

The Resource Page: Focus on Domestic Violence



BOOKS

PETER JAFFE, NANCY LEMON & SAMANTHA POISSON, *CHILD CUSTODY AND DOMESTIC VIOLENCE: A CALL FOR SAFETY AND ACCOUNTABILITY*. Sage Publishing, 2002 (\$29.95). 194 pp.

This new book by renowned authors and researchers focuses on the complexity of the challenges facing judges, lawyers, legislators, and mental health professionals in developing safe and effective strategies for resolving custody disputes. The authors outline the essential differences between custody disputes with and without allegations and findings of domestic violence, and the different analysis and distinct interventions by judges, policymakers, and mental health professionals necessary in domestic violence cases. The volume also addresses difficult issues such as parent alienation syndrome, false allegations, and mutual abuse. The authors offer recommendations for legislative improvements, increased training for legal and mental health professionals, enhanced services and programs, and the development of new policies to deal with domestic violence in custody disputes.

JAMES PTACEK, *BATTERED WOMEN IN THE COURTROOM: THE POWER OF JUDICIAL RESPONSES*. Northeastern University Press, 1999 (\$50 hard cover, \$20 paperback). 224 pp.

Sociology professor James Ptacek studied domestic violence restraining order practices in two Massachusetts courts, and examined the role of judges and the court system (including clerks and other court officers and agents) in the process of obtaining restraining orders. Ptacek's analysis focuses on the history of the law related to domestic violence, the effect of domestic violence on women's lives, and the courtroom negotiations between women and judges in restraining order hearings. Ptacek identifies a number of judicial responses that can help assure battered women's safety.

LUNDY BANCROFT & JAY G. SILVERMAN, *THE BATTERER AS PARENT: ADDRESSING THE IMPACT OF DOMESTIC VIOLENCE ON FAMILY DYNAMICS*. Sage Publishing, 2002 (\$32.95). 256 pp.

Lundy Bancroft and Jay Silverman rely on their extensive experience counseling men who batter to identify how abusive and controlling behaviors can affect the atmosphere in the home. Direct and indirect impacts of domestic abuse on the children in the home are discussed, and checklists of solutions for courts, evaluators, judges, criminal justice personnel and other professionals who work with domestic violence victims and perpetrators are included. Judges and other professionals dealing with domestic violence cases can develop action plans for evaluating how they respond to domestic violence custody cases based on the information in this book. (For an overview of themes explored in greater detail in this book, read Bancroft's article at page 44 of this issue.)



WEB RESOURCES

**American Bar Association
Commission on Domestic Violence**
<http://www.abanet.org/domviol/home.html>

This is the home page for the ABA Commission on Domestic Violence. The site provides information for attorneys, judges, and other professionals who work with the judicial system on issues of domestic violence. Included are several public education brochures, including *Why Abuse Victims Stay*, *Know Your Rights: Domestic Violence*, and *Domestic Violence: Safety Tips for You and Your Family*. Some of the brochures are available in both English and Spanish.

**United States Justice Department
Office on Violence Against Women**
<http://www.ojp.usdoj.gov/vawo>

This is the home page for the U.S. Justice Department's Office on Violence Against

Women. The site provides links to information, including the most recent statistical information on violence against women, including domestic violence and sexual assault. The site includes a section identifying model programs for combating domestic violence, information on federal grant programs, and a 16-chapter "toolkit" to end violence against women.

Family Violence Prevention Fund
<http://www.endabuse.org/programs/justice>

The Family Violence Prevention Fund offers training and information for judges who work with all aspects of family violence. The website offers information about upcoming trainings, and includes resource information for judges who want to know more about judicial solutions to the problem of family violence.

**Minnesota Center Against Violence
and Abuse (MINCAVA)**
<http://www.mincava.umn.edu>

MINCAVA, the Minnesota Center Against Violence and Abuse located at the University of Minnesota, offers an extensive and nationally relevant resource of information, statistical research, and articles related to violence. MINCAVA provides information about domestic violence and child abuse, along with all other types of violence in our society.

**National Council of Juvenile and
Family Court Judges**
<http://www.ncjfcj.unr.edu>

The National Council of Juvenile and Family Court Judges maintains a website providing information and links to civil, family, and criminal state laws related to domestic violence for every state and the District of Columbia. The National Council of Juvenile and Family Court Judges also can provide information to judges about domestic violence issues, full faith and credit for protective orders, and firearms and domestic violence. Their resource center on domestic violence can be reached at 1-800-527-3223.

National Center for State Courts

<http://www.ncsconline.org>

The National Center for State Courts has a number of resources online. A recent search of its website for “domestic violence” turned up 200 entries, including a detailed Family Violence Resource Guide. Also included is the publication *Family Violence Forum*, which provides regular updates about approaches taken by various courts in combating family violence.

American Judges Association

<http://aja.ncsc.dni.us/domviol/booklet.html>

The American Judges Association and American Judges Foundation have published an introductory booklet for judges handling domestic violence cases. It provides a useful overview of the literature in the area and the steps judges can take in appropriately handling cases involving allegations of domestic violence.

