
Highlights of Legal Momentum's Program Achievements

Helping Sexual Assault Survivors Navigate the Criminal Justice System

Throughout the country, there are reports of law enforcement officers failing to investigate rape cases. Even when medical evidence is gathered, these "rape kits" often are not processed quickly—or at all. Many victims don't report, and worse, those who do are frequently not believed. In fact, only a small percentage of rapists are ever successfully prosecuted. To address this, the U. S. Department of Justice Office on Violence Against Women (OVW) has selected Legal Momentum as its partner in a new project, "Helping Victims of Sexual Assault Navigate the Criminal Justice System." Legal Momentum will provide technical assistance and training to victim advocates about how to protect the rights of sexual assault victims when they participate in the criminal justice process. There is a great need for this training, because victims' concerns about privacy and confidentiality are a significant barrier to reporting and to participation in criminal justice proceedings, and state laws and rules of evidence are often confusing and conflicting. Victim advocates frequently lack legal training on sexual assault victims' rights, while victims need skilled legal assistance. Legal Momentum will develop training materials for victim advocates about defending victims' rights, and teach them how to recruit qualified local attorneys. We will present these materials to victim services organizations nationally, and provide mentorship and technical assistance on implementing them effectively. With help from knowledgeable advocates, more survivors of sexual assault will be more likely to get fair justice in court.

Legal Momentum and EEOC Win Major Settlement for Tradeswomen



On Monday, October 27, the Southern District Court of New York approved a consent decree settling the case of four women construction workers against their former employer, New York-based Vamco Sheet Metals, for gender discrimination in the workplace. According to the lawsuit, the women had to do menial tasks such as fetching coffee, and most unfairly, were fired for pretextual reasons, in some cases after just a few days of work. One new mother was denied a clean, private place to pump breast milk.

Legal Momentum went to bat for these women, representing them in a lawsuit brought by the Equal Employment Opportunity Commission (EEOC). The consent decree commits Vamco to implement anti-discrimination practices that will protect all future employees—including accommodating nursing employees—and will help ensure that women get fair treatment on the job. Carol Robles-Román, Legal Momentum's President and CEO, said "We intend to work with other employers who operate in non-traditional work settings to help them follow Vamco's lead."

In addition to damages to be paid to the discrimination victims, the three-year consent decree requires Vamco to implement policy revisions that provide for equal opportunities, distribute the policy to all employees, and post notice of this resolution. The decree also requires annual anti-discrimination training for all supervisory employees and monitoring of Vamco's employment practices by the EEOC.

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Celebrating 20 Years of Landmark Legislation

Legal Momentum was instrumental in the drafting and passage of the landmark Violence Against Women Act (VAWA)—which was signed into law in September, 1994—after years of work by Legal Momentum (then known as the NOW Legal Defense and Education Fund), a coalition of other advocacy groups, and then-Senator Joe Biden, the bill’s author. Legal Momentum has continued to champion the law through reauthorizations and improvements, notably in 2005 and 2013.

Legal Momentum and numerous other organizations are celebrating VAWA’s 20th anniversary with events and awareness campaigns:

- The Office of the Vice President issued a report, titled “1 Is 2 Many: 20 Years Fighting Violence Against Women and Girls,” which reviews VAWA’s history and specifically cites Legal Momentum’s work. The Vice President also held a small reception at his residence at which Lynn Hecht Schafran, Legal Momentum’s Senior Vice President and Director of its National Judicial Education Program, was an invited guest.
- Legal Momentum conducted a #HappyBirthdayVAWA social media campaign that was joined by more than 250 organizations and individuals, garnering more than 1,000,000 social media impressions.
- Legal Momentum founded the National Task Force to End Sexual and Domestic Violence (NTF) against Women as part of the effort to pass VAWA, and continues to co-lead NTF. Lisalyn Jacobs, Vice President for Government Relations, was emcee at “Pillars of Empowerment,” an event that honored five “unsung heroes” of the fight against gender-based violence. The event, hosted by NTF and sponsored by Mary Kay Inc. and The Mary Kay Foundation, was attended by a number of members of Congress.



VAWA has had a tremendous impact on violence against women and transformed the way the courts and law enforcement respond to domestic and sexual assault. It made orders of protection enforceable across state lines, established the federal Office on Violence Against Women (OVW), saved billions of dollars in averted social costs, and decreased intimate partner violence by 64%, among other achievements.

Legal Momentum Helps Keep Guns out of the Hands of Domestic Abusers

In June, former Congresswoman Gabby Giffords announced the #ProtectAllWomen Leadership Network, following the Senate’s first-ever hearing on the intersection of gun violence and domestic violence. The Network is a coalition of the gun violence prevention, domestic violence prevention, and women’s advocacy movements that will educate state and federal leaders on the need to protect women from gun violence. Legal Momentum’s President and CEO Carol Robles-Román, Vice President for Government Relations Lisalyn Jacobs, and Board member Kim Gandy were all appointed to the new Leadership Network.

Also in June, Connecticut Senator Richard Blumenthal introduced the Lori Jackson Domestic Violence Survivor Protection Act, named after a woman who was shot and killed by her husband after obtaining a restraining order against him. The bill would prevent an individual who is subject to a temporary restraining order from purchasing or possessing a firearm, affording survivors greater protection at their most vulnerable moment: when they separate from the abuser. Ms. Robles-Román was quoted in the Senator’s press release, saying “If we’re serious about supporting survivors when they separate from their abusive partners, then we must make sure that we do all we can to reduce or eliminate any potential for reprisals by the abuser. This bill does that.”

