the front of the legal system, drawing so much attention to it that it is now formally prohibited in codes of judicial conduct.

Because of its focus on areas that few other groups address, NJEP has encountered many who do not understand the severity of the problems it aims to resolve. As explained earlier, the intersection of domestic violence and IPSA is an often-overlooked issue, despite its prevalence and the severity of its consequences. The most common myth about IPSA is that it is not harmful to the victim because she is used to having sex with the perpetrator. In reality, IPSA can be more harmful to victims precisely because of this betrayal of trust. Years after the criminalization of marital rape, the stigma still remains, and rape and sexual abuse within the context of domestic violence are not prioritized.
Recently, NJEP has also faced difficulty due to reduced funding availability from government agencies because of budget cuts and the sequestration.

4. How do you know your program works? Please cite two examples. Although anecdotal examples are helpful, at least one example must include quantitative data.

With respect to measuring our impact, Legal Momentum seeks to both directly affect the ways in which the judges and justice system professionals who use our resources and attend our trainings handle cases, and to promote attention to, and training on, IPSA in the context of domestic violence nationwide. We learn about NJEP’s impact in a variety of ways. It is difficult to measure exactly how judges apply the information they learn at our trainings because of the nature of judges’ assignments and the frequency with which certain types of cases come before judges. For example, it may be that six months after a training event many judges who attended would not have presided in any sexual assault or domestic violence cases. To gauge the expected effects of training, we ask judges to complete evaluations in which they tell us specifically how they intend to use the information they learned in pre-trial, trial, and post-trial and as leaders in the criminal justice community. Responses from NJEP’s program on IPSA and sexual assault at the 2010 Florida College of Advanced Judicial Studies included: avoid setting trial on anniversary of assault; limit continuances and explain the reasons for any continuance granted; conduct individual voir dire of jurors, when necessary, due to the sensitive nature of sexual violence victimization; prevent defense counsel from approaching too closely to the victim on the witness stand; conduct rape shield law hearings and offer’s of proof discretely; encourage victim impact statements. These evaluations go beyond measuring whether judges have gained a better understanding of the issue in an abstract sense; the responses demonstrate that judges were able to identify concrete steps to take in their own courtrooms to promote fairness and minimize victim re-traumatization.

We also hear from judges and others about specific ways our trainings have directly affected their handling of cases. For example, last year a Virginia judge gave a training for new judges based on NJEP’s publication Judges Tell: What I Wish I Had Known Before I Presided in an Adult Victim Sexual Assault Case. This publication is based on a national survey of judges who attended NJEP’s program Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Sexual Assault. Soon after, a trainee judge told the training judge that he had just presided in his first sexual assault case, and but for the training he would have believed the victim’s claim of rape because she had no genital injuries. After attending an NJEP training and learning the magnitude of sexual violence victimization, how few victims ever report, and how traumatic it is for potential jurors who were themselves victims to have to disclose this publicly in the courtroom during voir dire, an Indiana judge developed a simple questionnaire so that jurors could disclose privately. He saw an increase in disclosures of more than 20%, became a faculty member for NJEP trainings, and NJEP now distributes his questionnaire as a model. In 2000, OVW funded NJEP to create a version of its Understanding Sexual Violence curriculum for prosecutors. A Michigan prosecutor who attended one of the pilots later wrote that “when I put into practice what I learned at NJEP’s program I got a conviction in almost every rape case I tried for almost two years afterwards.” Eventually, he became the Violence Against Women Project Director for the Prosecuting Attorneys Association of Michigan in order to make NJEP’s training materials available to his colleagues. In 2003 The Judges’ Journal (a publication of the American Bar Association, Judicial Division) published NJEP Director Schafran’s article Evaluating the Evaluators: Problems with ‘Outside Neutrals.’ The article discussed the serious gender bias on the part of custody evaluators who make recommendations in custody disputes involving domestic violence. In response to this article, the principal court attorney for the integrated domestic violence court in Bronx County, New York sent a letter to the editor stating that she had copied this article for all the judges in her court and considered it
mandatory reading for new judges and court attorneys, and that she intended to have the court revise their custody evaluation orders to reflect the recommendations in the article.

