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Judicial Education, Private Violence, and Community Action: A Case Study in Legal Participatory Action Research

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Judicial Education, *Private Violence*, and Community Action: A Case Study in Legal Participatory Action Research

*Kristin Kalsem**

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“The judge said to me, ‘Well he couldn’t have been all that bad because you got two kids together.’”¹

“I never felt safe in court. . . . It’s extremely hard for women, parking, walking to the courthouse, going through security, while they [the abuser] stand there and stare you down or you come out and your car’s parked next to them. It’s horrible because you’re afraid you’re going to be followed and hurt and retaliated against for doing the right thing, for standing up for yourself, for your children, your family.”²

“Before he was blocked from calling me from jail, he would . . . say . . . Please don’t show up. I won’t be able to see my son if that’s the case. You’re the reason I’m in here . . . and then he’d always try to make me change the story so it wouldn’t make him seem like he was a monster, [like] he was such a bad guy [pause] but, in reality, he really was.”³

“To take the time to actually hear and ask questions and explain . . . Explanations from a judge or magistrate on the possibilities of what can and can’t happen is extremely helpful to the victim.”⁴

“To know that the judge understood me . . . it was a weight lifted off my shoulders.”⁵

I. INTRODUCTION

I was a frustrated legal scholar. Specifically, I was a frustrated critical race/social justice feminist scholar.⁶ In my bones, I believed in the power and

¹ Interview with survivor 1 of intimate partner abuse (2017) (on file with author).

² Interview with survivor 2 of intimate partner abuse (2017) (on file with author).

³ Interview with survivor 3 of intimate partner abuse (2017) (on file with author).

⁴ Interview with survivor 2 of intimate partner abuse, *supra* note 2.

⁵ Interview with survivor 4 of intimate partner abuse (2017) (on file with author).

⁶ It also would be accurate to characterize myself as an “intersectional feminist scholar,” one whose analysis takes into account how “experience is shaped by social hierarchies other than gender, including race, ethnicity, class, age, sexual orientation, disability, and immigrant status” and that “[t]hese multiple dimensions intersect to create complex personal identities for vast numbers of

necessity of an intersectional analysis and a bottom-up approach. I read, wrote, and taught about the urgency of putting theory into practice. But the truth that kept stopping me in my tracks was just how difficult it was to actually *do* that.

In 2010, I wrote an article with my colleague Verna Williams entitled *Social Justice Feminism*.⁷ In this article, we started from a different place than most of the critical race/feminist work that we loved. We started with the action part. Drawing on the insights of feminist activists, women who were out there in the “real world,” doing the work, we learned that they were only interested in doing feminism if it was “social justice feminism.”⁸ In our article, we worked back from this action orientation to try to theorize what social justice feminism was, could, and should be. In an effort to start a conversation on what it might mean for the feminist movement to modify feminism in this way, we proposed guiding principles and methodologies. Our conversation was picked up and continued at a symposium held at the University of Cincinnati College of Law that brought national and international scholars and feminist activists together, trying to bridge the gap between scholarly and activist work. A collection of essays from this symposium appears in the “Social Justice Feminism” issue of the *Freedom Center Journal*.⁹

Social justice feminism also became the foundational tenet of the Center for Race, Gender, and Social Justice (“RGSJ Center”) that Williams and I co-founded with our colleague Emily Houh in 2010.¹⁰ The RGSJ Center brought together and built upon three related existing programs at the University of Cincinnati College of Law: a joint degree program in Law and Women’s, Gender, and Sexuality Studies (academic); the *Freedom Center Journal* (publication); and a Domestic

women who are seen by and approach the world not simply as a woman . . .” MARTHA CHAMALLAS, INTRODUCTION TO FEMINIST LEGAL THEORY 6 (3d ed. 2013). In fact, Chamallas describes intersectional feminism as “spawning variations such as critical race feminism and social justice feminism that attract activists as well as inspire scholarship.” *Id.* at 93. Based on my own theoretical grounding, as well as the scholarship that I have written in the past, I have chosen to use the blended term critical race/social justice feminist, which is fully inclusive of multi-dimensional intersectionality. As a white woman, it is important to me to include the word race as a practice of what Stephanie Wildman and Margalynne Armstrong have identified as “color insight,” which is an “antidote to colorblindness.” Stephanie M. Wildman, *Practicing Social Justice Feminism in the Classroom*, 2014 FREEDOM CTR. J. 57, 68 (2014). As Professor Wildman writes, “Color insight recognizes the importance of racial justice within social justice feminism.” *Id.*

⁷ Kristin Kalsem & Verna L. Williams, *Social Justice Feminism*, 18 UCLA WOMEN’S L.J. 131 (2010).

⁸ *Id.* at 133–34; MARTHA CHAMALLAS, INTRODUCTION TO FEMINIST LEGAL THEORY 107 (3d ed. 2013).

⁹ See generally Emily Houh et al., *A Symposium on Social Justice Feminism*, 2014 FREEDOM CTR. J. 1 (2014).

¹⁰ *Center for Race, Gender, and Social Justice*, UNIV. OF CINCINNATI COLL. OF LAW, <https://www.law.uc.edu/rgsj> (last visited Oct. 22, 2018).

Violence and Civil Protection Order Clinic (experiential).¹¹ The RGSJ Center's mission is to cultivate scholars, leaders, and activists for social justice.

It was close to the time that we launched the RGSJ Center that Houh and I learned about the Action Research Center at our university and started studying and incorporating what we termed “legal participatory action research” or “legal PAR” into our scholarship.¹² The field of participatory action research (“PAR”) offered tools and methodologies for working with communities as research and problem-solving collaborators.¹³ In legal PAR, I saw possibilities for actually doing critical race/social justice feminist work. In describing the ways that PAR has been theoretically enriched by critical race theory and borderlands scholarship, Mary Brydon-Miller and other PAR scholars have noted “an important component of reciprocity” in this relationship “in that PAR offers concrete strategies for making manifest the critical perspectives and demands for social justice embodied in these [critical race theory and borderlands] frameworks.”¹⁴ Finally, I would be able to make valuable use of the wealth of knowledge and theory of critical race/feminist scholars such as Sumi Cho, Kimberlé Crenshaw, Angela Harris, Cheryl Harris, Mari Matsuda, Margaret Montoya, Patricia Williams, and so many others.¹⁵ PAR was an academic field that offered well-developed tools for implementing the methods we had encouraged in *Social Justice Feminism*.

In this Article, I present a case study of a legal PAR project involving judicial training on best practices in domestic violence cases.¹⁶ This judicial education

¹¹ *Id.*

¹² Emily M.S. Houh & Kristin Kalsem, *It's Critical: Legal Participatory Action Research*, 19 MICH. J. RACE & L. 287, 294 (2014).

¹³ *Id.* “PAR is research that concerns itself with action—making a difference, moving toward solutions—but only when those differences and solutions have been agreed upon by the relevant community members.” *Id.* at 311.

¹⁴ Mary Brydon-Miller et al., *Jazz and the Banyan Tree: Roots and Riffs on Participatory Action Research*, in THE SAGE HANDBOOK OF QUALITATIVE RESEARCH 387, 389–90 (Norman K. Denzin & Yvonna S., Lincoln eds., 4th ed. 2011).

¹⁵ See, e.g., Sumi Cho, *Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzy Wong*, 1 J. GENDER RACE & JUST. 177 (1997); Margaret E. Montoya, *Máscaras, Trenzas, Y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 17 HARV. WOMEN'S L.J. 185 (1994); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990); Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707 (1993); Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991); Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987); Patricia J. Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights* 22 HARV. C.R.-C.L. L. REV. 401 (1987).

¹⁶ I prefer the term “intimate partner abuse” which the Centers for Disease Control and Prevention defines as:

project started over coffee and waffles, involved an award-winning documentary film *Private Violence*, and resulted in the training of more than 375 judges on best practices developed from two years of collaborative research conducted by a community action group. In 2014, I coauthored an article titled *It's Critical: Legal Participatory Action Research*¹⁷ with my colleague Emily Houh. In this piece, we introduced legal scholars to the field of PAR, including its origins, complementary relationship to critical race/feminist scholarship and advocacy, benefits, and challenges. This Article builds on that introduction by presenting and analyzing a legal PAR project from its origins through the achievement of a major community-identified action goal. This Article also further develops the analysis of two particular PAR methodologies that were especially significant in this judicial education project: group level assessment (“GLA”) and asset mapping.

I am drawn to both legal PAR and critical race/social justice feminism because of their respective commitments to bridging theory and practice. I have written this case study to do the same, to speak across divides. My audience for this Article includes legal scholars, activists, and those who are both. Generally, I want the analysis of this project to be useful to legal scholars working in any subject area of the law who are looking for methods to engage with communities in addressing social justice issues. More specifically, I also want activists in the field of domestic violence, including legal scholars and others in the field, who might want to pursue similar judicial education initiatives to know what we did and how we did it.

physical violence, sexual violence, stalking and psychological aggression (including coercive acts) by a current or former intimate partner. . . . Examples of intimate partners include current or former spouses, boyfriends or girlfriends, dating partners, or sexual partners. [Intimate partner violence] can occur between heterosexual or same-sex couples and does not require sexual intimacy.

CTRS. FOR DISEASE CONTROL & PREVENTION, *Intimate Partner Violence: Definitions*, <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/definitions.html> (last visited Dec. 19, 2018). However, throughout this Article, I will use the term “domestic violence” in some contexts. Specifically, in the context of the City Summit, we used “domestic violence” because it is the most commonly used term. In the judicial trainings, we used the term “domestic violence” because that is the term used in most of the relevant Ohio statutes. The documentary filmmakers of *Private Violence* chose that title to emphasize that

this is a type of violence to which society turns a blind eye. The fact that it takes place within the home or in the context of an intimate relationship makes it possible for us to hide it, ignore it, push it back into the living room, and shut the door.

Telephone interview with Un Kyong Ho, Producer, *Private Violence* (Feb. 26, 2018).

¹⁷ See generally Houh & Kalsem, *supra* note 12.

