


What is ‘good’ domestic violence lawyering?: views from specialist legal services in Australia

Jane Wangmann^{1*}, Francesca Bartlett², Becky Batagol³,
Tracey Booth¹, Heather Douglas⁴, Miranda Kaye ¹, Kate Seear⁵

¹Faculty of Law, University of Technology Sydney, Broadway, NSW, Australia

²School of Law, University of Queensland, St Lucia, Queensland, Australia

³Faculty of Law, Monash University, Clayton, Victoria, Australia

⁴Melbourne Law School, University of Melbourne, Parkville, Victoria, Australia

⁵Australian Research Centre in Sex, Health and Society, La Trobe University, Melbourne, Victoria, Australia

*Corresponding author: E-mail: Jane.Wangmann@uts.edu.au

ABSTRACT

There is increasing recognition that many lawyers, regardless of their practice area, will represent people who have both used and experienced violence in their intimate relationships. This suggests that being informed about domestic and family violence (DFV) is an important attribute of competent lawyering. Despite repeated reports and research drawing attention to poor practices, many lawyers lack DFV training. There is limited research about what it means to be a ‘good’ DFV lawyer. To explore this, we conducted focus groups with lawyers employed in specialist women’s legal services in Australia. Much work undertaken in these services involves working with clients who have experienced DFV, so these lawyers are well placed to identify features of ‘good’ DFV lawyering. The attributes for competent lawyering with people who have experienced DFV, include being knowledgeable about DFV, being trauma-informed/responsive, being knowledgeable about the law and the relevance of violence, adopting a safety lens and providing a holistic service. Our study identifies a number of areas that require further research including understanding the difference between DFV-informed lawyering and trauma-informed/responsive lawyering, and whether specific competencies are required when representing people who experience DFV or have used DFV. Despite years of research and various inquiries pointing to inadequacies and making recommendations for improvement, this article draws attention to continuing gaps in this area.

KEYWORDS: Domestic violence, family violence, lawyers, lawyering, trauma-informed responses, domestic violence-informed responses

I. INTRODUCTION

There is increasing recognition in Australia and internationally that many lawyers, regardless of their practice area, will represent people who have both used and experienced violence in their intimate relationships.¹ In Australia, intimate partner violence is common: approximately one in four women and one in 13 men in Australia have experienced at least one incident of violence, including both physical and sexual violence, by an intimate partner since the age of 15.² Australian research published in 2019 found that people who experienced domestic and family violence (DFV) in the previous year were '10 times more likely to experience other legal problems' than those who had not experienced DFV. These legal problems included family law, criminal law, 'employment, financial, government payment, health, housing, personal injury and rights issues'.³ Not only does DFV have relevance across multiple areas of substantive law, but it 'also permeates the procedural elements of negotiation, mediation, collaboration, arbitration and litigation'.⁴

Being informed about DFV, then, is an important attribute of competent lawyering, yet many lawyers lack training about DFV despite repeated reports and research drawing attention to poor practices.⁵ This has been a challenge both in Australia (where this research is based) and in other parts of the world. While there have been some steps taken to improve DFV lawyering in Australia such as the development of best practice guidelines,⁶ improving DFV competency for lawyers,⁷ and enhancing training,⁸ these have centred on the more obvious areas of practice (family law and civil protection orders).⁹ Similar developments are

¹ We use gendered language in this article, referring to women as victims and perpetrators as men, in recognition that women comprise the vast majority of victims: see Royal Commission into Family Violence (Victoria) (RCFV), *Report and Recommendations: Volume 1* (Victorian Government, 2016); for homicide data see NSW DVDRT, *Report 2017-2019* (2020); Australian Bureau of Statistics (ABS), *Personal Safety Survey, Australia*, Cat No 4906.0 (ABS, 2016). In addition the services we interviewed for this study assist women. The use of gendered language does not mean that we do not recognise that men may also be victims and women perpetrators of violence in heterosexual and same-sex relationships – they can and are. We also recognise the high rates of violence perpetrated against trans women and men and those who do not identify with the gender binary who are particularly vulnerable to gender-based violence, see eg J. Ussher et al, *Crossing the Line: Lived Experience of Sexual Violence among Trans Women of Colour from Culturally and Linguistically Diverse (CALD) Backgrounds in Australia* (Research Report Issue 14, ANROWS, 2020). There is also debate about the use of the term victim and/or survivor. In this article, we use the term victim because we focus on people who are still experiencing violence and engaging with the legal system in response to that violence: see Z. Rathus et al, "It's Like Standing on a Beach, Holding Your Children's Hands, and Having a Tsunami Just Coming towards You": Intimate Partner Violence and "Expert" Assessments in Australian Family Law' (2019) 14(4) *Victims & Offenders* 408, 435.

