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OFFICE OF  
APPELLATE COURTS

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OFFICE OF  
APPELLATE COURTS

Christa Rutherford  
Clerk of Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55115

Re: Order Establishing Public Comment Period on Proposed Amendments to Rules Governing Legal  
Paraprofessional Pilot Project  
**ADM19-8002**

To Whom It May Concern:

This letter is written in response to the proposed amendments to Rule 12 of the Supervised Practice Rules made in the *Interim Report and recommendations from the Standing Committee for Legal Paraprofessional Pilot Project*. The mission of the St. Paul & Ramsey County Domestic Abuse Intervention Project (SPIP) is to eliminate violence against victims and their children, and the social and system responses which condone or allow its oppression. Since 1984, SPIP has maintained a commitment to providing victims of domestic abuse the critical services and protections they need to live free from violence through a continuum of multi-lingual/culturally competent 24-hour acute intervention services in times of crisis, and longer-term wraparound services. Annually, more than 6,400 victims and their children receive SPIP services, and more than 8,000 calls are received on our 24-hour crisis line. Relevant to this discussion, the advocates in our organization assist victims in preparation of Orders for Protection and Harassment Restraining Orders as allowed under standing order in file C2-87-1089 from February 5, 1991. The attorneys in our program represent clients in OFPs, HROs, and family court matters. It was disconcerting to learn the interim report is recommending expanding the paraprofessional pilot project into cases involving domestic abuse, when those cases were specifically excluded from the pilot project for very good reasons. We are also concerned this was proposed with no input being sought from our Minnesota statewide coalitions and/or domestic abuse programs that deal with these cases through the provision of direct services on a daily basis.

Domestic violence is a complicated crime, that has a far-reaching and often horrendous impact on everyone it leaves in its wake. Acute isolation, physical and mental abuse, and genuine fear are the tools perpetrators of domestic violence use. It accounts for over 25 percent of all violent crime victims Minnesota and in which the primary victims are women. One of every three females will experience domestic violence in their lifetime. In the past ten years 80% of the women murdered in MN died due to domestic violence. When a victim attempts to leave an abusive situation, they are at a 75% greater risk of being murdered. And too often, domestic homicide victims were separated from, or attempting to leave the abusive relationship before they are murdered.

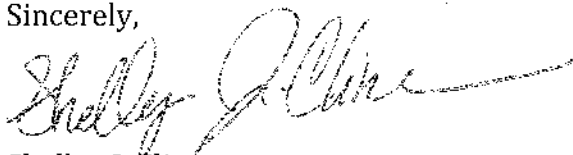
We are thankful after learning of the program we were able to participate in a conversation with Justice Thissen on February 2, 2022. We would like to summarize some of the concerns our organization sees with expanding the pilot project.

- Currently domestic violence situations are exempt from the paralegal pilot project. We do not feel it is safe for the victims to expand the pilot program to include matters involving domestic violence.
- OFPs are more complicated than ever. Evidentiary hearings deal with rules of evidence, statutes, and interpretation of case law. A paralegal cannot be trained in the nuances and details of a complicated trial.

- HROs are different from OFPs and should be analyzed differently if they are not intimate partner violence (IPV) situations. A dispute between neighbors over a fence is entirely different from stalking or domestic violence intimate partner harassment.
- Concerns about training of paralegals on the dynamics of domestic abuse and power and control.
- Concern about how the dynamics of power and control in domestic abuse situations affect settlement negotiations.
- Concerns that the newer immigrant communities will suffer with this process. They often may not understand our court system and the difference between paralegals and attorneys, which could be applied to many other victims as well.
- Concerns that this project sends the message to victims that a domestic violence situation and safety do not merit having an attorney-even though their well-being and even lives could be a stake.
- Confusion as to why mediation rules/requirements would be more stringent than the paralegal rules (i.e., requiring additional training for mediators, mandatory mediation in HRO cases in most counties excludes IPV cases)
- Concerns with a respondent appearing with an attorney at an OFP hearing, and victim being represented by a paralegal may give a false impression each party has representation but fails to address that it is not equal representation in that an attorney's deeper understanding of the law and how the OFP can influence, support and protect a victim not only personally but in other court processes.
- OFPs involve life and death situations, where legal advice has to be given in a moment's notice, and what is said is critical. A paralegal being responsible for giving out such advice when the supervising attorney is not present seem unfair to the victim as well as the paralegal.

A protection order is one of the most effective tools victims have in deterring threats and repeat acts of domestic violence. Being able to legally restrict perpetrators from having any contact with their victims with an OFP is one of the best tools, and often the only tool, a victim has at their disposal. When victims file for a protection OFP, it is often when the violence has escalated, and a time that is extremely dangerous for themselves and their children. The decisions made at an OFP hearing have a lasting effect on future court proceedings involving the victim and their children. Not only are the serious issues of safety brought into play, but future critical matters of custody, support, property, housing, etc. Victims having access to attorneys with an in-depth legal expertise and ability to articulate the severity of their situations at an OFP hearing is critical and we ask that the proposed amendments to Rule 12 of the Supervised Practice Rules made in the *Interim Report and recommendations from the Standing Committee for Legal Paraprofessional Pilot Project*, not include expanding the paraprofessional pilot project into cases involving domestic abuse,

Sincerely,



Shelley J. Cline  
Executive Director