In *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, Professor Patricia Williams speaks of her experience as a young lawyer walking through the halls of the Los Angeles Criminal and Civil Courthouses:

The walls of every hall were lined with waiting defendants and families of defendants, almost all poor, Hispanic and/or black. As I passed, they stretched out their arms and asked for my card

....

...

I think what I saw in the eyes of those who reached out to me in the hallways of the courthouse was a profoundly accurate sense of helplessness—a knowledge that without a sympathetically effective lawyer (whether judge, prosecutor, or defense attorney) they would be lining those halls and those of the lockup for a long time to come.¹⁸

It was her experiences in practice, with those who had so much at stake, that motivated Williams to “work the very best of whatever theory-magic I learned in law school on their behalves.”¹⁹

For intimate partner abuse activists, theoretical insights into the legal and societal structures that enable widespread abuse can hopefully prove helpful in implementing “changes in the legal system and broader society to decrease the incidence of domestic violence and help victims of abuse.”²⁰ As Martha Chamallas notes in *Introduction to Feminist Legal Theory*, “Theory tends to be valued not for its own sake, but for its capacity to give meaning to women’s experiences and to allow women to articulate their experiences more fully.”²¹ In our project, a collaboration of co-researchers brought theoretical insights, practical knowledge, and firsthand experiences together to make a difference in the lives of those impacted by intimate partner abuse. In this Article, I will present this judicial education project from these interconnected perspectives.

Part II describes the origins of this legal PAR project and the methods used in the research phase. Specifically, Part II presents the ways in which the PAR methodologies of GLA and asset mapping were used in this project. Part III discusses the action phase of the project and how legal PAR tools were used at the various stages of designing and presenting the trainings to the judges and magistrates. This Part examines the ways in which the PAR process, much like

¹⁸ Williams, *supra* note 15, at 402–03 (footnote omitted).

¹⁹ *Id.* at 403.

²⁰ CHAMALLAS, *supra* note 6, at 3.

²¹ *Id.* at 4.

critical race/social justice feminism, involves a combination of “theory and practice in cycles of action and reflection that are aimed toward solving concrete community problems while deepening understanding of the broader social, economic, and political forces that shape these issues.”²² Part IV of this Article includes reflections of members of our community action group on this project, at this point, when a year’s worth of training has been completed. This Part examines the impacts on the co-researchers as well as the community, including what we hope to do differently and better when we take our next action step.

II. PRIVATE VIOLENCE: THE FILM, THE ISSUE, AND THE CINCINNATI CITY SUMMIT

In November of 2013, a former graduate of our joint degree program in Law and Women’s, Gender, and Sexuality Studies, Un Kyong Ho, approached the co-directors of the RGSJ Center with a proposal. Over breakfast, she explained that she was a producer on a documentary film about domestic violence entitled *Private Violence*. A primary goal of the filmmakers was to use the documentary to raise awareness about intimate partner abuse and they were interested in taking a local approach. Ho was in charge of outreach for the film and, familiar with the work of the RGSJ Center, asked if we would be interested in designing a programming template for the film in the form of a City Summit. We would be able to premier the film in Cincinnati and the director Cynthia Hill and Kit Gruelle (the domestic violence survivor turned advocate who is featured in the film) would attend the screening. The film impressed the RGSJ Center directors, and they agreed to design and host a Cincinnati City Summit in October of 2014.

Then *Private Violence* made it big. The Sundance Film Festival in Park City, Utah accepted the film, and a gamut of prestigious festivals followed suit.²³ HBO purchased the film and planned to air it in October 2014, domestic violence awareness month. Despite the film’s now very high profile, the filmmakers still wanted the RGSJ Center to design a prototype for other City Summits and premier the film in Cincinnati before its appearance on HBO. The RGSJ Center had been working with the tools of PAR in connection with an ongoing project on predatory lending²⁴ and we believed that these community-based methods would be ideal for the City Summit.

PAR requires the participation in the research itself by stakeholders, those invested in the topics of the inquiry and the action items that emerge from the research. Our first step in designing the City Summit was to identify various stakeholders in our local community of Cincinnati. We gathered together a group whose primary work was related to domestic violence and asked them this question: “If you could have anyone at the table who you wanted to begin to

²² Brydon-Miller et al., *supra* note 14, at 1.

²³ See PRIVATE VIOLENCE, <http://www.privateviolence.com> (last visited Dec. 22, 2018).

²⁴ Houh & Kalsem, *supra* note 12, at 328–34.

address specific issues and concerns about domestic violence in Cincinnati, who would you want there?" The responses included: survivors, teachers, politicians, judges, dentists, nurses, social workers, attorneys, doctors, as well as specific individuals who had knowledge, interests, or influence that would be helpful. We then asked this initial group that we had brought together to ask others they knew this same question. In this way, we began to compile a list of invitees to the City Summit.

In making the invitation list, we also made certain that we had more than just diversity of occupation; we sought out diversity of race, ethnicity, gender, class, and sexual orientation. We knew that this was essential for effective community-based problem-solving because, as Crenshaw explains:

Where systems of race, gender, and class domination converge, as they do in the experiences of battered women of color, intervention strategies based solely on the experiences of women who do not share the same class or race backgrounds will be of limited help to women who because of race and class face different obstacles.²⁵

Our aim was breadth of experience at this Summit.

The RGSJ Center reached out to the mayor of Cincinnati who agreed to participate, as well as lend his name to our formal invitation to the event. We sent invitations to sixty-five stakeholders, and sixty-three of them agreed to come and participate in an all-day City Summit that included a special showing of the film *Private Violence*. We decided to structure the day around a PAR methodology called GLA. The next Section of this Article explains what a GLA entails and how it works. It then describes how this method was used at the City Summit to identify the action items that the community was most interested in pursuing.

A. Group Level Assessment ("GLA")

When the participants at the City Summit walked into the large lecture hall in which the City Summit was to be held, they saw forty-two posters hanging on three of the four walls. Each poster had a short prompt and a lot of empty space. The prompts ranged from the very general ("Batterers control by:") to more specific ("The role of the courts in domestic violence cases is to:"). These poster prompts and the activity of having the participants respond to them are at the heart of GLA. The GLA provides opportunities for engagement, knowledge collection, and questioning. It is an efficient and egalitarian way to gather and analyze data as a group. The first Subpart of this Section will present an overview of GLA as a PAR methodology. The second Subpart will discuss the GLA that took place at the City Summit.

²⁵ Crenshaw, *supra* note 15, at 1246.

1. Group Level Assessment: A PAR Methodology

In *Group Level Assessment: A Large Group Method for Identifying Primary Issues*, Lisa Vaughn describes a GLA as “an interactive and collaborative process within a community or large group of stakeholders” that “includes data generation and analysis about an issue of importance to the participants by the participants.”²⁶ Vaughn sets out seven steps of a GLA: (1) Climate Setting; (2) Generating; (3) Appreciating; (4) Reflecting; (5) Understanding; (6) Selecting; and (7) Action.²⁷ Each of these steps will be examined in the following Subsection using the City Summit as an example.

As with all PAR methodologies, GLA is about co-researching. It is a particularly effective way to work collaboratively with a large group. It allows for quick and efficient data gathering and thoughtful analysis by participants. The structure of a GLA serves to break down power dynamics. As much as it is possible for a process to facilitate, GLAs give everyone an equal say. As Vaughn explains, “the multi-step structure of the GLA method facilitates equal distribution of power among often unequal status participants (e.g. leaders versus community members, doctors versus patients).”²⁸

A GLA can also lead to greater engagement by the participants. Because they have been an integral part of generating and analyzing the data, as well as identifying problem-solving and action strategies, participants are more likely to want to continue working with the group and be actively involved. As Vaughn has found, “[s]uch a participatory process contributes to greater ‘buy-in’ and collective responsibility toward future actions that may occur as a result of the research.”²⁹

Of course, there also are challenges with GLA. While an ideal group is between fifteen and sixty,³⁰ sixty can be a large group to keep engaged and on task. The structure of the GLA and the way it moves along at a quick pace helps keep the group focused. The more prepared the facilitator, the better. The posters should be on the walls and the seating appropriately arranged before the participants arrive. Also, plans should be in place to have people assigned to help move from step to step seamlessly.

²⁶ LISA M. VAUGHN, *GROUP LEVEL ASSESSMENT: A LARGE GROUP METHOD FOR IDENTIFYING PRIMARY ISSUES AND NEEDS WITHIN A COMMUNITY 3* (SAGE Publications, Ltd. 2014), <http://methods.sagepub.com/case/group-level-assessment-large-group-primary-issues-needs-community>.

²⁷ *Id.* at 5–6.

²⁸ *Id.* at 9.

²⁹ *Id.* at 10.

³⁰ *Id.* at 9.

I also have heard concerns that some people are uncomfortable with and simply will balk at the idea of picking up a colored marker, walking around a room, and writing on large posters. However, it has been my experience and the experience of many other PAR researchers that most people that participate in the GLA, even those who are dubious at first, find it a very worthwhile and productive activity. As will be discussed below, this was indeed the case when the participants were a room full of judges.

A GLA, as a form of qualitative and participatory research, has also been criticized for not producing “objective” results.³¹ But, at its core, the field of “[a]ction research challenges the claims of a positivist view of knowledge which holds that in order to be credible, research must remain objective and value-free.”³² And like critical race/feminist theory, “[a]ction research rejects the notion of an objective, value-free approach to knowledge generation in favor of an explicitly political, socially engaged, and democratic practice.”³³ Also, a GLA never intends to produce generalizable results as that term is understood in more traditional quantitative research.³⁴ This community-based research is intended to benefit the very community that participates. How would one measure results? The ultimate test would be if, in fact, the situation was made better or identified problems were addressed.

In PAR, there are also measures of success that will likely not be identified until they occur. For example, a greater sense of empowerment or new hope might be a success for the community. One participant may discover that another

³¹ *But see* Houh & Kalsem, *supra* note 12, at 295 (“PAR adherents have criticized the claim that social science is value-free and objective as untenable . . .”).

