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2 New Legal Victories: Survivor's Restraining Order Renewal Maintained and More



Victory #1

On August 5, the Court of Appeal issued its opinion in our case of *Ashby v. Ashby*, where we represented a survivor of domestic violence in defending against her abuser appealing the five-year renewal of her restraining order. In the opinion, the **Court of Appeal agreed with us that our client's five-year restraining order renewal should stay in place.**

The Court of Appeal found the trial court used the right legal standard to renew a domestic violence restraining order, which is that the protected party (our client in this case) has a reasonable fear that abuse could happen again without extended protection. And the Court of Appeal found our client met this standard given the prior acts of physical, financial, and emotional abuse that led to the restraining order in the first place, as well as the later acts where the abuser violated court orders regarding child custody and finances. **We are excited for our client that her need for safety was affirmed.** Thank you to the wonderful team at [Horvitz & Levy LLP](#) for co-counseling this case with us.

Victory #2

On August 19, the Court of Appeal ruled in our favor in *Noble v. Superior Court*, a child custody case where the trial court, on more than one occasion, **failed to raise or apply the safe-parenting assessment required by the law before awarding joint custody** (Family Code section 3044), despite evidence of a recently issued restraining order and additional allegations of domestic violence.

FVAP challenged the custody orders with a fast-tracked appeal, also known as a writ petition. After the Court of Appeal denied the writ petition last year, we successfully petitioned the Supreme Court and got the matter transferred back to the Court of Appeal, where it has remained pending for many months.

After oral argument on August 5 by our co-counsel from [Morgan, Lewis, & Bockius LLP](#), Catherine Eschbach, the **Court of Appeal issued its opinion agreeing with us that the trial court failed to raise or apply the required safe-parenting assessment.** This matter has now been sent back to the trial court to hold a hearing to address the error. **This is a wonderful victory for our client, and we hope she gets the safety and justice she deserves this time around.**

FVAP in Court All September for Survivors' Right to Safety



FVAP will be busy all next month presenting 3 oral arguments on September 8, September 16, and September 24 on behalf of survivors of domestic violence.

On **September 8 in Ventura, CA** we are representing a survivor who was pressured into allowing temporary guardianship for her baby.

On **September 16 in Fresno, CA** we are representing a survivor in a case important to upholding survivors' rights to make good faith reports to the police without fear of retaliation.

On **September 24 in Orange County, CA** we are representing a survivor in a mutual restraining order matter where the court found severe abuse.

The survivors in these cases have been waiting a long time to move to this stage--appeals can take up to a year and a half or longer to resolve. We are hoping that the courts prioritize their safety so that they may move forward.

Thank you to our co-counsel [Mayer Brown](#) in the first case and [Jones Day](#) in the second case and to California Women's Law Center (CWLC) and the [Fred T. Korematsu Center for Law and Equality](#) for writing an amicus (friend-of-the-court) brief in the third case.

Banding Together October 21: Get Your Tickets and Cast Your Votes



Banding Together to End Domestic Violence

A Virtual Rock Show

October 21, 2021

Get your tickets and cast your votes for this year's [Banding Together to End Domestic Violence](#) rock show and fundraiser on October 21 at 6pm PST. Last year's champ, Cov'r Band, is already in the lead with \$2,200 in votes. You can [cast votes for your favorite band](#) anytime between now and the last call for votes during the show. **\$1 = 1 vote and you can vote as many times as you like and in any amount.** You can also [make a general donation](#) to this year's fundraiser. All proceeds go to Family Violence Appellate Project so that we can keep helping survivors of domestic violence get justice.

This year's show is free to tune in with a suggested donation of \$22.

New FVAP Resource: Litigation Abuse Tip-Sheet for Judges



We’re excited to announce our newest resource "**How Judicial Officers Can Recognize and Address Litigation Abuse in Domestic Violence Cases**," a tip-sheet to help judges when they encounter litigants that are trying to use their courtroom and its resources to abuse survivors of domestic violence. The tip-sheet has a two-page checklist judges can use on the bench to help them identify and address litigation abuse, as well as several additional pages of citations and resources about litigation abuse.

FVAP mailed this resource to the presiding judges in all 58 California counties, and has circulated it electronically as well.

Find this resource in our [Legal Resource Library](#).

Welcome to the Team Jodi



Jodi Lewis (she/her/hers) is our newest Senior Managing Attorney at FVAP. Prior to joining FVAP, Jodi was the Legal Director, for over ten years, for the Women’s Resource Center, a non-profit organization in Pennsylvania that provided civil legal representation to survivors of domestic and sexual violence. In this role, Jodi engaged in holistic, client-centered representation in family, housing, and appellate matters. Jodi also oversaw all aspects of the organization’s legal center including hiring, training, and supervising legal staff, program development, performing administrative duties, grant writing and reporting, planning and organizing annual conferences, and collaborating with community partners, state-wide organizations, and legal aid providers. Prior to working in the non-profit sector, Jodi was a prosecutor in the New York County District Attorney’s Office, prosecuting misdemeanor and felony crimes.

Jodi has presented at numerous conferences and trainings on a range of topics effecting survivors of domestic and sexual violence, provided written testimony to judicial committees on custody matters, and assisted in writing the Lackawanna County Domestic Violence Protocol for law enforcement. Over the last two years, Jodi has published several articles on domestic violence, including “The Stability Paradox: The Two-Parent Paradigm and the Perpetuation of Violence Against Women in Termination of Parental Rights and Custody Cases.” **We are so excited to welcome her to our team!**

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August, 2021



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