In addition to measuring our direct impact on the handling of cases, we examine our success in drawing attention to IPSA in the context of domestic violence cases nationwide. NJEP always tries to include local judges with experience presiding in domestic violence and sexual assault cases on our faculty, both to gain credibility with the audience and to encourage these judges to become experts and leaders in addressing the issues in their state. For example Judges Mel Flanagan and Jeffrey Kremer in Wisconsin served as faculty members for NJEP’s Understanding Sexual Violence training, and went on to present trainings across their state to local district court judges based on NJEP’s materials. In April 2014, NJEP Director Lynn Hecht Schafran will be honored at End Violence Against Women International’s annual conference with the Visionary Award, to recognize her innovative work in directing attention to IPSA in the context of domestic violence in the courts and elsewhere; she will give a plenary speech on IPSA to the thousands of victim service providers who attend the conference.

Legal Momentum also learns about the reach and impact of its work through data gathered through our website, web course, and webinars. Since its launch in 2008, over 4,000 people have registered for the IPSA web course. Some agencies have been so impressed with that they have made it part of formal training for justice system professionals. For example, Georgia judges can receive Continuing Judicial Education credit for taking the course. In Kentucky, the first three modules of the web course are required training on domestic violence for 5,000 law enforcement officers.

The availability of the IPSA web course has led more judges to understand the importance of addressing and providing education on IPSA. For example, a Delaware judge who took the course wrote: “[The web course] is AWESOME … I am absolutely enthralled by it and want the other judges on my bench to take it…” Several years later, NJEP provided in-person judicial education based on the web course to Delaware Superior Court Judges, in part because Delaware was aware of NJEP’s expertise on this issue through its web course. A Tucson City Magistrate wrote “I am taking the Intimate Partner Sexual Abuse course online. I am really learning a lot and since I am on an Arizona Supreme Court committee on Domestic Violence, I intend to recommend the course at our next meeting.” In 2013, NJEP provided education on IPSA to Arizona judges at the state’s annual judicial conference. The Fort Hood Sexual Assault Prevention and Sexual Assault Response Program Coordinator wrote that the IPSA web course is “a great training tool for my job.” The Program Management Specialist from the Washington Coalition of Sexual Assault Programs wrote that the web course is “a magnificent resource” for developing trainings for domestic violence and sexual assault service providers. A prominent educator on intimate partner homicide wrote, “I am definitely changing my lethality presentations as a result of [the web course]. From this day forward they will include more than just a brief mention of sexual assault as a high-risk factor. I want to thank you for sending me this fascinating and valuable course; I am far more informed because of the experience.”

NJEP’s IPSA web course has international reach. For example, a Regional Senior Legal Advisor for the American Bar Association Rule of Law Initiative in Algeria wrote:

“[The web course] has been extremely useful in my work… I submitted comments to a prosecutor manual being drafted in Liberia specifically for sexual assault cases. The materials I found on this Course Website were particularly useful. I have recommended the course to several other attorneys and judges and used it in preparation for my own training seminars coming up in Algeria. Thank you very much for making this extremely valuable resource available especially to those of us who labor in other countries without easily accessible legal materials.”

NJEP also gathers statistics and information through its website and webinars. Since the launch of Legal Momentum’s new website in July 2013, our modules on IPSA have been viewed online hundreds
of times, and our module on using appropriate language to describe violence against women has been viewed over 3,000 times since its release in September 2013. Last year, over 1,000 people attended NJEP’s webinars, and many filled out evaluations explaining the ways in which they would use the information they learned. For example, several victim advocates who attended our webinar on IPSA said they would ensure they asked clients about IPSA. In July 2013 Michelle Garcia of the Stalking Resource Center presented a webinar for NJEP’s webinar series on the intersection of stalking and sexual assault, with a strong focus on IPSA and domestic violence cases, attended by over 300 people. The Sexual Assault Response Coordinator for the Kentucky National Guard was among the attendees, and wrote that she would use in the information in the webinar for training throughout the state.

5. Who are your key community partners? What are their roles?
NJEP partners with court systems, agencies, and organizations nationwide to educate justice system professionals about the intersection of domestic violence and sexual assault. By distilling the most up-to-date research and case law into understandable and easy-to-use curricula, NJEP enables local organizations and jurisdictions to educate those with whom they work directly. Providing adaptable model curricula and trainings on this particular aspect of domestic violence is important and effective because so few other sources exist.

As noted earlier, organizations from two jurisdictions, Minnesota and courts serving Native American nations, have partnered with NJEP to create adaptations of the IPSA web course that present their own law and practice. Other judges and advocates have used NJEP’s IPSA web course to develop in-person presentations of their own.