³² Mary Brydon-Miller et al., *Why Action Research?* 1 ACTION RESEARCH 9, 11 (2003). The quality and validity of PAR is measured using different criteria. See INT’L COLLABORATION FOR PARTICIPATORY HEALTH RES., ENSURING QUALITY: INDICATIVE CHARACTERISTICS OF PARTICIPATORY HEALTH RESEARCH 1, 2, http://www.icphr.org/uploads/2/0/3/9/20399575/quality_criteria_for_participatory_health_research_-_cook_-_version_15_08_21__1_.pdf (last visited Dec. 19, 2018) (setting out eleven categories of quality measurements, including validity criteria such as “participatory validity: extent to which stakeholders take an active part in research process” and “intersubjective validity: extent to which the research is viewed as being credible and meaningful by the stakeholders from a variety of perspectives”).

³³ Brydon-Miller et al., *supra* note 32, at 13.

³⁴ One criteria for measuring the quality of PAR is that it:

[p]roduces [l]ocal [e]vidence [b]ased on [b]road [u]nderstandings of [g]eneralisability. The generation of local evidence can accumulate over time strengthening the ability of local participants to take effective action. Transfer of interventions from one locality to the next is about understanding the contextual conditions in the new setting, how they differ from the setting in which the knowledge was produced, and reflecting on the consequences.

INT’L COLLABORATION FOR PARTICIPATORY HEALTH RES., *supra* note 32, at 2.

participant in the group is doing similar work, and a success of the GLA might be a future collaboration. “[P]articipatory methods like GLA are meant to be contextual and benefit the local community.”³⁵ As action researcher Robin McTaggart summarizes, “What really is the purpose of social research? The answer to this question to me now is quite straightforward: the improvement of social practice.”³⁶ In the next Subsection, I discuss the GLA in the local context of the Cincinnati City Summit on domestic violence.

2. The GLA at the Cincinnati City Summit and Beyond

The City Summit began with a showing of *Private Violence*.³⁷ Watching the film as a group served as Step One of our GLA, “Climate Setting.” This initial step sets out what is planned for the day, often including some kind of icebreaker. The film created a springboard for discussion and also provided shared knowledge and examples. It raised a wide array of important topics, including the roles of police, judges, attorneys, family members, social workers, co-workers, bystanders, and doctors. The complexities faced by victims, as well as those involved in the criminal justice system, are on display, as are the impacts on children and the wider community. The film facilitated discussion from a wide array of perspectives.

After watching the documentary, we moved to Step Two, “Generating.” Prior to the City Summit, we created forty-two pre-written prompts and placed them on flip chart pages around the room. These prompts were of various sorts, inviting responses of all kinds. Some asked similar questions but differently. As mentioned above, some were pretty specific and others very general. The idea behind these prompts is to encourage participants to think about the issues and their concerns about domestic violence, both individually and collectively. In the “Generating” step, participants were asked to take a marker and walk around the room. We asked everyone to read all of the prompts and respond when they had something to say. This takes less time than one might think. Ours took less than twenty minutes.

The “Appreciating” phase, Step Three, immediately followed. After everyone went around once, we asked the participants to walk around the room again, this time reading others’ responses and replying to those responses. If participants agreed, we explained that such agreement could be indicated by adding a star or underlining something for emphasis. If they disagreed, they could write a response or question on the poster. They did not need to respond to every poster but we did request that they read all of them to make themselves aware of the ideas and opinions in the room.

³⁵ VAUGHN, *supra* note 26, at 11.

³⁶ Brydon-Miller et al., *supra* note 32, at 13.

³⁷ *Private Violence* (HBO Documentary Films 2014).

Step Four, “Reflecting,” consisted of a very short amount of time for the participants to return to their seats and think about the meaning of the responses before being given the next instruction. Then it was time for some group work. Each person’s nametag had a preassigned number (1–6), and we asked everyone to find their group and sit with them in clusters around the room. We assigned the numbers relatively randomly; however, we did make sure that people from the same organizations were not together and that we had diversity of experiences in each group (one judge, one healthcare professional, etc.).

In Step Five, “Understanding,” we randomly handed each group seven posters and asked them to work together to analyze the data. We tasked each group with identifying three to five common themes, as well as noting what seemed most important to highlight from their data set. At this point in the GLA, much of the promise of PAR came to fruition. From my perspective at the front of the room, I could see that everyone was participating. No one was on a cell phone; no one was standing outside their group. The groups were small enough and the task defined enough that everyone appeared to feel like a part of the process. The groups did not have a lot of time, so they began their assignments quickly. The exercise itself asked for everyone’s contributions and cooperation; there was no time or opportunity for power dynamics to play a role.

After the “Understanding” step, we gave people a short break and then asked them to return to the room with a boxed lunch. We had each group report their findings during the working lunch. Three of us facilitated upfront, grouping similar ideas together on additional poster boards. From these group reports, eleven major themes were identified.³⁸

In Step Six, “Selecting,” the group voted on five general themes to prioritize our afternoon discussions around. The group selected: (1) law; (2) collaboration/communication; (3) public policy; (4) education; and (5) children. To help participants choose which small group to join, we employed the PAR methodology Asset Mapping (which is discussed in detail in the next Section). During the Seventh and final step of the GLA process, “Action,” five small groups met on each of the identified topics. Each group’s goal was to identify concrete action items.

³⁸ The eleven themes that emerged from the analysis of the poster prompts were: (1) getting survivors directly involved in leadership and decision-making in the movement; (2) the need for collaboration and communication among providers of services for survivors; (3) the importance of education initiatives and raising awareness; (4) understanding emotional and mental health issues relating to domestic violence; (5) how laws, law enforcement, and judicial responses could be improved; (6) what public policies need to be changed and how to do it; (7) the importance of understanding all the ways that domestic violence affects children; (8) funding is key; (9) how to engage men in the movement; (10) the role of culture in the prevalence of domestic violence; (11) how to reframe the movement to show that domestic violence affects everyone.

B. Asset Mapping

PAR recognizes that it is an important step in moving forward with any action item for a group to identify its strengths and talents (assets) and to consider what each of the participants, individually and as a group, have to contribute. The PAR method of asset mapping helps participants think in productive and affirming terms. The first Subpart of this Section describes the methodology of asset mapping. The second Subpart explores how this method helped move the research toward action.

1. Asset Mapping: A PAR Methodology

At various times in a PAR project, the group may be at a juncture where it makes sense to take a moment and consider the collective assets of the group and how those may best be put to use to accomplish next steps. There are various ways to map these assets. Often individuals will take some time to make their own inventories of assets. In making these lists, it is beneficial to think in broad terms. What is each individual good at? What skills does each individual possess? Who does each individual know? What organizations does each individual belong to? These more general attributes can then be considered in light of the group's specific goals and proposed actions.

As a group, a next step might be to actually create a visual representation or map that locates the various resources or assets in the context of the specific issues being addressed. For example, after collectively designing a map of assets, the group might want to consider questions such as: (1) "How do you understand the issue differently when focusing on the assets of the community?" or (2) "What next steps make sense given these identified assets?" These types of exercises can keep the group from becoming overwhelmed by the breadth of a problem. Instead of focusing on the obstacles, it creates space to consider *how* this group can move toward positive change.

Taking stock of the assets of a group also clarifies which additional assets may be necessary. This has the benefit of keeping the question of who is (and who is not) at the table always in the minds of the participants. This is another way in which the principles of PAR and critical race/social justice feminisms align: "[S]ocial justice feminism shares with CRF [critical race feminism] a concern about recognizing and addressing multiple oppressions. This work is necessary . . . to gain a fuller understanding of the multiple and intersecting forms subordination can take."³⁹ Also, it is not unusual for PAR projects to develop in unexpected ways. Asset mapping provides opportunities to consider whether it is time, for example, to expand the group, to consider who in the community might

³⁹ Kalsem & Williams, *supra* note 7, at 158 (footnote omitted).

bring other types of expertise and experiences that would benefit the project.⁴⁰

2. Asset Mapping: At the City Summit and Beyond

Asset mapping can be valuable at multiple stages of a project. The first Subsection explores how this methodology was used during the City Summit. The following two Subsections discuss its ongoing usefulness as groups formed to build on the momentum of the City Summit.

a. *Small Groups at the City Summit*

After we identified the five small group topics, we passed around a mostly blank sheet of paper to each participant, with these questions written across the top: “What are your strengths? What are you good at? What do you like to do?” Without much explanation, we asked them to respond to these questions as fully as possible, to think broadly. After a few minutes, we then had them complete a handout that was titled, “With respect to addressing issues of domestic violence in Greater Cincinnati . . .” The handout had four columns to complete: “I have these relationships;” “I have this knowledge;” “I can contribute in these ways;” and “My organization/s has/have these valuable assets to bring to the table.”

We distributed a final handout entitled “Asset Inventory.” It contained a column to write each of the five identified small group topics on the left and space to the right for each participant to look over what he or she had identified as her or his “assets” and to place them appropriately. We suggested that they use the personal asset map they had created in deciding which small group was the best fit for them.

As mentioned above, as the Seventh (“Action”) step of the GLA, we instructed the groups to meet and then gave them ninety minutes to come up with three specific action items that might move the issue they were discussing forward. Students involved with the RGSJ Center took notes at each of these sessions at which many ideas were generated and the benefits and challenges of different options were considered. We encouraged the small groups to consider action items in terms of the assets that might be available in this community to make things happen. The City Summit concluded with each group bringing their proposed action items back to the large group. The RGSJ Center committed to follow up with a synopsis of what had been generated at the City Summit and proposed next steps.

That same evening, *Private Violence* was premiered to 300 community members. After the screening, before the director and others involved with the

⁴⁰ For additional information about the methodology of asset mapping, including its various forms and uses, see Deborah Puntenney, *Asset Mapping*, THE SAGE ENCYCLOPEDIA OF ACTION RESEARCH 2–6 (David Coghlan & Mary Brydon-Miller eds., 2014), <http://methods.sagepub.com/base/download/ReferenceEntry/encyclopedia-of-action-research/n23.xml>.

film took the stage, we spent a few minutes explaining the work that had been done earlier in the day at the City Summit, including proposed action steps. We passed around sign-up sheets for those who wanted to become involved. More than 120 people in the audience signed up.

b. The City Summit Follow-up: The Working Group

Several of us from the RGSJ Center created a private website and organized all of the data that we had collected. This included photographs of all of the prompts and responses, photographs of the posters that set out the identified themes from the groups, notes taken in the afternoon breakout sessions, and notes taken in the final session where the groups identified proposed action items. We also drafted a two-page “Summary, Next Steps, and Call to Action” and sent it out to the participants in the City Summit, as well as to the community members who had signed up at the evening screening of the film.⁴¹ The “Next Steps” section called for volunteers to serve on a working group that would review all of the data and select three action/agenda items to move forward with first.⁴² Fourteen volunteers responded to that call.

