

114TH CONGRESS
2D SESSION

H. R. 6149

To promote pro bono legal services as a critical way in which to empower survivors of domestic violence.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2016

Mr. KENNEDY (for himself, Mr. YOUNG of Alaska, Ms. GABBARD, and Mrs. BROOKS of Indiana) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To promote pro bono legal services as a critical way in which to empower survivors of domestic violence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pro bono Work to Em-
5 power and Represent Act of 2016” or the “POWER Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Extremely high rates of domestic violence,
9 dating violence, sexual assault, and stalking exist at
10 the local, State, and national levels and such vio-

1 lence or behavior harms the most vulnerable mem-
2 bers of our society.

3 (2) According to a study commissioned by the
4 Department of Justice, nearly 25 percent of women
5 suffer from domestic violence during their lifetime.

6 (3) Proactive efforts should be made available
7 in all forums to provide pro bono legal services and
8 eliminate the violence that destroys lives and shat-
9 ters families.

10 (4) A variety of factors cause domestic violence,
11 dating violence, sexual assault, and stalking, and a
12 variety of solutions at the local, State, and national
13 level are necessary to combat such violence or behav-
14 ior.

15 (5) According to the National Network to End
16 Domestic Violence, which conducted a census includ-
17 ing almost 1,700 assistance programs, over the
18 course of 1 day in September 2014, more than
19 10,000 requests for services, including legal rep-
20 resentation, were not met.

21 (6) Pro bono assistance can help fill this need
22 by providing not only legal representation, but also
23 access to emergency shelter, transportation, and
24 childcare.

1 (7) Research and studies have demonstrated
2 that the provision of legal assistance to victims of
3 domestic violence, dating violence, sexual assault,
4 and stalking reduces the probability of such violence
5 or behavior reoccurring in the future and can help
6 survivors move forward.

7 (8) Legal representation increases the possi-
8 bility of successfully obtaining a protective order
9 against an attacker, preventing further mental and
10 physical injury to a victim and his or her family,
11 demonstrated by a study that found that 83 percent
12 of victims represented by an attorney were able to
13 obtain a protective order compared to 32 percent of
14 victims without an attorney.

15 (9) The American Bar Association Model Rules
16 include commentary that “every lawyer, regardless
17 of professional prominence or professional workload,
18 has a responsibility to provide legal services to those
19 unable to pay, and personal involvement in the prob-
20 lems of the disadvantaged can be one of the most re-
21 warding experiences in the life of a lawyer”.

22 (10) As representatives of the Department of
23 Justice, the duty of United States Attorneys is to
24 present “equal and impartial justice to all its citi-
25 zens”, which should include, especially, survivors of

1 domestic violence, dating violence, sexual assault,
2 and stalking who might not otherwise know how to
3 seek advice and protection.

4 (11) As Federal leaders who have knowledge of
5 domestic violence, dating violence, sexual assault,
6 and stalking in their localities, United States Attor-
7 neys should encourage lawyers to provide pro bono
8 resources in an effort to help victims of such vio-
9 lence or behavior to escape the cycle of abuse.

10 (12) A dedicated army of pro bono attorneys fo-
11 cused on this mission will inspire others to devote ef-
12 forts to this cause and will raise awareness of the
13 scourge of domestic violence, dating violence, sexual
14 assault, and stalking throughout the country.

15 (13) Communities, by providing awareness of
16 pro bono legal services and assistance to survivors of
17 domestic violence, dating violence, sexual assault,
18 and stalking, will empower those survivors to move
19 forward with their lives.

20 **SEC. 3. U.S. ATTORNEYS TO PROMOTE EMPOWERMENT**
21 **EVENTS.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, and not less often than once
24 each year thereafter, each United States Attorney, or his
25 or her designee, for each judicial district shall lead not

1 less than 1 public event, in partnership with a State, local,
2 tribal, or territorial domestic violence service provider or
3 coalition and a State or local volunteer lawyer project, pro-
4 moting pro bono legal services as a critical way in which
5 to empower survivors of domestic violence, dating violence,
6 sexual assault, and stalking and engage citizens in assist-
7 ing those survivors.

8 (b) DISTRICTS CONTAINING INDIAN TRIBES AND
9 TRIBAL ORGANIZATIONS.—During each 3-year period, a
10 United States Attorney, or his or her designee, for a judi-
11 cial district that contains an Indian tribe or tribal organi-
12 zation (as those terms are defined in section 4 of the In-
13 dian Self-Determination and Education Assistance Act
14 (25 U.S.C. 450b)) shall lead not less than 1 public event
15 promoting pro bono legal services under subsection (a) in
16 partnership with an Indian tribe or tribal organization
17 with the intent of increasing the provision of pro bono
18 legal services for Indian or Alaska Native victims of do-
19 mestic violence, dating violence, sexual assault, and stalk-
20 ing.

21 (c) REQUIREMENTS.—Each United States Attorney
22 shall—

23 (1) have discretion on the design, organization,
24 and implementation of the public events required
25 under subsection (a); and

1 (2) in conducting a public event under sub-
2 section (a), seek to maximize the local impact of the
3 event and the provision of access to high-quality pro
4 bono legal services by survivors of domestic violence,
5 dating violence, sexual assault, and stalking.

6 **SEC. 4. REPORTING REQUIREMENTS.**

7 (a) REPORT TO THE ATTORNEY GENERAL.—Not
8 later than October 30 of each year, each United States
9 Attorney shall submit to the Attorney General a report
10 detailing each public event conducted under section 3 dur-
11 ing the previous fiscal year.

12 (b) REPORT TO CONGRESS.—

13 (1) IN GENERAL.—Not later than January 1 of
14 each year, the Attorney General shall submit to Con-
15 gress a compilation and summary of each report re-
16 ceived under subsection (a) for the previous fiscal
17 year.

18 (2) REQUIREMENT.—Each comprehensive re-
19 port submitted under paragraph (1) shall include an
20 analysis of how each public event meets the goals set
21 forth in this Act, as well as suggestions on how to
22 improve future public events.

1 **SEC. 5. FUNDING.**

2 The Department of Justice shall use existing funds
3 to carry out the requirements of this Act.

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