



4All of Every Kind Family Law Section Goes to the Dogs!

BY JUDGE NANCY GORDON

Source: FAMILY FORUM

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The concept of pro bono publico (1) goes way back in our profession. It has long been understood by lawyers that our unique access to the legal system imposes an obligation to help those who are disadvantaged gain access to that system. Arguably, it is our obligation to provide pro bono services, as set forth in the Preamble to our Code of Ethics,(2) that makes the practice of law a profession and not merely a business.

In addition to the substantial pro bono services provided by individual section members and their law firms, each year the North Carolina Bar Association Family Law Section Council selects a pro bono project that the section collectively supports. This year, we've agreed to undertake efforts to educate the public and our profession about the correlation between domestic violence and violence done to family pets. The significant correlation between these forms of violence reconfirms the truth of Mahatma Gandhi's axiom: "The greatness of a nation and its moral progress can be judged by the way its animals are treated."

The Prevalence of Family Pets(3)

More American households have pets than have children. Even with the economy in a tailspin, it appears that we Americans spend more money on pet food than on baby food – and we keep on spending. There are more dogs in the U.S. than people in most countries in Europe – and more cats than dogs. (4)

- A child growing up in the U.S. is more likely to have a pet than a live-at-home father.

- Pets live most frequently in homes with children: 64.1% of homes with children under age 6, and 74.8% of homes with children over age 6, have pets. Women are the primary caregivers in 72.8% of pet-owning households.

Continued on Page 2—
"4ALL of Every Kind"



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PARA SIGHT



Continued from Page 1—4ALL of Every Kind

The Correlation Between Incidents of Violence to Family Pets and Domestic Violence

- 71% of pet-owning women entering women's shelters reported that their batterer had injured, maimed, killed or threatened family pets for revenge or to psychologically control victims; 32% reported their children had hurt or killed animals.
- 68% of battered women reported violence towards their animals. 87% of these incidents occurred in the presence of the women, and 75% in the presence of the children, to psychologically control and coerce them.
- 13% of intentional animal abuse cases involve domestic violence.
- Domestic violence victims whose animals were abused saw the animal cruelty as one more violent episode in a long history of indiscriminate violence aimed at them and their vulnerability.
- Investigation of animal abuse is often the first point of social services intervention for a family in trouble.
- A "gold standard" study conducted between 1994 and 2000 found that pet abuse is one of four risk factors for intimate partner violence.⁽⁵⁾

Protecting a Victim from Domestic Violence Often Requires Protecting the Family Pet from Abuse

Studies indicate that between 25% and 40% of battered women are unable to escape abusive situations because they worry about what will happen to their pets or livestock should they leave. Unfortunately, their worries are not unfounded: not infrequently pets that left behind with the violent partner suffer unexplained injuries, health problems, permanent disabilities, or disappear from home. One lawyer described the psychological leverage applied by an abuser who repeatedly threatened his victim: "If you leave, I will have to take the dog to be put down." So she stayed to detriment of her own health and safety.

Even those who leave and take the pets with them find few shelters that accommodate pets. Battered women have been known to live in their cars with their pets for as long as four months until an opening was available at a pet-friendly safe house.

In addition to protecting the pet for its own sake, protecting the pet may also prove therapeutic for the domestic violence victim. For many people, including victims of domestic violence, pets are sources of comfort providing strong emotional support: 98% of Americans consider pets to be companions or members of the family.

Practice Considerations in Light of these Alarming Statistics

It is inevitable that one or more of our clients who experience domestic violence has one or more pets in his or her household. More often than not, women's shelters do not take in victims with pets. In North Carolina, very few battered women shelters provide a place for pets. Consequently, a person who wants to flee an abusive household but cannot take his or her pet with them is typically faced with the real choice of staying- even in the face of violence and abuse-or suffering the guilt and pain of "abandoning" the pet to the abuser.

- When seeking a Domestic Violence Protective Order, consider asking the court to award possession of family pets to your client.⁽⁶⁾
- When interviewing a client about Domestic Violence, ask about the presence of and treatment of pets in the household.
- Consider whether abuse or injury of household pets might be an evidentiary fact that would convince a court of the violence in a household and what, if any, remedies might be appropriate. And whether the status of animals in a client's home indicates where the household is in the cycle of violence.

"Continued to Page 4"



CVPA would like to thank **Attorney Barrett Crawford** for his “Bankruptcy in North Carolina” CPE presentation to our organization on May 12. Mr. Crawford spoke on Bankruptcy Chapters 7, 11, 12 and 13 and steps involved in filing for bankruptcy.

This seminar counted as two general CPE credits with the North Carolina State Bar.

Upcoming Event

July 14, 2009 Social Event
Pin Station, Newton NC
6:00 pm

August 11, 2009 at 6:00 p.m.
CVCC Auditorium, Hickory

CPE: Employment Law

Presented by: Mike Thomas, Attorney at Law
Approved for 1 hour of CPE credit



Continued from Page 2-4 ALL of Every Kind

- Understand the role that pets play in the escalation of violence in an abusive household and how they may be used to increase coercion on victims of violence.