As a National Technical Assistance Provider for the OVW Court Trainings and Improvements Program, NJEP is currently working with several court systems to improve their response to IPSA and violence against women. This past year, NJEP worked closely with the Delaware Administrative Office of the Courts’ VASE (Victim Advocacy and Safety Enhancement) Project, which seeks to screen female defendants in its Trauma-Informed Probation and Mental Health Courts for domestic and sexual violence, and provide these women with traumas-informed services. NJEP is working with the Winnebago County, Illinois Domestic Violence Coordinated Courts to help equip judges to respond to the numerous IPSA cases coming through their courts. NJEP is also currently working with local service providers and in Kansas, Oklahoma, and Washington State to provide upcoming training to judges and other justice system professionals on IPSA.

6. Could/should your program be replicated in other areas of the country? Why?
NJEP is a national program that assists courts, professionals, agencies, and organizations around the country to improve their response to cases involving the intersection of domestic violence and sexual assault. All of NJEP’s materials are intended to be adapted by other groups, and we encourage organizations and agencies to devote attention to the issues we address.

7. Does your agency have a workplace policy that addresses domestic violence? If so, please include a copy.
Yes. Copy attached.

8. Has the agency and/or nominated program received VAWA funding (yes or no is sufficient)?
Yes.
Equal Employment Opportunity and Anti-discrimination and Anti-harassment Policy

It is the policy of Legal Momentum to afford equal opportunity in all aspects of recruitment, hiring, employment, training and promotion without discrimination on the basis of race, color, religion, creed, sex, national origin, citizenship, age, disability, height, weight, genetic predisposition or carrier status, marital status, sexual orientation, gender identity, being a victim of domestic violence, sexual assault or stalking, uniformed service, protected activity (i.e. opposition to prohibited discrimination or participation in proceedings covered by the anti-discrimination statutes) or any other characteristic protected by law. Legal Momentum also seeks to sustain a working environment free of harassment based on characteristics protected by law, including sexual harassment.

Non-Discrimination Against Survivors of Domestic Violence, Sexual Assault, and Stalking

Legal Momentum is committed to minimizing the occurrence and effects of domestic, gendered or other bias-motivated violence in the workplace. Legal Momentum will not discriminate against employees because they are survivors of or experiencing domestic violence, sexual assault or stalking and will endeavor to provide support and assistance to such employees. This support may include: resource and referral information, and reasonable work schedule adjustments or leave necessary to obtain medical, counseling, legal or other pertinent assistance consistent with existing leave policies. Other appropriate assistance, including enhanced office security, may be provided based on individual need and the capacity of the organization.

Legal Momentum will respect the confidentiality and autonomy of the employee to the extent
possible without jeopardizing the health and safety of other employees, clients and guests of the organization. Employees seeking assistance should speak to any Vice President or other member of management, who may consult with other employees as appropriate.
Legal Momentum

Judicial Education Program

Semi-finalist Information
Ms. Marcia Roth  
Executive Director  
Mary Byron Project  
10401 Linn Station Road  
Louisville, KY 40223  

October 24, 2014  

Dear Ms. Roth:  

In support of its nomination of the National Judicial Education Program (NJEP), for the Mary Byron Celebrating Solutions Award, Legal Momentum is pleased to respond to the requests and questions in your letter dated October 13, 2014 and its attachment.  

Please find our response and supplemental materials enclosed.  

Sincerely,  

Lynn Hecht Schafran  
Director  
National Judicial Education Program  

Enclosures
1) Three letters of support that illustrate why the applicant or nominee is deserving of the award.
   a) A partnering organization: PCAR (Pennsylvania Coalition Against Rape), Mary Byron Award Winner, 2004
   b) A victim’s organization: DV LEAP (Domestic Violence Legal Empowerment and Appeals Project), Mary Byron Award Winner, 2006
   c) A funder: The State Justice Institute, a funder of NJEP’s web course, *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases*

2) Proof of 501(c)(3) non-profit status

Legal Momentum’s IRS letter is enclosed.

3) Budget

A copy of NJEP budget for FY 2014 is enclosed.

4) Respond to the following questions:
   a) What is the approximate number of individuals served annually by the applicant or nominee?

From July 2013 through June 2014, Legal Momentum’s Fiscal Year 2014, at least 4,635 individuals participated in NJEP’s judicial college programs, national conference presentations, and webinars and utilized NJEP’s *Intimate Partner Sexual Abuse* web course. About 1,600 new users accessed the web course, almost 3,000 attended an in-person training, and about attended our webinars. These figures are consistent with the number of individuals trained in previous years.

