



# EQUAL JUSTICE AMERICA

## Summer 2022 EJA Fellow:



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**Update 1:** The first three weeks have flown by, and I have already learned so much about the Domestic Violence Survivors' Justice Act (DVSJA). The Act was passed in mid-2019 and reduces sentences of people who can show that they were victims of domestic violence and it was a significant contributing factor to their crime. It was truly heartbreaking to read the current case law, and hear stories of people suffering and surviving years of physical, emotional, and sexual abuse only to finally feel that they will never be safe. Other cases included people who were coerced by their abuser to commit a crime with or for them, and people who were violently triggered by their past abuse. For me, this law is such an important step forward towards the Court acknowledging the effects of trauma. As a society we are unwilling to admit that trauma infects all areas of life.

For clients who are appealing their sentence under DVSJA, there is a very important corroboration component, where two key documents must corroborate the domestic violence the client is raising. This means lots of document review. It has been very interesting, and at times hard, to read corroborating documents clients have sent us. For one especially complex case, our legal team has had to really work together to review all the documents and piece them together for the client's overall life story with abuse.

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**Update 2:** These past two weeks have brought new challenges, mainly interviewing clients and their families. I joined another client's case and was assigned to speak with their relatives and learn how to conduct a client interview. Since one of the main goals of a DVSJA re-sentencing motion is corroboration, this requires talking to both clients and their loved ones about painful times in their lives. We must ask if there are documents that mention the abuse, if they would be willing to give a sworn statement about the abuse, and how they think any domestic violence survivorship impacted the commission of the crime.

I feel lucky to have a social work background because it allows me to implement my trauma-informed interviewing skills. It is understandably so hard for people to talk about traumatic events, especially when it is over the phone with a person they have barely met. This can be even more difficult for our clients because they can only talk to us through one-hour legal calls. Yet, this is one of the main reasons I got into this work; I want



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to honor clients and their experiences. I want to be an advocate who makes people feel seen in a system that is meant to make people feel invisible.

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**Update 3:** These two weeks, I have been working on two main projects. The first is digging deeper into a client's trial record to look for evidence that will corroborate their DVSJA motion. Many times, the trial record gives clues or actual statements indicating a history of abuse. This can be very helpful because these statements may be considered part of the "court record" (a type of document that qualifies as required corroboration under the DVSJA statute). Many times, the defense attorney also raised similar abuse allegations at sentencing as mitigating evidence. All of this can help corroborate that our client was a victim of domestic violence.

I have also started to draft materials to shape our resentencing arguments. In this case, after reading through thousands of pages of reports, I compiled important information in a (well organized) excel spreadsheet. With these quotes and details, I am writing a memo to demonstrate how aspects of our client's life have risen to the level of substantial abuse and how that abuse was a significant factor in the commission of the crime. With my social work background, it is really important to me to show that abuse and trauma is cumulative. The past abuse is a significant factor because of how the abuse has shaped our client's life, even if the abuse was not at the exact moment of the crime.

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**Update 4:** These past 2 weeks I have read and summarized a trial transcript and have begun to draft a memo on if the client fits the criteria under DVSJA. For me, reading a trial transcript is always very interesting because it is a few more puzzle pieces to help me understand my client and the context of the crime better. For appeals and re-sentencing, I read the transcript with the understanding that it may contain errors, or the facts accepted by the court may not be our client's experience. While reading the transcript under the lens of the DVSJA, it is important for me to look for any corroborating evidence. This can often be found in the defense's case, if they decide to raise one, or during the sentencing hearing. Defense attorneys may raise as a defense something that relates to the client's abuse history or use a history of abuse as mitigating evidence. Most facts about abuse mentioned on the court record will meet the first corroboration requirement. In the current case, the defense did raise a history of abuse as mitigation evidence at sentencing. My task now is to find more corroborating evidence and begin to examine the evidence to decide if it shows that the abuse was a significant factor in the commission of our client's crime.

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## **Update 5:**

I have always been someone who enjoys stories. Many people smarter than me have studied how we understand our world through stories. As children, we learn wisdom and how the world works through stories. As adults, we devour books, movies, TV, and shows that speak to the human condition, to the stories we relate the most.

The famous Broadway show Hamilton closes asking, "Who tells your story?" Asking the audience to reconsider how we remember history, and from whose eyes it is told. The recent racial awakening has brought to light for many that so many stories are not told, remembered, or given credence. The reality is that few stories make it to



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prominence, and few get to control the stories told about them. Here is where I have found myself; after circling many professions and entertaining many different career paths, I have landed in appellate work in part because I get to tell people's stories. I have the pleasure and privilege to work with people whose stories were written for them. These stories are dangerous; they say clients are bad and broken; they say our client's actions are their own and they must be punished. Yet, the world is not that black and white, it is all shades of color that can tell more than one story at a time. This summer I got to help clients present a fuller story of their lives to the court. The clients I worked with were survivors of domestic abuse, many of which suffering in their childhood at the hands of a parent or trusted adult. At their trial, the court heard one story; they heard the story that centered directly around the crime. That is not the whole story. Their story of pain, resilience, and survival was an afterthought.

It has been my greatest pleasure to help clients put words to their experiences, to tell them I believe them, that what they went through does not happen in a vacuum and does not remain isolated events. This is what I want to do. I want to tell the court, the powers that be, those in positions of influential leadership, that people are more than the stories we tell about them. A snapshot of the worst day of a person's life is not the picture of the person. Instead, the court needs to realize and account for the sum of a person. Trauma, mental illness, poverty, and abuse cannot be discounted as inconsequential, unrelated, or dangerous. Working in Criminal Appeals, specifically with clients petitioning for re-sentencing under the Domestic Violence Survivor's Justice Act, has allowed me to help clients tell a fuller story of their life and the situations that gave rise to a horrible moment. I really enjoy working in a field that does not believe the stories that have been told of someone, and instead asks them to tell their own story. That is my goal as an attorney: to not let the criminal legal system tell my client's story, but rather let my client tell their story.