The Family Law Section’s
“Pet Project”

The North Carolina Bar Association is going to undertake work with PAWS and a program of American Humane (see the companion article in this issue of The Family Forum) to provide protection to the pets of victims of domestic violence. If you are interested in approaching your local animal shelter, animal control, law enforcement and bench, we will be pleased to provide information about concrete steps to be taken to protect DV victims and their pets. We will also be happy to put you to work in our pro bono outreach project. If you want to participate in the organization of a statewide foster program for pets of DV victims, please contact the Family Law Section so we can plug you in!

End Notes

1. “Pro bono publico” (usually shortened to pro bono) is a phrase derived from Latin meaning “for the public good”. The term is generally used to describe professional work undertaken voluntar-

ily and without payment as a public service. Pro bono service, unlike traditional volunteerism, uses the specific skills of professionals to provide services to those who are unable to afford them.

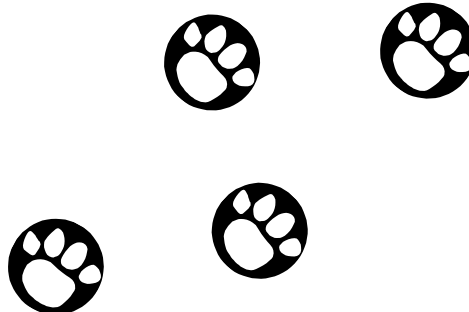
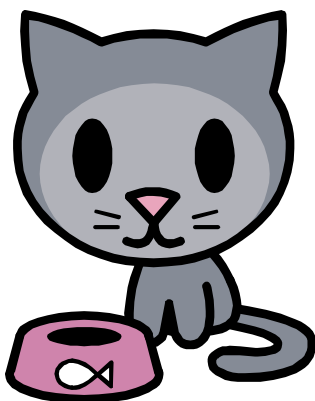
2. Preamble, North Carolina Revised Rules of Professional Conduct

3. American Humane, The Link of Violence, National Resource Center,
<http://www.americanhumane.org>
(800)227-4645 ext. 461

4. American Humane Society, Animal Abuse and Domestic Violence,
http://www.hsus.org/acf/cruelty/publiced/domestic_violence_cruelty.html

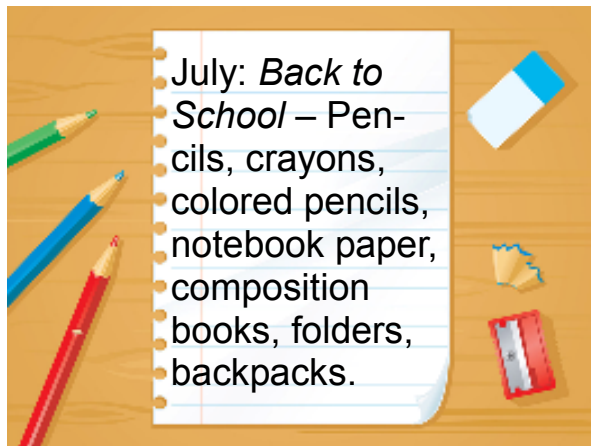
5. Walton, Moss, B.J., Manganello, J., Frye, V. & Campbell, J.C. (2005). Risk factors for intimate partners violence and associated injury among urban women, *Journal of Community Health*, 20 (5), 377-389.

6. See e.g. HB 1148, State of Washington, 61st Legislature, 2009 Regular Session NANCY GORDON CURRENTLY SERVES DURHAM COUNTY AS A DISTRICT COURT JUDGE, PRESIDING OVER FAMILY COURT, TRAFFIC, AND CRIMINAL DISTRICT COURT.





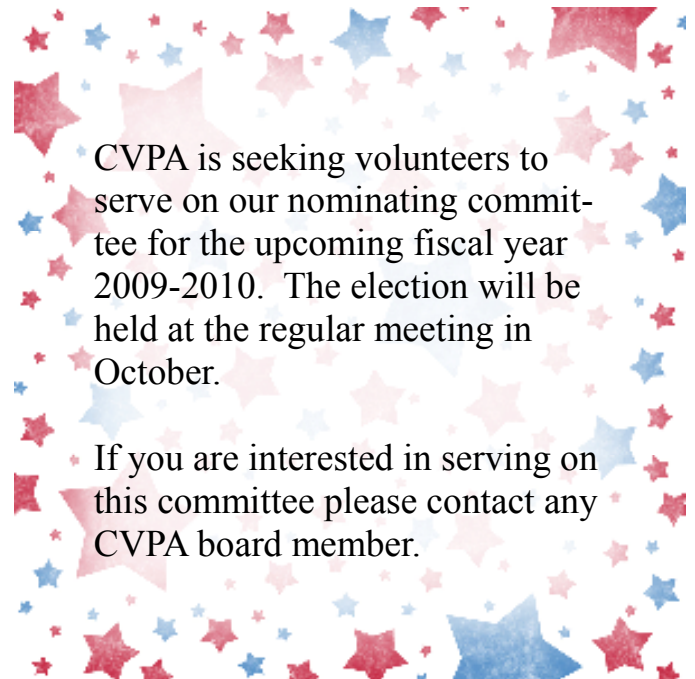
Don't forget our CVPA Community Outreach Project for Catawba County Department of Social Services. Following is a list of the items scheduled for the months of July and August.