² ABS (n 1).

³ C. Coumarelos, 'Quantifying the Legal and Broader Life Impacts of Domestic and Family Violence' (2019) 1 *Law and Justice Foundation of NSW, Justice Issues*, Paper 32.

⁴ L. Anstie, *Ethical Issues in Representing Alleged Perpetrators of Family and Domestic Violence* (2018) 2. <<https://www.clairskeely.com.au/wp-content/uploads/2018/09/Ethical-issues-in-representing-alleged-perpetrators-of-family-and-domestic-violence.pdf>>

⁵ See Australian Law Reform Commission (ALRC), *Family Law for the Future – An Inquiry into the Family Law System*, Final Report 135 (ALRC, 2019) [13.70]–[13.73]; Queensland Women's Safety and Justice Taskforce, *Hear Her Voice: Addressing Coercive Control and Domestic and Family Violence in Queensland* (2022) pp. 222–225 and 596–598. In the UK, see R. Hunter, M. Burton and L. Trinder, *Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Final Report* (Ministry of Justice, 2020) pp. 183–185.

⁶ For example, Queensland Law Society and Legal Aid Commission Queensland, *Domestic and Family Violence: Best-practice Framework for Legal and Non-legal Practitioners* (October 2020); Legal Aid Queensland, *Best Practice Guidelines for Lawyers Working with Respondents in Domestic Violence Proceedings* (May 2015); NSW Law Society, *Working with Clients Affected by Domestic and Family Violence: A Guide for Family Law Practitioners* (October 2021); Family Court of Australia and Federal Circuit Court of Australia, *Family Violence Best Practice Principles* (ed 4, 2016); Family Law Council and Law Council of Australia, *Best Practice Guidelines for Lawyers doing family Law Work* (4th ed, 2017); Women's Legal Service NSW, *A Practitioner's Guide to Domestic Violence Law in NSW* (2018).

⁷ Council of Attorneys-General Family Violence Working Group, *Consultation Paper: Options for Improving the Family Violence Competency of Legal Practitioners* (2019).

⁸ For example, Victoria Legal Aid, 'New Training and Legal Information Resources for Specialist Family Violence Courts' (webpage, 14 April 2022) <legalaid.vic.gov.au/new-training-and-legal-information-resources-specialist-family-violence-courts> (accessed 24 June 2022); Legal Aid NSW, 'Domestic and Family Violence Essentials' (webpage, 17 November 2021) <legalaid.nsw.gov.au/for-lawyers/lawyer-education-series/domestic-and-family-violence-essentials> (accessed 2 December 2022).

⁹ For a criticism of this 'myopic' focus in the USA see C. Carey, 'Moving Forward in Lawyering and Law School Clinics' (2011) 21 (1) *Columbia Journal of Gender and the Law* 220.

evident overseas, eg in the provision of dedicated training,¹⁰ guides for lawyers,¹¹ and other focused work to improve DFV lawyering.¹² Of course, the availability of these resources and initiatives does not necessarily mean that they are widely accessed or that legal professionals are necessarily aware of their availability.¹³ It is also no guarantee, of course, that lawyers are practising DFV lawyering competently.

In Australia, there is no requirement across any of the levels of education and training for lawyers to receive information about DFV and the law. Information about DFV is not a requirement of undergraduate or graduate law degrees in Australia, and there is not similar access to domestic violence clinics that students can participate in as part of their degree programme as is the case at a number of universities in the USA.¹⁴ DFV is also not required in any practical legal training (PLT) that must be undertaken in order to be admitted to practice in the various Australian jurisdictions, or the continuing legal education (CLE) requirements of practice.¹⁵ DFV may be addressed at some of these levels, eg as an elective subject in the university programme or included as a topic within a core subject such as criminal law or torts, but it is not a compulsory requirement and many lawyers may finish their law degree and continue for long years in practice without any formal DFV education.