We held our first working group meeting in January 2015. The working group met a total of four times, considering various actions. For each potential action item, we worked together to create lists of assets and challenges. At the end of each meeting, we summarized where we were and, as a group, determined what our next actions and steps should be in this decision-making process.

While the original plan had been to move ahead with three action items, the group felt that there was sufficient interest and enthusiasm for four. The four identified actions items were: (1) mandatory training of judges and magistrates on domestic violence; (2) changing the definition of abuse under Ohio law to include “coercive control;” (3) increasing courses on domestic violence in the social work curriculum; and (4) providing more educational tools for children exposed to domestic violence, especially children of pre-kindergarten age. The RGSJ Center reached out to the larger group, describing the four action item groups that had been formed and giving contact information for people wanting to join the groups. Teams were formed around each of these action items; they are currently at different stages. I became involved with the mandatory training of Ohio judges and magistrates on domestic violence. That is the project that this case study will describe and analyze in specific detail.

⁴¹ Cincinnati City Summit: Summary, Next Steps, and Call to Action (2014) (unpublished handout) (on file with author).

⁴² *Id.* at 2.

c. *The Intimate Partner Abuse Judicial Training Community Action Group*

Four of us on the working group formed the core of what we came to call the Intimate Partner Abuse Judicial Training Community Action Group. Our group ultimately had eight “permanent” members. Several others participated on and off as they were able.

We participated in some early asset mapping in this small group, primarily to identify what contacts we had and what our own background and experiences could contribute to this process. We had several people in our group who were in domestic violence court on a regular basis, either as attorneys, advocates, or court personnel. We had people who had been in abusive relationships, as well as advocates who worked with survivors on a daily basis. As mentioned above, asset mapping can help groups focus on what additional “assets” are needed or would be beneficial for the team. While we had diversity based on race and sexual orientation, we did not have any undocumented persons in our group. As fear of deportation and exposure of undocumented status of themselves or family members, language barriers, and distrust of the United States legal system itself may greatly impact an immigrant survivor’s approach to the judicial system in domestic violence cases, we wanted this input.⁴³ We drew on the contacts that two of our group members had with immigrant women to bring these perspectives to our trainings. We also realized early on that we would greatly benefit from the participation of a very active organization in Ohio on domestic violence, the Ohio Domestic Violence Network (“ODVN”). We reached out to ODVN and two members from that organization became part of our group. Our community action group was ready to act.

III. FROM RESEARCH TO ACTION: JUDICIAL TRAININGS

Once we had our group and our task (implementing mandatory training for judges and magistrates in domestic violence), we began to strategize about our first steps. Our research was far from finished and we continued to take stock of and make use of the various assets that each group member brought to the table. In this Part, however, I am going to focus on the PAR principle of letting ideas unfold organically and being flexible. Those working in the field of PAR identify “a kind of ‘aesthetic’ at work in action research that welcomes complexity, uncertainty, and struggle as energizing and filled with possibility.”⁴⁴ In short, this means letting go of rigidity and the need to control the process. Rather than worrying about what was and was not happening, or impediments that we met along the way, our group kept the focus on how best to move forward at any given step. In fact, every one of our meetings ended with a discussion of next steps, with most members of the group leaving with a specific task to complete before we

⁴³ NAT’L COALITION AGAINST DOMESTIC VIOLENCE PUB. POLICY OFF., IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE 1 (2007) www.ncdsv.org/images/NCADV_ImmigrantVictimsOfDV.pdf.

⁴⁴ Brydon-Miller et al., *supra* note 32, at 22.

met again. The following describes how our group, which was constituted in June 2015, moved from the identification of the need for judicial education on domestic violence in Ohio to developing and delivering a well-researched training on best practices to more than 375 judges and magistrates all around the state.

A. *Getting Our Foot in the Door*

A professor of practice on my faculty had been a judge for several years. She was familiar with the culture of the Ohio Supreme Court and its Judicial College. The Judicial College is the organization in Ohio that is responsible for judicial training.⁴⁵ The College determines the education requirements and offers a significant percentage of the courses.⁴⁶ At least ten of the forty hours of training that judges are required to take every two years must be offered by the Judicial College.⁴⁷ At an initial meeting of our action group, I offered to meet with my colleague to see if she had any suggestions about how we might best obtain a meeting with the Judicial College.

When I met with my colleague, she suggested that we write directly to the Chief Justice of the Supreme Court. Chief Justice Maureen O'Connor emphasized access to justice as a key responsibility of the Court. We clearly had an access-to-justice issue in that the treatment of some survivors in Ohio courtrooms had led them to report that they would never return. Our action group voted to send such a letter.

In the letter, we explained that our group had been formed as a result of the City Summit that was held at the University of Cincinnati College of Law. After briefly describing the City Summit, the letter explained that “[a] top priority issue identified at the Summit was the need for some form of mandatory intimate partner abuse training for judges and magistrates in Ohio.”⁴⁸ We attached a fact sheet highlighting training practices in other states, Ohio and national domestic

⁴⁵ *Judicial College*, THE SUP. CT. OF OHIO & THE OHIO JUD. SYS., <https://www.sconet.state.oh.us/Boards/judCollege/default.aspx> (last visited Dec. 19, 2018) (“The Supreme Court of Ohio Judicial College provides continuing legal and professional education for judges, magistrates, acting judges, and non-judicial court personnel to ensure the effective administration of justice for all Ohioans.”).

⁴⁶ *Id.*

⁴⁷ OHIO SUP. CT. R. FOR THE GOV'T OF THE JUDICIARY IV §3(a)(b); *see also* OHIO SUP. CT. R. FOR THE GOV'T OF THE BAR X, §11(B) (governing the continuing legal education of acting judges). The Judicial College also determines the continuing education for magistrates. Under Rule X of the Ohio Supreme Court Rules for the Government of the Bar, every two years magistrates are required to complete twenty-four hours of continuing legal education, at least ten hours of which must be completed with the Judicial College. OHIO SUP. CT. R. FOR THE GOV'T OF THE BAR X §10 (B). These hours cannot consist solely of education on professional conduct. *Id.*

⁴⁸ Letter from the Intimate Partner Abuse Judicial Training Cmty. Action Comm., to Chief Justice Maureen O'Connor, Ohio Supreme Court (Jan. 5, 2016) (on file with author).

violence statistics, public misconceptions about intimate partner abuse, and available training resources.⁴⁹

A few weeks later, I returned to my office to find a message from the Judicial College on my answering machine, wanting to set up a meeting with members of our committee. I sent a “Success!” email to our group and we started to prepare for our meeting with the Judicial College. We had done preliminary research on what types of training regarding domestic violence were required in other states. The Resource Center on Domestic Violence: Child Protection and Custody had produced a chart entitled “Mandatory Domestic Violence Training for Judges” that provided a helpful starting point.⁵⁰ This chart included a column “Mandatory Training?” that provided a “Yes” or “No” answer for each of the states listed. Our research, however, soon revealed that there was a lot of variation on what was “mandatory.” For example, some legislation mandated that courses be developed or offered but there was no requirement that the courses be taken.⁵¹ Some states required domestic violence training, but only of certain judges.⁵² Other states required that funding be put toward domestic violence education.⁵³ Two law students who were part of our action committee helped conduct research to identify which states indeed mandated that judges and/or magistrates had some training in domestic violence.⁵⁴ These students also researched the actual training requirements for judges and magistrates in Ohio.

While the law students and I were doing this legal research, some of the other members of the team were compiling real-life examples of what they or their colleagues had seen in court that demonstrated the need for training. As we did not want this to be just about Hamilton County, we also reached out to legal aid societies around the state, as well as to the statewide contacts of the Hamilton

⁴⁹ *Id.*

⁵⁰ THE RESOURCE CENTER ON DOMESTIC VIOLENCE: CHILD PROTECTION AND CUSTODY, MANDATORY DOMESTIC VIOLENCE TRAINING FOR JUDGES (December 1, 2014), at <https://www.rcdvcpc.org/resources/resource-library/resource/mandatory-dv-training-for-judges.html> (last visited Aug. 12, 2018).

⁵¹ *See, e.g.*, ARK. CODE ANN. § 20-82-206 (2014 & Supp. 2017).

⁵² *See, e.g.*, ARIZ. CODE. JUD. ADMIN. § 1-302 (2010).

⁵³ *See, e.g.*, MISS. CODE ANN. § 93-21-31 (West Supp. 2017).

⁵⁴ At the time that our action committee presented to the Judicial College, we were able to confirm that twenty-three states had enacted statutes, rules, or regulations that focused on domestic violence and judicial training; that twenty-one states mandated that domestic violence training be offered to judges and/or magistrates; and that twelve states mandated some judicial training on domestic violence. I have continued this research and a fifty-state survey providing detailed information about judicial training on domestic violence is forthcoming. Kristin Kalsem, *Judicial Training on Domestic Violence: A 50-State Survey*, (forthcoming).

County Domestic Violence Coordinating Council⁵⁵ to collect a wide array of stories. I must admit that I was shocked at several of the stories and was surprised by the rapidity with which such a substantial number of examples could be generated.

We decided to present the Judicial College representatives with two handouts. One made the case for requiring three hours of mandatory domestic violence training every two years. We supported this by showing the education requirements already in place for judges and magistrates in Ohio and where and how this training might fit in. This handout also included a summary of the mandatory domestic violence training requirements in other states. In the course of our research, we confirmed that Ohio had no mandatory domestic violence training and, in fact, did not mandate training on any one particular topic. Instead, Ohio has a list of four judicial-conduct-related topics from which each judge must choose three hours of Judicial College instruction in every two-year period.⁵⁶ As a group, we discussed the fact that this set of circumstances made our goal of mandatory training much more difficult to achieve. We decided to pursue the mandatory route anyway, but formulated backup plans, one of which was to get on the list of required topics to choose from.