August: *Baby My Baby* – Disposable diapers, wipes, finger food, baby bath products, such as no-tears shampoo & soap; diaper rash ointment.



We
Want
You!!



CVPA is seeking volunteers to serve on our nominating committee for the upcoming fiscal year 2009-2010. The election will be held at the regular meeting in October.

If you are interested in serving on this committee please contact any CVPA board member.

The newsletter is a bi-monthly publication; we welcome your stories and ideas for our newsletter. If you would like to be a part of the newsletter team or have something that you wish to share please email your information to:

dmiller@ci.hickory.nc.us or contact her at 828-323-7508. We request that all information be submitted by the 15th of the month preceding the next issue.

Next Issue September 2009.

Paralegal Resource Binder Available

Submitted by: Cyndy Adams



Where do you, the paralegal and/or notary public turn when you have questions or need additional information? Unless you are currently a student enrolled in Paralegal Technology or related legal

classes, many times it is a co-worker or friend at another law firm who provides the answer to your question. Your attorney may also offer insight into your query. Often a website, such as the Secretary of State, Notary Public Division may be the source of your answer.

A useful tool is currently being offered by The North Carolina Bar Association (Paralegal Division). The “North Carolina Professional Paralegal Resource Binder (2008) *New Release First Edition” is available for a minimal price. The binder consists of four sections, including supervision and utilization of paralegals, the team approach to working with your attorney, ethics, and notary public, including several pertinent links. The publication is expandable so that additional materials may be added as desired. Cost is \$35 to NCBA members, \$24.50 for Passport Members and \$45 for non-members.

Here is the link if you are interested in ordering the publication:
<https://www.ncbar.org/cle/bookstore.aspx?id=PRB08>

What Does This Mean?!

Submitted by: Cyndy Adams

What is a “farding” and how would you obtain one? Ever heard of “nautical pecunia”? Are you allowed to prepare an “olograph” will without UPL? Do any of these words really “inure” to your benefit? Here are links to several good free, on-line *legal* dictionaries which you may want to bookmark. They may come in handy for those times when your *Black’s Law Dictionary* has disappeared beneath that stack of files on your desk or sprouted legs and just walked away!

<http://dictionary.law.com/default2.asp?typed=res+ipsa&type=1>

<http://www.nolo.com/glossary.cfm>

<http://legal-dictionary.thefreedictionary.com/>

<http://dictionary.lp.findlaw.com/>

<http://www.answers.com/library/Dictionary-cid-18687>

<http://www.legal-dictionary.org/>

<http://lawschool.westlaw.com/shared/marketInfoDisplay.asp?code=MI&id=155&mainpage=17#4>

<http://www.uscourts.gov/library/glossary.html>





Antsy McClain and the Trailer Park Troubadours

Friday, July 10, 7:30 pm
- Antsy McClain and The

Trailer Park Troubadours - Benefit Concert for The Women's Resource Center of Catawba County. The Newton-Conover Auditorium, 60 West 6th St., Newton, N. C. Tickets: 1-800-216-5877 or 828-238-7045.

Saturday, July 11, 7:30 pm - Antsy McClain and The Trailer Park Troubadours - Benefit Concert for The Women's Resource Center of Catawba County. The Belk Centrum at Lenoir-Rhyne University in Hickory, N. C. Tickets: 1-800-216-5877 or 828-238-7045.

www.unhitched.com

A special thank you to **Attorney John F. Cutchin**, who was our guest speaker for our June 9th meeting. Our topic of discussion was Domestic Violence. Mr. Cutchin provided us with information regarding North Carolina General Statutes, consequences of Issuance of Order, the local system and a brief discussion of "The Good, the Bad and the Ugly" which included valid cases, abuses of the law and devastation.



He also invited us to attend one of the benefit concerts (information to the left) for Antsy McClain and the Trailer Park Troubadours, proceeds to benefit The Women's Resource Center of Catawba County.

This seminar was approved for one (1) hour of CPE credit by the North Carolina State Bar.



Pampered Chef Fundraiser Results

The final number for our Pampered Chef fundraiser totaled **\$492.47** of this amount \$223.54 of that came from **Susan Renfro** personally.

CVPA would like to say thank you to Susan for all her help, time and dedication to our CVPA organization. Our annual fundraiser was a great success because of her efforts and the efforts of all you members who placed orders and sold the Pampered Chef merchandise.