Despite the many calls to improve DFV lawyering, there is limited research about what it means to be a 'good' DFV lawyer, whether one is acting for a person who has experienced DFV, or a person who has used DFV. These positions are not necessarily fixed, with some clients traversing multiple positions (particularly in terms of legal positioning¹⁶). In addition, lawyers tend to represent both alleged victims and alleged

¹⁰ For example, see training offered by the American Bar Association's (ABA) Commission on Domestic and Sexual Violence, <americanbar.org/groups/domestic_violence/Trainings/> (accessed 2 December 2022), and an online training module offered by the Department of Justice Canada, 'Family Violence and Family Law for Legal Advisers' (webpage, no date) <justice.gc.ca/eng/fl-df/cfl-mdf/tra-form/story2/story.html> (accessed 2 December 2022).

¹¹ For example, in the USA, see B. Carlson (ed), *A Lawyer's Handbook: Volume 1 – The Domestic Violence Civil Law Manual: Protection Orders and Family Law Cases* (4th ed, ABA, 2017). In Canada, see J. Di Luca, E. Dann and B. Davies, *Best Practices Where There Is Family Violence (Criminal Law Perspective)* (Department of Justice Canada, 2012); C. Chewter, 'Best Practices for Representing Clients in Family Violence Cases' (webpage, 1 July 2015) <justice.gc.ca/eng/rp-pr/fl-lf/famil/bpfv-mpvf/viol2a.html> (accessed 2 December 2022); Department of Justice Canada, 'HELP Toolkit: Identifying and Responding to Family Violence for Family Law Legal Advisers' (webpage, 1 April 2022) <justice.gc.ca/eng/fl-df/help-aide/acknowledge-ments-remerciements.html> (accessed 2 December 2022). In the UK, see Law Society of the UK guides on 'financial abuse' (webpage, 13 May 2022) <lawsociety.org.uk/topics/client-care/financial-abuse> (accessed 2 December 2022).

¹² For example, see the ABA's Commission on Domestic and Family Violence <americanbar.org/groups/domestic_violence/> (accessed 2 December 2022). For a wider discussion of these issues in the international context, see, eg: J.R. Baker, 'Necessary Third Parties: Multidisciplinary Collaboration and Inadequate Professional Privileges in Domestic Violence Practice' (2011) 21 (1) *Columbia Journal of Gender and the Law* 283; M. Drew, 'Lawyer Malpractice and Domestic Violence: Are We Revictimizing Our Clients?' (2005) 39 (1) *Family Law Quarterly* 7; R.L. Valente, 'Addressing Domestic Violence: The Role of the Family Law Practitioner' (1995) 29 (2) *Family Law Quarterly* 187.

¹³ See eg discussion of the use of, and awareness about, the then Family Court of Australia, *Best Practice Principles for Use in Parenting Disputes when Family Violence or Abuse is Alleged* in R. Chisholm, *Family Courts Violence Review* (2009) 173.

¹⁴ See eg discussion of these clinics in L. Goodmark, 'Clinical Cognitive Dissonance: The Values and Goals of Domestic Violence Clinics, the Legal System and the Students Caught in the Middle' (2012) 20 (2) *Journal of Law and Policy* 301; E. MacDowell and A. Cammett, 'Models of Invisibility: Rendering Domestic Violence and other Gendered Violence Visible to Students through Clinical Law Teaching' (2016) 22 (12) *Violence Against Women* 1438; J. Meier, 'Teaching Lawyering with Heart in the George Washington University Law School Domestic Violence Project' (2016) 22 (12) *Violence Against Women* 1484. Some Australian universities do have legal clinics that conduct domestic violence work however, if available, these tend to be provided within a general legal service: eg see Kingsford Legal Centre at the University of New South Wales; the Family Law Assistance Program, Monash Law Clinics at Monash University, the Adelaide Legal Outreach Service at the University of Adelaide. We note a recent development at the University of Newcastle where a legal outreach clinic assisting women and children effected by DFV was established in March 2022, although the extent of student involvement in that service is unclear <newcastle.edu.au/research/centyre/law-and-social-justice/clinics-and-community> (accessed 2 December 2022).

¹⁵ Council of Attorneys-General Family Violence Working Group (n 7) 5–8.