The second handout included a list of examples of problematic situations that had taken place in domestic violence cases in Ohio. The cases we included contained examples from criminal court hearings, civil protection order hearings, and family law cases. We also included problematic questions and comments from the bench that had been heard in a wide variety of other cases—such as tax and estate cases—since domestic violence can play a significant role in all types of cases, not just ones where it is the primary issue.

Five of us, including two attorneys with domestic violence courtroom experience, one survivor advocate, one law student, and myself traveled to Columbus, Ohio in February 2016 to meet with the Judicial College. I believe we were taken seriously because of how prepared we were for this meeting with the Judicial College. We had signed our letter to the Chief Justice as the Intimate Partner Judicial Training Community Action Group, and I am sure that the representatives from the Judicial College had no idea what to expect from us. When we first arrived, the Judicial College started to tell us the courses that they

⁵⁵ The Hamilton County Domestic Violence Coordinating Council (“DVCC”) was formed by community leaders in 1995 to address domestic violence issues within the community. The Domestic Violence Coordinating Council: Background (2011) (unpublished handout) (on file with author). The DVCC provides trainings and networking opportunities and has put on programming on topics such as firearms restrictions in domestic violence cases and children who witness domestic violence. *Id.* The DVCC also has a fatality review panel. *Id.*

⁵⁶ To complete their minimum hours of instruction, judges must complete three hours of training offered by the Judicial College on one or any combination of these four topics: (1) judicial ethics; (2) professionalism; (3) alcoholism, substance abuse, or mental health; or (4) access to justice and fairness in the courts. OHIO SUP. CT. R. IV §3(C).

already offered on domestic violence and the training requirements in Ohio. We had researched the courses that had been offered and knew that they tended to focus on nuts-and-bolts issues such as how to issue a protection order. We had found no offerings that would help to understand the complexities of domestic violence cases or that discussed the lethality factors that Ohio judges are required to consider when setting bail. After the representatives started to read our handouts, we quickly moved on to substantively address our request for mandatory education and what that training should include.

The “mandatory” element became an issue early in the meeting. As we had discovered in our research, no one topic, not even substance abuse training, is required in Ohio. In the meeting, it became clear to us that mandating that judges are trained in any one particular subject is not the culture in Ohio. We understood that keeping the focus on “mandatory” was not going to get us very far in this meeting. We did not want to waste valuable time and opportunity, so we shifted to discussing what kind of training would be helpful in addressing the issues that had come to light in our City Summit as well as our follow-up inquiries around the state. The Judicial College informed us that they met with advisors in August to set the agenda for the trainings for the next calendar year and that we were welcome to submit a proposal at that time.

Our meeting with the Judicial College took place in February, so we had about five months to submit a proposal. We divided up assignments based on who had the best access to different resources. Some of us researched other judicial trainings put on by national and other state groups. Our team member who belonged to the Hamilton County Domestic Violence Coordinating Council went to several meetings and asked those in attendance: “If you could design a judicial training in this area, what would you want included and why?” We sent surveys to various organizations that provide advocates to accompany survivors to court, and asked them to describe both positive and negative experiences that they and their clients had witnessed in the courtroom. We collected stories and information from legal aid societies around the state, as well as contacts made by our local YWCA. Members of our team spoke with victims, judges, magistrates, attorneys, and court personnel. We gathered suggestions and took the frustrations expressed by judges and magistrates regarding these cases seriously. We held monthly meetings and, using our collected data, we proposed the following four courses to the Judicial College to consider when planning its courses for 2017:

- 1. Stopping Domestic Violence is a Process, Not An Event: Understanding Cases That Don’t Make Sense**

The event that propels a victim into a courtroom may seem untimely, even trivial. The dynamics of abuse, the predicaments and goals of victims, and the subtle tactics of abusers influence why a case may be before the court at a particular time. This

course will discuss effective and appropriate ways for judges to take the context of the event into account within the parameters of due process.

2. Words Matter: Setting the Tone for Fairness and Access to Justice

The courtroom environment is an access to justice issue in the context of intimate partner abuse. How a victim is treated in the courtroom, as well as by court personnel at all points of contact, determine the willingness of the victim to utilize the judicial process. A judge's or magistrate's words and actions in court can impact the likelihood of future violence. This session will focus on the "dos and don'ts" in domestic violence cases, offering best practices for establishing a courtroom setting that emphasizes safety, justice, and fairness.

3. Victim Safety and Batterer Accountability: Bond Setting, Sentencing, Enforcement of Court Orders

Victims often do not trust that the system will hold offenders accountable. How can the judge create a courtroom environment that helps victims feel safe and establishes the judge as the authority? How can victims safely provide input for bond setting and sentencing considerations? How can the court help to prevent repeated violations of court orders? Learn about effective trial and post-conviction approaches and how to soundly deal with violations.

4. Burnout, Frustration, and Compassion Fatigue in Dealing with Family Violence: Understanding and Prevention

With high rates of dismissal, repeat appearances, and an unfortunate tendency to just blow up, domestic violence cases can be especially challenging. This course offers strategies to make sure that burnout, frustration, and compassion fatigue, all common responses, do not impact the approaches to or handling of domestic violence cases.⁵⁷

In September, the Judicial College notified us that we could design and present a half-day course for the acting judges training schedule. They offered us

⁵⁷ Memorandum from the Intimate Partner Abuse Judicial Training Community Action Group, to Director Christy Tull, Judicial College of the Ohio Supreme Court (Aug. 9, 2016) (on file with author).

an additional hour after lunch if a domestic violence session could be designed to satisfy a judicial conduct requirement (to which we readily agreed). We would put the course on four times in 2017 in four different locations in Ohio. The first one would be in March and then three later in the year (September, November, and December) such that we would have time to make any necessary adjustments over the summer.

The Judicial College was appropriately cautious with us. They did not want a training that judges would perceive as victim-centered in a way that did not take into account the objectivity required of judges. They also did not know how qualified we were or how well we would perform. We learned that it is more the norm for judges to train other judges, so we were something very different. We would be able to choose our presenters but the Judicial College wanted there to be at least one judge on our panel, and they wanted to approve that judge.

B. "The Best Training Possible"

What was an acting judge anyway? We were not sure exactly who it was we would be training or whether we could have the impact that we had hoped as part of this particular training schedule. We asked for clarification from the Judicial College and learned that acting judges covered for full-time judges when they were on vacation or leave. Some of them were retired judges and others were attorneys. Some served often and others only a few times a year. However, because these trainings took place throughout the state, the Judicial College informed us that full-time judges and magistrates also often attended these sessions.

As a group we decided to make the most of this opportunity that we had been given. The better this training was, the more opportunities that would present themselves. We thought it would be best to approach potential trainers with clearly articulated learning objectives for the training. Using our collected data, we put together a list of learning objectives which we then circulated to our contacts around the state. We asked for "input on the learning objectives that we have identified thus far, as well as additional substantive information that you believe should be included in this training. Specifically, we would appreciate examples of what you have seen judges and magistrates do well (what works) and what does not and why."⁵⁸ We explained that we would be using their responses "for the purpose of developing the best training possible."⁵⁹

Once we had drafted a clear set of learning objectives, we were ready to reach out to presenters. We needed dynamic, informed speakers who could enrich the training with their own experiences and expertise, but who also would be willing

⁵⁸ Draft Learning Objectives (Oct. 2016) (on file with author).

⁵⁹ *Id.*

to let the training be driven primarily by the identified learning objectives. We were extremely fortunate that the presenters we asked to participate were more than willing to work with us in this way.

Our presenters were Timothy Boehnlein, a counseling psychologist who has worked with perpetrators of domestic violence for more than twenty-four years;⁶⁰ Anne Murray, a prosecutor and Director of the Domestic Violence and Stalking Unit of the City Attorney's Office in Columbus, Ohio;⁶¹ Julie Rhein Doepke, a Probation Officer Supervisor of the Victim Services Unit of the Hamilton County Adult Probation Department in Cincinnati, Ohio;⁶² and the Honorable Heather Stein Russell, a judge who has served on the Hamilton County Municipal Court since 2001.⁶³ I participated in the trainings as a facilitator and conducted an initial "Framing the Issues" session.

We specifically chose presenters from around the state, so that it was clear we were not only presenting local issues, and also because doing so expanded the knowledge and experiences of the team as a whole. Logistically this made it more

⁶⁰ *Forensic Issues for Health Providers – Part 1*, FORENSIC HEALTHCARE CONSULTANTS, http://www.forensichealthcare.com/seminars_01_fihp_part1.htm (last visited Dec. 22, 2018). Boehnlein has "facilitate[ed] batterer intervention groups, counsel[ed] domestic violence and stalking offenders, and [performed] diagnostic assessment[]" of perpetrators of domestic violence. *Id.* Boehnlein currently works as an Advocate Supervisor in the Domestic Violence Unit for the Cuyahoga County Witness Victim Service Center in Cleveland, Ohio. *Id.*

⁶¹ *Domestic Violence / Stalking Unit*, Columbus City Attorneys Office, <http://www.columbuscityattorney.org/dv.aspx> (last visited Dec. 22, 2018). Murray was the first Columbus City Attorney's Domestic Violence prosecutor and has prosecuted thousands of intimate partner abuse and stalking cases. In 2015, she led the way in bringing the Lethality Assessment Program, Maryland Model, to Columbus, which made Columbus the first jurisdiction in Ohio to adopt the program. Murray works closely with courtroom advocates to provide a range of multidisciplinary services and resources to victims. She has helped shape legislation and regularly trains allied professionals and community groups on domestic violence.

⁶² Hamilton County Domestic Violence Summit: Collaborating for Safer Communities (Oct. 26, 2018) (unpublished program) (on file with author). Doepke has been employed by the Hamilton County Probation Department for twenty-five years and is currently the Probation Officer Supervisor for the Victim Services Unit. Prior to this role, she did domestic violence programing and victim advocacy for the YWCA's Shelter for Battered Persons and Their Children. Doepke was appointed by the Governor and has continued to serve on the Ohio Interstate Commission for Adult Offender Supervision since 2009.