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Advocating for Pregnant Workers All the Way to the U.S. Supreme Court



Peggy Young; Photo courtesy of Sharon Fast Gustafson

Legal Momentum will be on the steps of the U.S. Supreme Court in Washington, D.C. on December 3, co-hosting a rally in support of Peggy Young, a UPS airmail delivery driver whose case the Court will hear that day. When Ms. Young became pregnant in 2006, she requested a temporary light-duty assignment, on the advice of her doctor. Even though UPS policy makes the same accommodations for employees in other situations, it refused them for Ms. Young. She was forced to take an unpaid leave, losing her wages—and her health insurance—months before the birth of her first child. “I wanted to work—I all but begged for them to let me work,” Ms. Young said. Legal Momentum filed an amicus brief in the case in the U.S. Court of Appeals for the Fourth Circuit in 2012. However, both the district and appellate courts agreed with UPS that its policy is “pregnancy-blind.”

Legal Momentum—alone among women’s rights organizations—urged the U.S. Supreme Court to hear the case in a 2013 amicus brief, and the Court agreed to do so on July 1, 2014. We pressed for this because the case may have far-reaching consequences for working women throughout the country. Legal Momentum has filed a new amicus brief urging the Supreme Court to rule in Ms. Young’s favor. Our brief argues that the Pregnancy Discrimination Act (PDA) bars companies from treating pregnant workers differently from workers who are similar in their ability or inability to work. A decision in favor of UPS could have a devastating impact on the women who need the PDA’s protections the most—those in low-wage or manual-labor jobs.

Legal Momentum in the News

Calling for Stronger Action against Domestic Violence

Legal Momentum has been in the forefront of the national debate over domestic violence and other major issues related to the safety and economic security of women. In September, in light of the Atlantic City Ray Rice abuse incident, President and CEO Carol Robles-Román led with an important Op-Ed piece in *The Record*, co-authored with Rutgers University law professor Penny M. Venetis, urging New Jersey Governor Chris Christie to take stronger action to combat domestic violence in his state, and suggesting specific steps to remedy such abuses in the future.

Carol Robles-Román was also interviewed in September on the Ray Rice case on the 77 WABC New York radio program *The Ride Home with Pat Kiernan and Rita Cosby*, where she called for action from law enforcement and the criminal justice system.

Brown University Title IX Complaints Garner Press Attention

In May, as noted in *The Brown Daily Herald*, Legal Momentum filed complaints with the U.S. Department of Education against the University for alleged violations of Title IX and the Clery Act on behalf of Lena Sclove, who was allegedly raped by another Brown student in the summer of 2013. Legal Momentum Senior Staff Attorney Christina Brandt-Young is representing Sclove pro bono. The Department of Education’s Office for Civil Rights (OCR) announced on July 10 that it would open an investigation into Brown University’s handling of sexual violence complaints, adding it to a growing list of more than 70 institutions that are the focus of open OCR investigations. Legal Momentum’s involvement is also discussed in an article in *The Providence Journal* and on Lena Sclove’s own website.

Legal Momentum’s client Lena Sclove is also featured in a *New York Times* video documentary titled “Brown’s ‘Rape List,’ Revisited.” The short documentary film was made by Julia Liu and Alison Klayman, both 2006 Brown graduates. It illuminates how devastating sexual violence is for the victim, how difficult it is to change the culture of sexual violence on college campuses, and how activism by feminists of all ages may finally result in real change.

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Legal Momentum Leads Efforts to Combat Sexual Assault on Campus

Sexual violence at school is one of the most important obstacles today to young women achieving economic and political equality, so it is a top priority for Legal Momentum.

Most recently, Carol Robles-Román, Legal Momentum's President and CEO, was appointed by Governor Andrew Cuomo to serve on a New York State campus sexual assault advisory council, which was formed to review and advise on campus sexual assault policies in New York State.



Legal Momentum's Eliana Theodorou testified at a hearing on campus sexual assault held by the Higher Education Committee of the New York City Council in October. Legal Momentum provided the Council with suggestions and best practices for addressing this problem in New York City, and called for city schools to inform victims of the full range of their legal options, institute primary prevention and affirmative consent policies, and to ensure that policies and services are victim-centered, and preserve survivors' confidentiality.

In May, Legal Momentum filed Title IX and Clery Act complaints on behalf of Lena Sclove, a student at Brown University, because the University failed to respond effectively when it found another student responsible for sexual misconduct against Ms. Sclove. In July, in response to the complaints, the U.S.

Department of Education's Office for Civil Rights (OCR) launched an investigation of the University's handling of sexual assault cases. The investigation will examine whether the University has responded effectively to reports of sexual harassment and sexual assault. Brown has announced that it will fully cooperate with OCR's review, and will also create a sexual assault task force and hire a full-time Title IX coordinator. "Title IX and Clery Act protocols have to translate into victim-centered assistance that serves students in real time," said Legal Momentum's Senior Staff Attorney Christina Brandt-Young.



The Sclove case garnered significant media attention, including a video documentary in *The New York Times* and articles in the *Huffington Post*, *USA Today College Edition*, the *Providence Journal*, and other publications. Ms. Brandt-Young has been widely quoted on the issue of campus sexual assault and Title IX. She also advised college students about their Title IX rights at two "teach-ins" at Columbia University in New York in April and October.

Legal Momentum is working with universities, the Administration, and Congress to advise and consult on best practices for preventing and responding to sexual violence on campus, as well as working with student activist groups to educate students about their rights under Title IX and the Clery Act.

Legal Momentum's National Judicial Education Program (NJEP) Project Attorney Claudia Bayliff was an organizer of the Summit on Sexual Assault on College Campuses at Dartmouth College in July, which gathered hundreds of college and university representatives, experts, students, and nonprofit organizations from around the country. The Summit educated campus and community stakeholders on sexual assault prevention and response. Ms. Bayliff moderated the plenary session of survivors, which was open to the media and public.

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