¹⁶ People who are predominant victims of DFV may also use violence and be charged with criminal offences, or become a defendant in a civil protection order, which in legal terms positions that person as the person who uses violence. Legal positioning is not necessarily the same as the position within the violent relationship; lawyers need to be attentive to this. On misidentification of victims of DFV see recent work by E. Reeves, 'I'm Not at All Protected and I Think Other Women Should Know That, That They're Not Protected Either': Victim-Survivors' Experiences of 'Misidentification' in Victoria's Family Violence System' (2021) 10 (4) *International Journal for Crime, Justice and Social Democracy* 39.

perpetrators in their practice. An exception to this is recent work conducted in the UK by SaferLives in response to the findings and recommendations of the report commissioned by the Ministry of Justice (UK) on *Assessing Risk of Harm to Children and Parents in Private Law Children Cases* (the ‘Harm report’).¹⁷ In developing a training package for legal professionals, SaferLives commissioned research which documents key features and approaches to DFV work that lawyers need to adopt in order to provide better representation to their clients who experience violence.¹⁸ These include taking time, having a comprehensive understanding of DFV, providing clients with referrals, showing empathy to clients, understanding the life context of clients, using clear language and ensuring safety at court.¹⁹

Good DFV lawyering has benefits for both alleged victims and perpetrators. For people who experience DFV, good legal representation benefits include assisting clients to ‘identify abusive behaviours’,²⁰ translating experiences of DFV into harms recognised by law, assisting victims to access procedural protections when attending court and giving evidence, providing victims with assistance and referral about their non-legal needs, and assisting clients to reach outcomes, including orders, that enhance and promote safety. The benefits of good legal representation for those who use violence include lawyers ‘reality testing’ claims, advising against unmeritorious actions, ensuring that any outcomes reached, including orders made, are practicable and workable, ensuring that people leave court understanding their obligations, reducing ‘tension levels’ at court, and providing referrals to clients for other non-legal services that might assist.²¹

In this article, we focus on the features of good lawyering for lawyers who act for people who have experienced DFV, rather than those who act for the perpetrators of that violence (although many features apply to both). The reason for this focus is that in this preliminary work exploring the competencies of ‘good’ DFV lawyering we conducted focus groups with lawyers who specialise in working with clients who have experienced DFV: lawyers employed in specialist women’s legal services (WLS) in Australia. Drawing on these focus groups, we begin to develop an understanding of attributes for competent lawyering with people who have experienced DFV, including being knowledgeable about DFV, being trauma-informed/responsive, being knowledgeable about the law and legal processes and the relevance of violence to the law, being knowledgeable about intersecting areas of law, adopting a safety lens and providing a holistic service. The participants in these focus groups also touch on what they identify as problematic practices adopted by some legal practitioners who represent people who use violence and make suggestions about what ‘good’ lawyering might look like from that perspective. While we present these findings in this article, these problematic practices by some lawyers requires further research and investigation.

This article is divided into four parts. The first part provides an overview of what is known about lawyering in the context of DFV, particularly the gaps and problematic practices. This part also canvasses recent developments that aim to address these gaps. In part two, we outline our study, including its methodology, strengths and limitations. In part three, we present our findings from the focus groups as to what participants identified as features of ‘good’ DFV lawyering for those who experience DFV and some of the environmental constraints

¹⁷ Hunter, Burton and Trinder (n 5).

¹⁸ E. Retter and M. Tomlinson, “Don’t Complain”: Domestic Abuse Survivors’ Experiences of Family Lawyers (Research Report, SaferLives, 2022); V. Taylor-Blackford, “Hit and Miss”: Family Lawyers’ Understanding of Domestic Abuse (Research Report, SaferLives, 2022).

¹⁹ *Ibid*, 6, 19.

²⁰ Hunter, Burton and Trinder (n 5) 61.

²¹ See Anstie (n 4); L. Trimboli, ‘Legal Service for Defendants in Apprehended Domestic Violence Order (ADVO) Proceedings: An Evaluation’ (2014) *BOCSAR Crime and Justice Bulletin* No 179; B. Winick, ‘Applying the Law Therapeutically in Domestic Violence Cases’ (2000) 69 (1) *University of Missouri-Kansas City Law Review* 33, 67–70.

that can impede good practice. In the final part, we discuss the implications of these findings and point to future directions for research and policy development. The aim of this article is to start a discussion about the attributes of good DFV lawyering in order to inform training and education and ultimately improve competency in DFV legal work.