Additionally, we know that NJEP’s training materials on sexual assault and the intersection of domestic violence and sexual assault are used for training by court systems, prosecutors’ offices, law enforcement, domestic violence and sexual assault coalitions, colleges and universities, and military bases across the world, but we cannot know the number of individuals served in this way. In the past year, for example, there were over 750 orders for NJEP’s various training DVDs. Many purchasers are colleges and universities which show NJEP’s DVDs to hundreds of students at freshman orientation and other anti-violence programs throughout the year. Domestic violence shelters and rape crisis centers around the country often make use of our materials to train their advocates.

   b) How many paid staff and volunteers are used to administer the nominated program?

NJEP’s paid staff includes the following: (1) full-time NJEP Director; (2) full-time Program Associate; (3) part-time Project Attorney; (4) part-time Program Assistant; (5) part-time Law Clerk. In addition, at any given time NJEP generally has 1-2 volunteer interns and/or volunteer attorneys. Starting in November 2014 NJEP will have a part-time high school intern through a program administered by the New York City Department of Education. During the summer, NJEP works with volunteer undergraduate interns through a variety of programs, including the Duke University Moxie
Program, which places students at women’s rights organizations around New York City and provides extensive programming on feminist issues.

In addition to the questions and requirements listed in your letter, your responses to the questions below will help the final review committee to better understand the value of your program and services. Your answers to these questions should be as brief and focused as you think is needed. Any requested supplemental resources should be attached.

1. What are some ways in which advocates and the justice system should respond more appropriately to victims reporting IPSA?

One of the most significant problems with respect to IPSA and the courts is that it remains undetected, oftentimes because no one asks about it. The most important first step that advocates and the justice system can take is to ask about IPSA in interviews and on intake forms. We often open training sessions on IPSA with a quotation from the Honorable Jeffrey Kremer, Chief Judge of the First Judicial Administrative District in Wisconsin, and a long-time NJEP faculty member: “If a partner is controlling, abusive, and violent in the kitchen, the living room, and in public, why would he stop the abuse at the bedroom door?” In part because of the taboo surrounding the discussion of intimate relationships, particularly marital intimacy, advocates and service providers do not always explicitly ask about IPSA. Victims may be ashamed to bring this up on their own, or they may not realize that the sexual abuse to which they have been subjected constitutes a crime and a red flag for escalating dangerousness. In many jurisdictions, intake forms for orders of protection do not mention or include IPSA. This may signal to victims that it is not relevant or not illegal. Including sexual abuse on these forms lets victims know that they can obtain help from the courts with respect to sexual as well as physical violence.

If a victim does disclose IPSA, advocates and justice system professionals should listen compassionately, treat the victim with respect, and assure her that her account is being taken seriously. For victims of intimate partner sexual violence, fear of not being believed is one of the top concerns and barriers to reporting. There are rarely bruises to show, and because sexual violence has for so long been a hidden aspect of domestic violence, there are few recognizable narratives around it. On the other hand, unfortunately, there is a deeply-seated cultural myth about women “crying rape” that often informs the way law enforcement, prosecutors, and others respond to victims of IPSA. A victim’s first interaction with a first responder or service provider can profoundly affect her future help-seeking and thus her safety, so building confidence in the justice system in the first interaction is crucial.

Advocates and justice system professionals working with a victim disclosing IPSA must also recognize that it is a leading predictor of escalating violence and potential lethality for the victim and her children, and be prepared to respond appropriately. When a community-based advocate learns about IPSA, in addition to providing appropriate mental health referrals, a referral to the district attorney’s office may be appropriate. If the victim is already speaking with the prosecutor’s office about criminal domestic violence, the prosecutor may consider adding sexual assault charges. If sexual assault is included within the state’s definition of domestic violence and a judge hears a criminal domestic violence case involving co-perpetrated sexual abuse, this should be accounted for when setting bail and sentencing the defendant. For example, some batterer intervention programs do not directly address sexual abuse. If a victim is seeking a civil order of protection for physical violence
and discloses IPSA in her account of the abuse, the judge should account for this in assessing the respondent’s dangerousness and setting the conditions of the order.