⁶³ *Municipal Court Judge Heather S. Russell*, HAMILTON CTY. COURTS, <https://hamiltoncountycourts.org/index.php/municipal-judges/municipal-court-judge-heather-s-russell> (last visited Dec. 22, 2018). Judge Russell also presides over the Mental Health docket, which includes CHANGE Court for victims of human trafficking. Judge Russell holds "an instructor's certificate from the Ohio Peace Officers' Training Academy . . . and has instructed at the Cincinnati Police Academy, UC School of Social Work and Continuing Education, and Tri Health," among others, in the areas of domestic violence prosecution. *Id.* She was appointed to serve on the Ohio Supreme Court Domestic Violence Advisory Committee from 2011–17 and has also been involved with the Cincinnati Police Department Domestic Violence Committee.

difficult to meet in person, but we all met once before the trainings to get to know each other and we then held further meetings by conference call. Working together with the speakers, we put together an agenda for the training, with stated learning objectives for each session. The Proposed Training Agenda (with learning objectives) is set forth in Appendix I below. Taking into account the stated objectives for each session, the speakers put together drafts of slideshow presentations, and the group offered feedback and comments. One member of our team who surely has the “asset” of organizational skills volunteered to put the different slide presentations together and make them a unified whole.

1. The Substance of the Trainings: What We Taught

“Actually a fun and constructive activity and a good springboard for discussion. Could be used in other courses as well.”⁶⁴

Just as the participants in the City Summit walked into a room with white posters covering the walls, so did the judges we trained. Yes, we started the judicial trainings with a form of GLA. The initial session, “Framing the Issues,” involved the judges walking around the room answering the various prompts to which they felt they had responses and then going around a second time to see what other judges had to say. Some in my community action group were reluctant to begin the training in this way. There were a couple of people on the committee who had trained judges before. They shared stories of judges sitting in the front, reading a newspaper or using cell phones, during the actual presentations—stories that horrified the teacher in me.

We discussed the potential pros and cons of beginning with a GLA and decided to try it out at the first training. It went very well. I explained to the judges that we knew there was a lot of collective experience and wisdom in the room, as well as questions. The GLA offered time and opportunity to consider what they knew and did not know about handling these cases. We described the GLA as a way for us to collect information, suggestions, questions, and experiences that would help the speakers focus their presentations. What I did not say was that this also was a way to get the audience engaged. Before we started sharing information through lecture, the judges already were talking amongst themselves at their tables about their own approaches to domestic violence cases, as well as their frustrations and questions. I also realized, after the first training, that we had collected invaluable data to help us hone and further develop our materials for the next training session.

After each table had been given time to analyze the data on five or six posters,

⁶⁴ Comment from a judge’s evaluation regarding the PAR methodology of Group Level Assessment that was used in the “Framing the Issues” session of the judicial trainings.

I asked each group to have one of its members write on a piece of paper what they, as a group, thought was the most important topic or issue raised on the posters they had considered. I walked around the room, collected the identified issues, and read them aloud. During the start of the next session, I stepped out of the room and wrote these ideas on three posters that, at the break, I set on easels in the front of the room. They were there for the presenters to keep in mind and address in their presentations. As I explained to the judges, this exercise framed the specific issues that this particular audience wanted to address at this training.

The feedback we received on this exercise was very positive. On several occasions I had judges approach me and say that, while they were skeptical at first, they really found the GLA worthwhile. In response to a participant's comment at the first training that there was not enough done with the information that was generated in the first session, I honed my explanation for the next trainings and asked for the small groups at the tables to analyze their posters to identify a question that the posters suggested should definitely be addressed in the training. The presenters made sure that all of these specific questions were discussed at some point during the training. This allowed us to tailor the training as specifically as possible to the actual group in front of us.

Boehnlein led the second session, "Understanding Cases That Don't Make Sense." This session was designed to take on directly the frustrations that we had heard from judges and magistrates when, for example, the prosecuting witness did not show up for a hearing or did not want the case to go forward. Acknowledging how this could be irritating or troubling to the judges, Boehnlein proceeded to offer explanations of why those situations might arise, as well as to suggest what that might and might not mean. Topics that he covered included batterer manipulation, why victims stay and/or do not participate in prosecution, the systemic challenges and obstacles a victim faces in leaving and seeking legal protection, leaving as a process, research on recantation,⁶⁵ and lethality factors.

Murray picked up on the lethality factors in the third session, entitled "Advanced Practices: Safety and Accountability in Domestic Violence Cases." Walking through the tools available for assessing risks of lethality in domestic

⁶⁵ See generally Amy E. Bonomi et al., "Meet me at the hill where we used to park": *Interpersonal Processes Associated with Victim Recantation*, 73 SOC. SCI. & MED. 1054, 1054 (2011) (discussing that "results showed that consistently across couples, a victim's recantation intention was foremost influenced by the perpetrator's appeals to the victim's sympathy through descriptions of his suffering from mental and physical problems, intolerable jail conditions, and life without her.").

violence cases,⁶⁶ she focused on what is required of judges under Amy's Law,⁶⁷ the law in Ohio that mandates the consideration of certain lethality factors in

⁶⁶ Based on long-term studies of lethality factors in domestic violence cases, two primary assessment tools have been developed. Jacquelyn Campbell has identified the following fifteen questions to be asked in a lethality assessment:

1. Has the physical violence increased in frequency over the past year?
2. Has the physical violence increased in severity over the past year and/or has a weapon or threat from a weapon ever been used?
3. Does he ever try to choke you?
4. Is there a gun in the house?
5. Has he ever forced you to have sex when you did not wish to do so?
6. Does he use drugs? By drugs, I mean "uppers" or amphetamines, speed, angel dust, cocaine, "crack," street drugs, or mixtures.
7. Does he threaten to kill you and/or do you believe he is capable of killing you?
8. Is he drunk every day or almost every day?
9. Does he control most or all of your daily activities? For instance: does he tell you who you can be friends with, how much money you can take with you shopping, or when you can take the car?
10. Have you ever been beaten by him while you were pregnant?
11. Is he violently and constantly jealous of you? (For instance, does he say "If I can't have you, no one can.")
12. Have you ever threatened or tried to commit suicide?
13. Has he ever threatened or tried to commit suicide?
14. Is he violent toward your children?
15. Is he violent outside of the home?

Jacquelyn C. Campbell et al., *Assessing Risk Factors for Intimate Partner Homicide*, 250 NAT'L INST. OF JUST. J. 14, 15 fig.1 (2003). The other primary assessment tool was developed by the Maryland Network Against Domestic Violence and includes the following eleven questions:

1. Has he/she ever used a weapon against you or threatened you with a weapon?
2. Has he/she threatened to kill you or your children?
3. Do you think he/she might try to kill you?
4. Does he/she have a gun or can he/she get one easily?
5. Has he/she ever tried to choke you?
6. Is he/she violently or consistently jealous or does he/she control most of your daily activities?
7. Have you left him/her or separated after living together or being married?
8. Is he/she unemployed?
9. Has he/she ever tried to kill himself/herself?
10. Do you have a child that he/she knows is not his/hers?
11. Does he/she follow or spy on you or leave threatening messages?

MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE, LETHALITY ASSESSMENT PROGRAM MARYLAND MODEL (LAP) 8 (2018), https://mnadv.org/_mnadvWeb/wp-content/uploads/2018/04/LAP-Protocol.pdf.

⁶⁷ Amy's Law, the unofficial name that OHIO REV. CODE ANN. § 2919.251 (West 2006) is known by, was named after Amy Rezos, a woman from Liberty Township, Ohio whose husband tried to kill her three separate times in 2004. Rezos testified on behalf of the bill and her "emotional story helped push the bill into law, officials said." David Eck, *Domestic Violence Bill Signed By Taft*, CINCINNATI ENQUIRER, May 26, 2005, at C3.

setting bond.⁶⁸ She also discussed the importance of procedural justice and what that meant in domestic violence cases, as well as how to enhance safety in the courtroom. Doepke then discussed presentence investigations and what those can provide, as well as best practices post-conviction, including the value of victim impact statements and how best to deal with violations of stay away or no-contact orders.

Judge Russell presented our last session on “Ethics, Fairness, and Access to Justice in Domestic Violence Cases.” This session, which qualified for judicial conduct hours, offered the opportunity to address directly how judges can be sensitive to prosecuting witnesses in domestic violence cases and comply with Amy’s law, while remaining impartial. Judge Russell brought many of her own best practices to the trainings. She also presented what research has suggested is necessary for procedural justice in domestic violence cases,⁶⁹ as well as what are

⁶⁸ Amy’s Law requires:

[A] person who is charged with the commission of any offense of violence shall appear before the court for the setting of bail if the alleged victim . . . was a family or household member at the time of the offense and if any of the following applies: (1) . . . at the time of the alleged offense, [the person] was subject to . . . a protection order . . . or consent agreement . . . or previously was convicted of or pleaded guilty to [domestic violence, etc.] . . . ; (2) . . . the police report . . . [indicated] any of the following: (a) . . . objective manifestations of physical harm . . . ; (b) . . . the arresting officer reasonably believes that the person had . . . a deadly weapon or dangerous ordnance; (c) . . . the arresting officer believes that the person presents a credible threat of serious physical harm to the alleged victim or to any other person if released on bail before trial.

(B) To the extent that information about any of the following is available to the court, the court shall consider all of the following, in addition to any other circumstance . . . before setting bail . . . : (1) [w]hether the person has a history of domestic violence or a history of other violent acts; (2) [t]he mental health of the person; (3) [w]hether the person has a history of violating the orders of any court or governmental entity; (4) [w]hether the person is potentially a threat to any other person; (5) [w]hether the person has access to deadly weapons or a history of using deadly weapons; (6) [w]hether the person has a history of abusing alcohol or any controlled substance; (7) [t]he severity of the alleged violence that is the basis of the offense . . . ; (8) [w]hether a separation of the person from the alleged victim or a termination of the relationship between the person and the alleged victim has recently occurred or is pending; (9) [w]hether the person has exhibited obsessive or controlling behaviors toward the alleged victim . . . ; (10) [w]hether the person has expressed suicidal or homicidal ideations; (11) [a]ny information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.