II. BACKGROUND TO THE STUDY

Numerous reports and studies conducted in Australia and overseas have documented women's concerns about the response they have received from their own lawyers about DFV in a range of different legal proceedings. Such concerns include that their lawyer:

- did not have a sufficient understanding about DFV and how to respond to it in their work²²;
- did not have an 'understanding [of] what trauma is and how it can affect the people who experience it'²³ (ie not trauma-informed);
- did not screen adequately for DFV,²⁴ or have confidence in being able to identify and respond to safety issues²⁵;
- did not listen to them, appeared 'disinterested' in DFV, or minimised their experiences,²⁶
- displayed 'judgemental attitudes',²⁷ including not believing their allegations²⁸;
- told them not to raise DFV (particularly in the context of family law proceedings)²⁹ or led them to feel silenced through their interactions³⁰;
- did not appreciate the impact of non-physical forms of abuse or its patterned nature,³¹
- did not recognise that DFV was a relevant factor in the case, or assumed that DFV was not relevant to their area of practice³²;
- failed to understand the impact that the violence had on the children of the relationship³³;
- did not use 'the current law effectively when they lead evidence of abuse and [made] submissions'³⁴;
- provided insufficient information about their case or the options available;

²² ALRC (n 5) [13.71], [13.73]; Special Taskforce on Domestic and Family Violence (Queensland), *Not Now, Not Ever* (2015) 14; A. George and B. Harris, *Landscapes of Violence: Women Surviving Family Violence in Regional and Rural Victoria* (Centre for Rural and Regional Law and Justice, Deakin University, 2014) 114; L. Jordan and L. Phillips, *Women's Experiences of Surviving Family Violence and Accessing the Magistrates' Court in Geelong, Victoria* (Centre for Rural and Regional Law and Justice, Deakin University School of Law, 2013) 30. In the UK, see Retter and Tomlinson (n 18) 16–17.

²³ Queensland Women's Safety and Justice Taskforce (n 5) 609.

²⁴ K. Milanej and N. Williams, 'Examining Domestic Violence Screening Practices of Mediators and Lawyers' (Calgary Domestic Violence Collective, 2018) <<https://www.butterfieldlaw.ca/wp-content/uploads/2020/07/ExaminingDomesticViolenceScreeningPracticesofMediatorsandLawyersFinalReport-FINAL.pdf>> (accessed 24 June 2022).

²⁵ ALRC (n 5) [13.73].

²⁶ Drew (n 12); George and Harris (n 22) 113–114; A. Barnett, *Domestic Abuse and Private Law Children- Cases: A Literature Review* (Ministry of Justice, 2020) 65–70; M. Coy et al, "It's Like Going through the Abuse Again": Domestic Violence and Women and Children's (Un)Safety in Private Law Contact Proceedings' (2015) 37 (1) *Journal of Social Welfare and Family Law* 53, 66.

²⁷ ALRC (n 5) [13.73].

²⁸ George and Harris (n 22) 114.

²⁹ In Australia see L. Laing, 'Secondary Victimization: Domestic Violence Survivors Navigating the Family Law System' (2017) 23 (11) *Violence Against Women* 1314, 1322. In the UK, see Hunter, Burton and Trinder (n 5) 12; Retter and Tomlinson (n 18) 4; Taylor-Blackford (n 18) 7.

³⁰ George and Harris (n 22) 114.

³¹ Queensland Women's Safety and Justice Taskforce (n 5) xx; George and Harris (n 22) 114. In the UK see Taylor-Blackford (n 18) 5, 7.

³² J.M. Burman, 'Lawyers and Domestic Violence: Raising the Standard of Practice' (2003) 9 *Michigan Journal of Gender & Law* 207. Taylor-Blackford (n 18) found that there was a difference between family lawyers involved in 'money' matters compared to child related matters, where the former 'tend to brush it [DFV] under the carpet': 6.

³³ Hunter, Burton and Trinder (n 5) 62.

³⁴ Queensland Women's Safety and Justice Taskforce (n 5) xx; Taylor-Blackford (n 18) 5.

- pressured them to consent to orders that they did not think were safe in family law parenting matters³⁵; and
- did not appear to be competent in the handling of their matter, with some women suggesting that their lawyer did not appear to be ‘truly acting in their best interests’.³⁶

Research from the USA has also explored whether lawyers who fail to discharge their ethical obligation to provide competent representation to their clients, or where they have exposed their clients to risk of further injury or death, may be subject to malpractice suits.³⁷

At the same time, other studies have found that some women experiencing DFV have had positive experiences with their lawyers. Positive experiences are ones in which women felt their lawyer had: listened to them, took the violence seriously, displayed empathy, provided emotional support, displayed an understanding of DFV in their work, and were attentive to safety concerns importantly including for children.³⁸

Concerns have been expressed not only about the competency of victim’s lawyers but also about the approach of the lawyer representing the other party. These include that:

- some victims felt that they were bullied by that lawyer³⁹;
- some felt pressured to agree to orders that were unsafe or provided inadequate protection (eg stating that the person who used violence would agree to a civil protection order if the children were not included)⁴⁰;
- the lawyer for the other party facilitated legal systems abuse (even if inadvertently)⁴¹; and
- the lawyer for the other party minimised or denied the allegations about violence made against their client.