In custody and visitation cases in particular, judges often fail to recognize that domestic violence perpetrated against the mother is extremely harmful to her children, even if the children themselves are not the primary target of the abusive partner. Moreover, research documents that when sexual violence is co-perpetrated with physical violence the safety risks for victims and their children are elevated. But bringing allegations of domestic violence and sexual assault in the custody and visitation context often leads biased judges to further doubt the woman’s credibility and award custody to an abusive father. These cases represent the area in which gender biased myths are most dangerous to women and their children today.

Decades of social science research have documented the detrimental effects of domestic violence on children. Now new research from neuroscience has illuminated how exposure to domestic violence affects children’s brains and development. NJEP Director Lynn Hecht Schafran recently published an article in The Judges’ Journal that presents this research and its implications for the justice system, titled Domestic Violence, Developing Brains, and the Lifespan: New Knowledge from Neuroscience. Neuroscience research demonstrates that children are harmed not only by being the object of violence, but also by exposure to domestic violence in the household, even if they do not “witness” it firsthand. When a child’s non-abusive primary caregiver is stressed and fearful, so are her children. Domestic violence victims also subjected to sexual abuse report depression, suicidal ideation and attempts, and other mental health symptoms at higher rates than victims subjected to physical violence only, leading to a more stressful situation for children. Judges must understand that protecting children requires protecting their mothers’ safety. Education about the pervasiveness of domestic violence and its harmfulness to children is needed. In addition, NJEP’s work with the state gender bias task forces, as well as other research, has revealed that judges often rely upon the opinions of very biased custody evaluators who do not appropriately account for domestic violence when making recommendations. Court systems can take concrete steps to prevent gender bias from clouding these important decisions by creating standardized evaluation forms that specifically ask about domestic and sexual violence.

2. The application states, “NJEP has created a wide range of educational materials to suit the needs of judicial and interdisciplinary audiences operating with various levels of resources.” How are these educational materials accessed by judges and advocates?

All of NJEP’s educational materials are available for free download or purchase at cost on NJEP’s page on Legal Momentum’s website, www.njep.org. Judges and advocates can access these materials on their own, or, more frequently, court systems and organizations use NJEP’s materials for their own internal trainings. Distribution and promotion of our materials is discussed below in the answer to question three.

3. Please provide additional information on the technical assistance provided on the use of your resources “to ensure various jurisdictions and other local organizations can best tailor them to their specific needs.” In what ways are you promoting and advertising the NJEP and the resources available?
To ensure that our materials reach their intended audiences, NJEP undertakes a number of outreach and promotion methods. As a Department of Justice Office on Violence Against Women (OVW)-designated technical assistance provider on the court response to sexual violence and the intersection of domestic violence and sexual assault, we are connected to many court systems seeking to improve their response to these crimes. OVW advises its grantees of NJEP’s availability to provide training and technical assistance through an annual New Grantees Orientation, a technical assistance directory maintained by the National Council of Juvenile and Family Court Judges available at: https://ta2ta.org/, and emails and announcements. We frequently receive requests for training and technical assistance from these grantees. For example, NJEP Project Attorney Claudia Bayliff was recently invited to give the opening plenary session at the launch event for Oklahoma’s first-ever domestic violence court, which was created with funding from OVW. Under our current grant from OVW, NJEP is also designated OVW technical assistance provider for several grantees working to improve their courts’ responses to violence against women. We recently produced or are planning customized judicial education programs for courts in Delaware, Illinois, and Washington in this capacity. When we plan and present a judicial education program for a grantee or other court system, we spend a great deal of time learning about the needs of the court, the population served by the court and existing gaps in their response to sexual violence and IPSA. We research local law, resources for victims, and whether local batterer intervention programs routinely address sexual abuse. All of this is incorporated into customized educational programs.

Under an earlier grant from the Office on Violence Against Women, NJEP held a number of train-the-trainer Regional Team Meetings. States sent teams of judges and others to learn how to incorporate NJEP’s training materials into their own judicial education programs. States that attended continue to use NJEP’s materials for their own trainings, and to contact NJEP and our other expert faculty members when a training opportunity arises. For example, two years ago a Virginia judge gave a presentation based on NJEP’s publication Judges Tell: What I Wish I Had Known Before I Presided in an Adult Victim Sexual Assault Case, which her state obtained at a Regional Team Meeting. In preparation for the training, the judge and the state judicial educator spoke on the phone with NJEP staff about their plan for the presentation and the challenges of presenting judicial education on this difficult topic. A few weeks after the training, one of the judges in attendance approached the judge who led the training to inform her that he had just presided in his first sexual assault case. He said that had it not been for the training, he would not have believed that the victim in the case had truly been assaulted because she did not have the serious, genital injuries he had erroneously believed were the hallmark of a sexual assault.