OHIO REV. CODE ANN. § 2919.251(A)–(B) (West 2006).

⁶⁹ DANIELLE MALANGONE, CTR. FOR COURT INNOVATION, INTEGRATING PROCEDURAL JUSTICE IN DOMESTIC VIOLENCE CASES 2 (2016), http://www.courtinnovation.org/sites/default/files/documents/DVFactSheet_August2016_IntegratingPJinDVCases.pdf.

effective deterrence strategies.⁷⁰ The training ended with a short “wrap-up” session during which we made certain that all questions raised in the initial “Framing the Issues” session had been addressed and offered participants the opportunity to pose any additional questions to the entire panel.

2. Revisions, Adaptations, and Improvements: What We Learned

The first training in March went well. We had positive direct feedback from the participants and received high ratings on the evaluations. However, it felt rushed to us, and we knew that there were changes we would like to make. After meeting to debrief, we condensed certain material. We also changed the format of Judge Russell’s session to an interview style, in which Doepke posed questions and the judge answered. This allowed Judge Russell to highlight key points that we knew the judges wanted to hear more about based upon review of the responses to the poster prompts, questions asked at the training, and the evaluations. This format also let Doepke pose specific questions identified in the “Framing the Issues” session. The most significant change that we made over the summer, however, was adding in the voices of survivors, letting these key co-researchers participate in the trainings themselves. We had always intended to incorporate survivors’ voices and experiences, but had not had time to implement them into the March training.

We applied for and received a grant from our local YWCA to videotape interviews with survivors about their courtroom experiences. Some members of our action committee expressed concern that this might re-victimize survivors or be too traumatizing. Others on the committee who worked directly with survivors on a daily basis, however, believed that they were in a position to ask survivors if they would like to participate without imposing pressure or a sense of obligation.

As it turned out, this inclusion of survivors resulted in an unexpected but very positive outcome for our project. We explained to survivors what our action group was doing—designing a training to offer judges best practices in domestic violence cases. We wanted them to share their expertise based on their courtroom experiences. What could be improved and why? What did a judge or magistrate do or say that should be encouraged? What were their suggestions for best practices? What did they want judges and magistrates to know and understand?

Several women were eager to participate and felt very empowered by the opportunity to tell their stories and have what they shared be used to improve courtroom experiences for other survivors. We asked specific questions, such as what would make the victim feel safe during a court appearance and, based on the

⁷⁰ REBECCA THOMFORDE HAUSER & HIDA ABBASI, CTR. FOR COURT INNOVATION, *ADAPTING DETERRENCE STRATEGIES FOR DOMESTIC VIOLENCE OFFENDERS 2-3* (2016), https://www.courtinnovation.org/sites/default/files/documents/FactSheet_December2016_Deterrence_DV.pdf.

victim's experience in court, would she go back if she needed help in the future. However, we also offered opportunities for the survivors to self-narrate their experiences in their own ways, so as to highlight what they felt was most important to convey.

The survivors were co-researchers with invaluable contributions to make. With the help of a videographer, we blocked out the survivors' faces and inserted their words into the relevant parts of the presentations. This was a safe way for the judges to hear directly from survivors about their courtroom experiences. It was undeniably more powerful to hear a survivor describe how terrifying it was for her to face her abuser in court, to even be in the same room with him, than any description the presenters could have related.

The experiences of the survivors, as well as much of the other information we provided, prompted many questions from the participant judges. The training was designed to accommodate this and provide opportunities for brainstorming together. For example, Murray pointed out in her presentation that under Ohio law, courts are required to minimize contact between the victim and the defendant (and the defendant's family and witnesses) before, during, and after court proceedings and to provide a separate waiting area when practicable.⁷¹ Several judges from small towns said that would not be possible in their courthouses; they did not have separate waiting rooms. Other judges jumped in with suggestions. Did they have a jury room? A staff lunchroom? Even if the room only had a staff person sitting at a desk, a survivor might feel safer sitting right next to that person.

A survivor's description of being afraid to walk out to her car after a court appearance ("I have to worry about walking to my car and running into my abuser")⁷² led to discussions about a courtroom practice of offering an escort for a prosecuting witness to the parking lot after a hearing. Hearing another survivor talk about the emotional effects of the many continuances granted in her case ("To be at court, to wait, and all of a sudden be told it's a continuance again is extremely scary for a victim and also makes them want to give up because they keep having to go back and face this person")⁷³ resulted in a productive conversation about when and why continuances are necessary and appropriate. The participant judges themselves had developed best practices over the years. We shared what we heard from them at the subsequent trainings. One of our team members came along to every training and took notes throughout so that we could remember to incorporate helpful suggestions or address additional questions.

By the time we had completed our fourth training in December 2017, we had trained more than 175 judges and magistrates. We also received an invitation to

⁷¹ OHIO REV. CODE ANN. § 2930.10 (West 2006).

⁷² Interview with survivor 4 of intimate partner abuse, *supra* note 5.

⁷³ Interview with survivor 2 of intimate partner abuse, *supra* note 2.

present at the Association of Municipal/County Judges of Ohio Winter Conference in January 2018. Our presentation needed to be condensed into two hours, but at that point, especially knowing our audience would all be municipal court judges, we knew what to highlight. Three members of our team presented to 200 judges at that conference.

We will be convening again soon to see what steps make sense next. However, as participatory action research encourages, we also are stopping to take stock of what has been accomplished. The following section documents some of the group's reflections after working on this project, in terms of personal, professional, and community impacts.

IV. REFLECTIONS ON A LEGAL PAR PROJECT

As I look back over the past three years, it is both amazing and not surprising at all that we have reached this place of having trained more than 375 judges. It is amazing because it was a daunting undertaking for a grassroots volunteer community action group. Taking stock of the hundreds of hours, the years of accumulated experience of the group's members, and the passion and goodwill shared by all, however, it seems less like good fortune and more the result of hard work and determination.

As with any group, we had different personalities, strengths, weaknesses, and experiences, but the PAR process really helped us to use these differences to our advantage. From the beginning, we consciously thought about what we each had to offer – what we could contribute and what we needed others to contribute. We did not have a “leader” who assigned tasks, rather some of us took on facilitating as necessary and everyone worked to use their “assets” to move the project forward.

It can be rather difficult for researchers, perhaps legal scholars in particular, to cede control over the direction of research. Rather than taking a step and “seeing what happens,” we tend to be more comfortable mapping out a plan to reach a desired outcome. Legal PAR does not work that way, and in this project, there were so many times when giving up control led to the best outcomes. It was not the case that we had *no* process; rather we had the PAR process of taking steps, reflecting, and making adjustments as necessary. The PAR tools and methodologies provided our community action group with a sense of grounding.

Over the course of our project, several adjustments needed to be made. For example, we realized early on that our goal of mandatory trainings was going to be very difficult to achieve. While disappointed, we pursued a Plan B rather than giving up altogether or holding firm to a position that potentially could shut the door on any trainings at all. In our case, deciding to put on the best training possible resulted in very positive reviews from a significant number of judges, made a good impression on the Judicial College (which would be the body that ultimately would have to instigate any move toward mandatory trainings), and led

to our invitation to train 200 more judges. Since it was not mandatory, we did everything we could to create a training that judges and magistrates would want to attend and encourage others to attend. The positive ratings and comments we received in our evaluations suggest that we accomplished that goal.

We also could have been discouraged by being put on the acting judges training schedule, and feel that our work was not going to have the impact that we had hoped for. As mentioned above, however, other full-time judges and magistrates did attend these trainings. Also, the follow-up conference that stemmed from these trainings was to 200 full-time judges.

Moreover, it turns out that there was an important benefit to teaching the acting judges that no one had anticipated. Many of the acting judges sat in courtrooms in rural counties. Several of the full-time judges from rural areas also attended because of the convenience of the training locations. There are far fewer services for survivors in rural counties. For example, many areas do not have the benefit of the level of advocacy services offered to all survivors in Hamilton County. It was really beneficial for these rural judges to hear some of what was happening in more urban areas and to ask and brainstorm what they might do comparably in their different situations. Additionally, some of the acting judges had little or no exposure to the lethality assessment requirements of Amy's Law. On several occasions, Judge Russell made arrangements to send bench cards and other judicial forms that she uses to our participant judges.

In writing this Article, I have had the opportunity to review what we have done in the past three years in detail. This includes reflecting on my own contributions and challenges. I also have reached out to my community action co-researchers to collect their reflections on our project at this juncture. This is some of what we are thinking at this point.

A. Personal and Professional Impacts

Several of us realized that we ended up using assets that we had not realized would be part of this project or that we did not even acknowledge as assets. For example, I realized that in my role as liaison between the group and the Judicial College, I used negotiation skills in ways that I had not since I left the full-time practice of law. It was important to understand that the Judicial College has its own mission and that it strives to put on trainings that are useful and, frankly, that the judges like. They had concerns that we might be "pro-victim" or seen as not understanding a judge's objective role. I was able to work *with* them to assure that this was not the case, as well as work with our group to make certain that these concerns of the Judicial College were taken into account in developing our materials. I think we did an excellent job with that, making sure that we directly addressed any potential ethical dilemmas that judges might feel in these cases, as well as providing studies and research to back up the points that we were making.

Another of our team had worked in the court system for more than two

decades and had accumulated an enormous amount of practical knowledge. I do not think early in the project that she (Doepke) anticipated presenting at the trainings but it became clear that she had crucial information and experiences to share. Her valuable contributions came not only in her training session but in the answers and ideas she offered in response to questions throughout the day. For example, during the discussion of research that shows the effectiveness of swift and certain consequences to violations of court orders such as protection orders, one judge presented a dilemma he often faced. It was the victim, he explained, who would request that he not put the defendant in jail; she was concerned that he will lose his job and not be able to financially support the family. "What should I do in those circumstances?" he asked. To which, Doepke replied, "Find out what his upcoming work schedule is. If he's not working on Saturday, he can spend Friday night in jail." I saw several judges pick up their pens and write that suggestion down.