PRIOR COURT REVIEW ARTICLES

Julie Kunce Field, *Visits in Cases Marked by Violence: Judicial Actions That Can Help Keep Children and Victims Safe*, COURT REVIEW, Fall 1998, at 23 (available at <http://aja.ncsc.dni.us/courtrv/cr35-3/CR35-3KunceField.pdf>).

Randal B. Fritzler & Lenore M.J. Simon, *Creating a Domestic Violence Court: Combat in the Trenches*, COURT REVIEW, Spring 2000, at 28 (available at <http://aja.ncsc.dni.us/courtrv/cr37/cr37-1/CR9FritzlerSimon.pdf>).

Merrilyn McDonald, *The Myth of Epidemic False Allegations of Sexual Abuse in Divorce Cases*, COURT REVIEW, Spring 1998, at 12 (available at <http://aja.ncsc.dni.us/courtrv/cr35-1/CR35-1McDonald.pdf>).

Kate Paradine, *The Importance of Understanding Love and Other Feelings in Survivors' Experiences of Domestic Violence*, COURT REVIEW, Spring 2000, at 40 (available at <http://aja.ncsc.dni.us/courtrv/cr37/cr37-1/CR9Paradine.pdf>).

Note: *Court Review* articles from 1998 to the present are available on the web at <http://aja.ncsc.dni.us/courtrv/review.html>.

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The Resource Page



NEW REPORTS

NATIONAL CENTER FOR STATE COURTS, 2002 REPORT ON TRENDS IN THE STATE COURTS (2002). 99 pp.
http://www.ncsconline.org/D_KIS/Trends/Trends02MainPage.html

Each year, the National Center for State Courts produces a report on trends in state courts. These reports attempt to identify key areas, to report the latest developments, and to forecast potential future ones.

This year's report includes a separate, 43-page "environmental scan" produced jointly by the National Center and Futurist.com under a grant from the State Justice Institute. For anyone involved in court planning or interested in where things may go in the future, this environmental scan—along with the rest of this trends report—would be an excellent starting point.

The environmental scan attempts to identify events, trends, or other factors that will shape the future. These researchers sought to provide background that would let courts and court-related organizations evaluate their long-term programs and potential against the various conditions—internal and external—that may affect courts in the coming years. Areas in which trends are surveyed include population demographics, culture, budget, technology, and ethics, as well as several court-specific categories, such as criminal justice, civil justice, and juvenile justice.

In addition to the broad overview provided by the environmental scan, the trends report also includes short (3- to 5-page) essays describing trends in specific areas. Topics include dealing with present budget woes, handling death penalty cases, the paperless law practice, teen courts, and public access to private data found in court files.

NATIONAL CENTER FOR STATE COURTS, SURVEY OF JUDICIAL SALARIES (AS OF OCTOBER 2002). 12 pp.
http://www.ncsconline.org/WC/Publications/KIS_JudComJudSal1002Pub.pdf

The National Center for State Courts has published an annual survey of state judicial salaries for more than 20 years. While judicial compensation is always of interest, this year's edition contains some new features that make it especially noteworthy. First, in addition to the traditional rankings of judicial salaries by state, a separate comparison is provided this year for trial judge salaries taking into account a cost-of-living adjustment for each state. Second, an analysis is provided of judicial salary increases over the past 10 years as compared to the rate of inflation.

The cost-of-living-adjusted salary data will be of interest to many. For example, although superior court judges in the District of Columbia receive a salary of \$150,000, it amounts to only \$114,000, once adjusted. An even larger difference exists for New Jersey superior court judges, whose actual salary of \$141,000 is adjusted to \$98,000. By comparison, the \$108,000 salary of a Missouri circuit court judge, once adjusted, amounts to \$116,000. The comparison certainly suggests that the District of Columbia and New Jersey judges are not doing as well as the mere salary data might indicate.

The salary data adjusted by cost of living is only as good as the index used, however, and there may not be sufficient reliable data available. To make the cost-of-living adjustment, the National Center's staff has used the ACCRA cost-of-living index. ACCRA is a non-profit organization formerly known as the American Chamber of Commerce Researchers Association (and now found on the web at www.acra.org). It still relies for its data on local chambers of commerce or other economic development organizations that choose to participate in the program, making the data neither randomly

selected nor chosen in some other scientifically prescribed manner. It now includes only cities with populations above 50,000. Three states—Maine, New Hampshire, and Rhode Island—have no participating chambers or other researchers, so that no cost-of-living data is available from ACCRA for them. Thus, while the cost-of-living-adjusted salary data is of interest, its accuracy is lessened by these underlying problems with the ACCRA data.

The comparison of salary increases over the decade from 1991 to 2001 showed that judicial salaries actually ran slightly ahead of inflation, based on increases during the last half of that period. We suspect that this small gain will be eroded by the budget problems most states have experienced during 2002 and 2003.



WEBSITES OF INTEREST

Online Course for Judges on Handling Mass Tort Cases
http://www.ncsconline.org/D_ICM/DistLrnBlkBd.htm

The National Center for State Courts has created and posted an online educational course for judges handling mass tort cases. The online course is intended for use by state or federal judges. enrollment is easy and the course material is easily accessible. The course was created under a State Justice Institute grant in collaboration with the Conference of Chief Justices.



FOCUS ON DOMESTIC VIOLENCE

The Resource Page focuses on resources that can help judges handle cases involving domestic violence on pages 50-51.