Director Lynn Hecht Schafran and NJEP Project Attorney Claudia Bayliff present and promote our training materials at multidisciplinary national conferences across the country. Just this past year, they presented at over 10 conferences, including the large multidisciplinary conferences of End Violence Against Women International, the National Association of Women Judges, and the International Association of Forensic Nurses. After hearing Ms. Schafran and Ms. Bayliff present NJEP’s training materials, conference attendees then return to their own organizations and jurisdictions to share what they have learned, and can replicate the trainings with our online training modules. NJEP staff is available by phone and email to answer questions about using and adapting our training materials.

NJEP is actively involved with several organizations that promote judicial education, including the National Association of State Judicial Educators (NASJE) and the National Association of Women
Judges (NAWJ), which is NJEP’s official co-sponsor with Legal Momentum. Ms. Schafran and Ms. Bayliff attend and often speak at the annual conferences of these organizations, where they also connect with state judicial educators and judges involved in judicial education in their states, who can then advocate for judicial education on sexual violence and IPSA in their home states and jurisdictions. NJEP also posts on the JERITT (Judicial Education Reference, Information, and Technical Transfer Project) website which sends information about judicial training programs and resources to the judges and state judicial educators nationwide who are on its listserv. NJEP publicizes new materials via a wide variety of listservs, including Legal Momentum’s blast email list and social media. Other organizations with whom we frequently work also promote our materials using their email lists and social media platforms. For example, RAINN, the Rape, Abuse, and Incest National Network will be sending out information about all of NJEP’s resources on intimate partner sexual abuse in the next issue of their affiliate newsletter, which consists of local hotlines across the country.

During the past two years, NJEP presented four webinars on topics related to domestic violence and sexual assault. The webinars were free to access and publicized widely via a number of listservs, blast e-mails, and social media, and allowed NJEP to reach a much broader audience than we are able to reach with in-person trainings. Subsequently webinar participants contacted NJEP with requests for in-person training, additional information about using NJEP’s other resources on sexual assault, and to tell us about the ways in which they use NJEP’s resources. NJEP’s webinars helped introduce its materials and web course to new audiences, including college and law school students, victim advocates at local rape crisis centers around the country, domestic violence service agencies, prosecutors’ offices, and other local service providers.

Sometimes organizations find our resources online and contact us to provide training based on their interest in our materials. During the past year, for example, a Project Manager at the Kansas Coalition Against Sexual and Domestic Violence (KCASDV) found our web course Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence and contacted us. NJEP worked closely with KCASDV for months to plan and present a one-day preconference to the Kansas Governor and Attorney General’s Crime Victims Rights Conference based on the web course and tailored to Kansas’s unique needs. Similarly, the Oklahoma District Attorney’s Council found an article that Ms. Schafran published in 2010 in Judicature titled Risk Assessment and Intimate Partner Sexual Abuse: The Hidden Dimension of Domestic Violence, and invited her to present a series of sessions based on the article at their Coordinated Community Response Team Training this past year.

4. Is there a charge to obtain the model curriculum and training modules, or may they be downloaded at no cost from your website? What is the cost to obtain technical assistance?

All of NJEP’s training modules and most of our model curricula are available for free download on our website. Some curricula that only exist in hard copy and our training DVDs are sold on our website for cost of reproduction plus shipping and handling. Several of our older curricula, which still contain valuable information, have not been converted to an easy to download form (these include When Bias Compounds: Women of Color in the Courts (1996), Adjudicating Allegations of Child Sexual Abuse When Custody is in Dispute (1998), and Understanding Sexual Violence: The Judge’s Role in Stranger and Nonstranger Rape and Sexual Assault Cases (2005)). In addition, the resources books for Understanding Sexual Violence: Prosecuting Adult Rape and Sexual Assault Cases cannot
be made available for free download because they include copyrighted articles that we do not have permission to distribute online. The curriculum itself is available for free download, as well as for purchase if the purchaser prefers to have a fully-assembled binder sent.

Our DVDs, which include the 4-hour DVD version of the Understanding Sexual Violence curriculum, “The Undetected Rapist,” “A Response to the Undetected Rapist,” and “Presenting Medical Evidence in an Adult Rape Trial” are available for purchase at cost. We do not post these DVDs online, particularly “The Undetected Rapist” and “A Response to the Undetected Rapist” because they are meant to be shown by a skilled facilitator who can debrief and lead discussion afterwards. These videos feature Dr. David Lisak, the leading researcher on nonstranger rapists whose crimes are never reported, reenacting an interview of a research subject who explains how he planned and executed the rape of a freshman student at a party at his fraternity. Because these videos can be so triggering to survivors and others, we do not want them posted online.