One member of our group knew that she was good at organizing, but I do not think any of us realized just how much we would come to rely on her ability to always keep us on task and on time. She offered to attend the first training to take notes and help set up. It was clear after that that what she provided was indispensable. She became an integral part of our traveling training team.

Our community action group consciously sought to take an intersectional approach to our research and trainings. The research group itself had diversity of race and sexual orientation. In collecting experiences from survivors who were not participating directly in our group meetings but whose input and experiences were impacting the development of the trainings, we had diversity based on race, ethnicity, and class. It is unfortunate that due to unavailability and unexpected illness, all of us who actually conducted the trainings are white. The taped interviews brought diverse women into the trainings virtually, but it is important to our group that the trainings themselves reflect the intersectional approach to intimate partner abuse that has been central to the development of the substance of the trainings.⁷⁴ We want breadth of experience actually in the room so that questions can be answered and issues that are raised are discussed from multiple perspectives. We already have discussed that, in the future, we need to ask earlier and take steps to make certain that we have a diverse panel of presenters. We also have discussed our desire to expand the trainings to have more time to present analysis of some of the barriers that we could only mention,⁷⁵ as well as to develop

⁷⁴ In the trainings, we specifically highlighted many of the barriers that Crenshaw identified as necessary for intervention strategies to take into account, including immigration status, poverty, child care responsibilities, discriminatory practices, and language barriers. See Crenshaw, *supra* note 15, at 1245–50.

⁷⁵ For example, much training is needed to address concerns of the LGBTQ community in the context of intimate partner abuse. See generally EMILY WATERS, NATIONAL COALITION OF ANTI-VIOLENCE

a specific session on domestic violence to be offered at judicial trainings focused on unconscious bias.

Finally, all of us in the group learned an enormous amount from each other. Everyone had professional expertise and/or personal experiences that not only contributed to the substance of the trainings but also to how many of us do our own work. Judge Russell talked about ordering more presentence investigations after hearing Doepke's presentation. Murray and Boehnlein shared resources and information about the different ways they were using lethality assessments in the Cleveland and Columbus areas. My own teaching on domestic violence has been enhanced and enriched in every respect.

B. Community Impacts

The quantitative data that we have is pretty impressive: we have trained 375 judges. We could put together other numbers from the evaluations, in which judges very positively rated the effectiveness of the training, and were given the opportunity to specify what they had learned. But other successes of our project must be measured in a more qualitative way. Just a few of the community impacts that we are aware of include: (1) several survivors of domestic violence felt empowered by the opportunity to talk about their courtroom experiences; (2) these survivors were listened to by the persons from our group who interviewed them and knew that their experiences were going to be shared with judges; (3) judges heard survivors talk about what could be done to make them feel safe, heard, and respected in the courtroom environment; (4) the intersectional approach to the research resulted in the presentation of diverse and multiple experiences and perspectives; (5) best practices were presented to judges, many of whom took a lot of notes and asked a lot of clarifying questions; (6) Judge Russell is responding to numerous requests from all over the state for the bench card she uses on Amy's Law, as well as the language she uses when explaining what would constitute a violation of the protection order she is issuing; (7) more than 100 lawyers, advocates, and court personnel had an opportunity to have input on what should be included in domestic violence judicial trainings; and (8) a 50-state survey of what other states require with respect to domestic violence judicial training will be available for reference for other groups who wish to advocate for more or better training in their state.

It is also likely that there are positive results from this community action work of which we may never become aware. These might include: (1) people who met each other at the City Summit later collaborate on a domestic violence-related issue together; (2) a judge establishes a practice of having prosecuting witnesses in domestic violence cases escorted from the courtroom to their cars; (3) judges shared best practices with each other at the tables during trainings when they were

analyzing the posters; (4) a judge considers for the first time that a survivor might not be showing up to court, not because she does not want to, but because she is afraid or has been threatened; or (5) a judge who attended one of our sessions denies bail based on a review of the factors set out in Amy's law and saves a life.

V. CONCLUSION

Our judicial education project was inspired by the idea of moving past the grim statistics on intimate partner abuse and the sheer enormity of this large-scale societal problem. We wanted to take action to make positive change. The methodologies of PAR provided tools to figure out what those actions should be. The GLA helped to identify and prioritize specific localized issues to be addressed. Working in our own community meant we were able to think creatively about how best to use the individual and collective assets that we had available. By not trying to control the process, we could take stock at different junctures and think through what next steps made the most sense. How, given what we had learned and where we stood now, could we most effectively, as PAR scholar Patricia Maguire encourages, "dig where [we] stand"?⁷⁶ We achieved positive outcomes by not insisting on and narrowly defining successful results.

One of our community action committee members, in her reflections on working with the group, noted enthusiastically: "Well first off, I liked that we were a committee that actually accomplished our goals!" And that does feel good! It is true that not everything went exactly as we might have wished; there are aspects of our process that need to be improved, and the substance of the trainings can be enriched and further developed. Still, for all of us—the community action committee, the trainers, the survivors who shared their stories, our co-researchers around the state who provided input on the trainings and to whom we have reported back the positive feedback from the judges—there is a sense that we have qualitatively made some difference in some lives.

As a result of this project, I am no longer a frustrated legal scholar. I feel that I have been able to bring to this community action work not only substantive legal knowledge but important critical race/social justice feminist theoretical insights as well. I have been inspired and moved by the women who shared their own experiences to enhance our judicial trainings. They illustrated with their strength and enthusiasm for the project the truth of what Angela Harris has said about "the role of creativity and will in shaping our lives;" it "is liberating, for it allows us to acknowledge and celebrate the creativity and joy with which many women have survived and turned existing relations of domination to their own ends."⁷⁷ In *Social Justice Feminism*, Williams and I took "initial steps at broadly defining

⁷⁶ PATRICIA MAGUIRE, *DOING PARTICIPATORY ACTION RESEARCH: A FEMINIST APPROACH* xv (1987).

⁷⁷ Harris, *Race and Essentialism*, *supra* note 15, at 614.

social justice feminism as that which is productive, constructive, and healing.”⁷⁸ Those are the kinds of projects that I want to be involved in. Legal PAR has provided me with tools and methods that have allowed me, in my own research and scholarship, to move beyond that initial step of *defining* to the activism of *doing*. My hope is that this case study demonstrates to legal scholars, activists, and those who are both, the critical contributions that PAR can make to social justice work.

⁷⁸ Kalsem & Williams, *supra* note 7, at 192.

VI. APPENDIX I

PROPOSED TRAINING AGENDA (with learning objectives)

Overall goal: Judicial training participants will be better able to identify and respond to coercive control, battering, danger factors, and the impact of trauma to create procedures and outcomes that promote fairness, justice, respect, safety, compliance, and accountability when dealing with interpersonal violence cases.

- 9:00-9:45 **Framing the Issues:** Interactive exploration of what makes domestic violence cases challenging and best practices for addressing the complexities that often arise in these cases
- (Kristin Kalsem from UC Law will moderate this interactive “Framing the Issues” session that will involve getting early feedback from the judges themselves on issues that will be discussed throughout the day . . .)*
- 9:45-10:30 **Understanding Cases That Don’t Make Sense:** Analysis of the ways in which the dynamics of domestic violence and coercive control play out in the courtroom
- Participants will gain a deeper understanding of the process of coercive control and how it affects the courtroom
 - Participants will learn to recognize response issues of the prosecuting witness (PW) by understanding the motivations and behaviors of PWs
 - Participants will learn to identify batterer control in the courtroom by understanding the motivations and behaviors of perpetrators
 - Participants will learn to assess the impacts of the dynamics of domestic violence
 - Participants will learn not to assume that the PW doesn’t care because she is not in the courtroom (PW is not a Party, is not required at arraignment, may not have notice of the TPO)
 - Participants will be better able to identify the reasons PWs may wish to withdraw from participation in prosecution and to respond appropriately to absences and lack of cooperation from PWs
- 10:30-10:45 **Break**
- 10:45-12:00 **Advanced Practices: Safety and Accountability in Domestic Violence Cases:**

Overview of emerging data on danger and presentation of evidence-based practices at each juncture of a case to reduce the likelihood of future violence

- Participants will be presented with courthouse policies and procedures that promote the safety of all participants (*i.e.*, separation of PW and defendant, evaluating proximity of defendant to PW, security when entering and exiting the courthouse)
- Participants will learn ways to interrupt potential PW intimidation
- Participants will learn measures to promote the safety of the PW such as: reminding everyone at all junctures that the case is brought by the State of Ohio, not the PW; explicitly stating that the PW should notify the prosecutor of any violations of a stay away or temporary protection order and that consequences of any violations of court orders rest solely with the defendant
- Participants will learn the importance of implementing temporary protection orders at the earliest opportunity
- Participants will learn the appropriate bail factors (ORC 2919.251) to set bond in high danger cases
- Participants will learn the importance of issuing orders to surrender weapons as both a pre-trial condition of release and a condition of the temporary protection order
- Participants will be better able to consider the impact of continuances on PWs
- Participants will be better able to use presentence investigations and victim impact statements to assist them in distinguishing severe and high danger cases from others
- Participants will be better able to tailor the conditions of sentencing to the features of the case, and impose sanctions that have an evidence-based likelihood of reducing future violence

12:00-12:45

Lunch

12:45-1:45

Ethics, Fairness, and Access to Justice in Domestic Violence Cases:

Consideration of what these hallmarks of judicial conduct look like in cases involving domestic violence

- Participants will be presented with tools to enable them to maintain a fair, and respectful courtroom tone that promotes integrity of the proceedings, prohibits intimidation, and maintains appropriate decorum, respect, and safety for all participants (*i.e.*, personal space, raised voices, relevance issues, etc.)
- Participants will learn the value of ensuring that procedures are in place so PWs have notice of court proceedings

- Participants will be able to ensure that PWs and defendants understand the full and potential impact of plea agreements
- Participants will be able to evaluate plea agreements to ensure they protect fairness, justice, safety, and accountability
- Participants will acquire tools to address burnout and compassion fatigue