With respect to technical assistance, grants from the Department of Justice Office on Violence Against Women enable us to provide this free of cost to court systems, multidisciplinary justice system professionals, and a wide range of organizations. Most technical assistance we provide consists of email exchanges and phone conversations. Under our OVW grant, our first priority is to provide training and technical assistance to court systems that also have grants from OVW to improve their response to violence against women. In addition, we provide free technical assistance on a wide range of topics to other court systems, and other non-profit and victim service organizations. Recently, for example, we spoke to court administrators about how to look for funding for judicial education from OVW and other sources; to the New York Times about best practices for using appropriate language when reporting on sexual assault and domestic violence cases; and to a court attorney in Georgia about laws across the country that exclude same-sex partners from prosecution for marital rape. All of this assistance is available free of charge.

Occasionally we are contacted by court systems and organizations that have their own funding for judicial education and are able to contribute to the cost of our time to plan and present judicial education programming. For example, DCADF, the Geneva Center for the Democratic Control of Armed Forces, recently paid for NJEP Director Lynn Hecht Schafran and NJEP Project Attorney Claudia J. Bayliff to plan and present a two-day training program for visiting judges from Bosnia and Herzegovina to learn about addressing sexual harassment and gender discrimination in the courts. While NJEP has expertise in this area, it is somewhat outside the scope of our current OWV grant. In addition, in the past several years NJEP presented at annual judicial colleges for Delaware and Arizona judges, with funding from those states’ judicial education budgets. When courts that are not OVW grantees are able to cover some or all of the cost of planning and presenting programming it enables NJEP to use its grant funding to reach an even broader audience.

5. Please feel free to briefly share any additional information about your program that may be helpful for our reviewers to know.

In response to your invitation to submit supplementation information such as DVDs and other items that showcase the program, the National Judicial Education Program is submitting a number of additional materials. These materials are listed and described in a table of contents, which is enclosed.
6. Please provide copies of any assessments, screening tools or evaluations utilized.

When we present at conferences and training events hosted by other organizations, often times they create and distribute an evaluation form to their attendees. We generally receive comments and ratings for our sessions only.

Enclosed, please find select evaluation forms:
- An evaluation form used for NJEP’s train-the-trainer Regional Team Meetings
- Sample filled-out evaluation forms from a CLE program Ms. Bayliff presented for the New York Unified Court System
- An evaluation form for a different presentation Ms. Bayliff gave for the New York State Unified Court System
October 10th, 2014

Celebrating Solutions Awards

Mary Byron Project, Inc.
10401 Linn Station Road, Suite 116
Louisville, KY 40223

Dear Colleagues:

As CEO of the Pennsylvania Coalition Against Rape/National Sexual Violence Resource Center, and as a past winner of this award, I am proud to support the Celebrating Solutions Award for the Legal Momentum National Judicial Education Program. Considering the longevity of the program (since 1980) and the quality of the work and the reach and scope of the staff at Legal Momentum, there is no more deserving program for this award.

PCAR has been a partner with Legal Momentum in their innovative work on the Violence Against Women Act. The materials used in the judicial training have long been the gold standard in ensuring fair treatment of victims of personal injury violence. I still have their materials on my own bookshelf, and consider it a valued resource. Since no one else had the courage and expertise to begin the journey to promote gender equality in the courts, this program was both pioneering and critical.

PCAR has partnered with our colleagues from Legal Momentum in creating curricula for a national prosecutors training, has solicited their help in testifying on behalf of victims’ rights legislation in the Pennsylvania General Assembly and applaud their ground breaking testimony on federal legislation.

Training for district attorneys, victim advocates and law enforcement have long been a part of the collaborative effort to ensure victims’ rights and remedies in the judicial system. However, the education of the judiciary has been a tough road for advocates to overcome. Somehow, due to perseverance, substantive knowledge of the issues and a passion for equality for victims, Legal Momentum and the NJEP has managed to infiltrate and educate generations of judges. We applaud both the work and their tenacity and their ability to adapt and improve materials and trainings.

We encourage you to make this prestigious award to our partners in Advocating the rights and needs of victims with the National Judicial Education Project.

Thank you for your consideration of our recommendation.

Most sincerely,

[Signature]

Delilah Rumburg, CEO
Pennsylvania Coalition Against Rape/National Sexual Violence Resource Center
October 13, 2014

Ms. Kathy Paulin  
Program Coordinator  
Mary Byron Project, Inc.  
Fostering Innovations and Strategies to End Domestic Violence  
1041 Lime Station road, Suite 116  
Louisville, KY 40223

Re: Nomination of the National Judicial Education Program of Legal Momentum for the Mary Byron Celebrating Solutions Award

Dear Ms. Paulin,

As an organization devoted to advancing legal protections for victims of domestic violence and a 2006 winner of the Mary Byron Celebrating Solutions Award, DV LEAP is pleased to support the nomination of Legal Momentum’s National Judicial Education Program for this important honor.

The Domestic Violence Legal Empowerment and Appeals Project (DV LEAP) is dedicated to empowering victims and their advocates by providing expert representation for appeals; educating pro bono counsel through in-depth consultation and mentoring; training lawyers, judges, and others on cutting-edge issues; and spearheading the DV community’s advocacy in Supreme Court cases. We have long known of Lynn Scharfman’s cutting edge contributions to this field and in the past ten years have worked closely with the National Judicial Education Program (NJEP) on several briefs and projects.

For instance, NJEP (through Lynn Scharffman) has assisted us with *amicus* (friend of the court) briefs to the United States Supreme Court regarding the Confrontation Clause of the U.S. Constitution and hearsay evidence. In particular, DV LEAP, with NJEP’s support, filed an amicus brief arguing that where a criminal defendant has killed the witness, her out of court statements should be able to be used in court against him. Lynn’s perspective on how to frame the argument was both “out of the box” and very helpful. Ultimately, although on a surface level we did not win this case, on a deeper level we did: Our brief’s arguments about the limited relevance of history in interpreting this clause, as well as the dynamics of power and intimidation embedded in abusive relationships, were reflected in the differing opinions of all of the Justices, resulting in a majority of the Justices adopting an interpretation of when a defendant...
October 14, 2014

Kathy Paulin
Celebrating Solutions Award
Mary Byron Foundation, Inc.
10401 Linn Station Road, Suite 116
Louisville, KY 40223

Ms. Paulin:

On behalf of the State Justice Institute (SJI), I would like to express our support for Legal Momentum’s National Judicial Education Program (NJEP) nomination for the Mary Byron Foundation’s Celebrating Solutions Award.

The NJEP course, Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases, is the go-to source for information and training on a crucial, yet overlooked, aspect of domestic violence cases. This course was supported by SJI grants in FY 2004 and 2011 (SJI-04-N-170 and SJI-11-E-154).

Designed for judges but useful to a wide variety of justice system professionals, the web course's 13 modules cover topics such as risk assessment and culture in domestic violence cases involving intimate partner sexual abuse. Four criminal and four civil case studies, plus interactive elements throughout, provide the learner with opportunities to apply acquired knowledge in the training modules. The course is updated as new research and information becomes available. Most recently, NJEP added data from the Center for Disease Control's recently-released National Intimate Partner and Sexual Violence Survey. The Survey provides critical information on the prevalence of intimate partner sexual abuse.

The web course has proved to be highly successful with over 4,000 registered users, most of whom are repeat visitors. It is available free of charge at www.njep-ipsacourse.org.
Employer Identification Number: 23-7085442
Person to Contact: Mrs. Towe
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Mar. 11, 2014, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in May 1971.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.
**LEGAL momentum**  
The Women’s Legal Defense and Education Fund  

**BUDGET – FISCAL YEAR 2014**  
**NATIONAL JUDICIAL EDUCATION PROGRAM**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>$197,260</td>
</tr>
<tr>
<td>Benefits and Payroll Taxes</td>
<td>$58,300</td>
</tr>
<tr>
<td>Program Consultants - Fees and Expenses</td>
<td>$123,490</td>
</tr>
<tr>
<td>Publications and Memberships</td>
<td>$2,300</td>
</tr>
<tr>
<td>Office Expenses - Supplies, Equipment, Postage</td>
<td>$4,640</td>
</tr>
<tr>
<td>Outside Printing</td>
<td>$2,500</td>
</tr>
<tr>
<td>Travel and Conference Fees</td>
<td>$28,600</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>$403,245</strong></td>
</tr>
</tbody>
</table>