Victims of DFV have also reported that lawyers who are appointed to represent children, or children’s interests, in child protection proceedings or in family law proceedings,⁴² have a poor understanding about DFV, particularly in terms of the impact on children and ongoing parenting relationships.⁴³

Citing such concerns, Australian studies have invariably recommended that legal practitioners undertake further training and education about DFV.⁴⁴ Some of these recommendations have been specific – eg recommending that legal practitioners receive training about the use of screening tools, or about a particular legal provision, or revising best practice guidelines⁴⁵ – while others are more generalised, eg around knowledge of the nature and

³⁵ M. Kaye, T. Booth and J. Wangmann, ‘Compromised “Consent” in Australian family Law Proceedings’ (2021) 35 (1) *International Journal of Law, Policy and the Family* 1; Laing (n 29) 1323.

³⁶ George and Harris (n 22) 114.

³⁷ Burman (n 32). See also Drew (n 12).

³⁸ See H. Douglas, *Women, Intimate Partner Violence, and the Law* (Oxford University Press, 2021) 152–153; George and Harris (n 22) 113; Jordan and Phillips (n 22) 30; *Women’s Experiences of Surviving Family Violence and Accessing the Magistrates’ Court in Geelong, Victoria* (2013) 30; Retter and Tomlinson (n 18) 11, 16. See generally N.A. Elbers et al, ‘Exploring Lawyer–Client Interaction’ (2012) 5 (1) *Psychological Injury and Law* 89.

³⁹ J. Wangmann, T. Booth and M. Kaye, ‘No Straight Lines’: *Self-represented litigants in Family Law Proceedings involving Allegations about Family Violence* (Research Report, Issue 24, ANROWS, 2020) 14.

⁴⁰ George and Harris (n 22) 97.

⁴¹ See Queensland Women’s Safety and Justice Taskforce (n 5) xx and 223; Douglas (n 38) 169. See also Anstie (n 4) 10.

⁴² Depending on the jurisdiction lawyers in these roles may have different names; eg in federal family law proceedings they are called Independent Children’s Lawyers (ICL), in NSW child protection proceedings they are called Independent Legal Representatives (ILR), and in Victoria these legal representatives are appointed for all children 10 and over but do not have a specific name.

⁴³ See discussion of parents and children’s views in R. Kaspiew et al, *Independent Children’s Lawyers Study: Final Report* (2nd ed, Australian Institute of Family Studies, 2014) 139. This study found that all the mothers who participated in the study reported that the DFV and their safety concerns were not taken ‘seriously enough’ by the ICL: 127.

⁴⁴ In the UK, see Hunter, Burton and Trinder (n 5) 11.

⁴⁵ Eg ALRC and NSWLRC, *Family Violence – A National Legal Response*, ALRC Report 114, NSWLRC Report 128 (2010) rec 21-3; Family Law Council, *Improving Responses to Family Violence in the Family Law System: An Advice on the Intersection of*

impact of DFV.⁴⁶ The response in Australia has been a patchwork of activities and initiatives designed to improve the DFV competency of lawyers. These have been developed by various legal aid services, lawyers' professional bodies, courts and community legal centres (CLCs) and include the development of best practice guidelines⁴⁷; and the provision of local training and education.⁴⁸ In 2021, the Law Council of Australia held a national roundtable on 'awareness, education and training' about family violence for the legal profession.⁴⁹ And in 2019 the former Council of Attorneys-General commenced work on improving the family violence competency of legal practitioners, however, the progress of this project is unknown.⁵⁰ The consistency of the repetition of calls for training and education suggests that available training has not been widely undertaken, that lawyers may be unaware of what training is available in this area, the impact of training dissipates over time, and/or that the training provided is not achieving the aims of improving the competency of the workforce in this area.

Increasingly there are multiple calls in Australia and overseas for legal system actors to become trauma-informed and to adopt trauma-informed practices across multiple areas of practice not confined to areas involving DFV.⁵¹ In the context of DFV, in Australia, the National Domestic and Family Violence Bench Book has a section on trauma-informed judicial practice,⁵² and the recent Queensland Women's Safety and Justice Taskforce emphasised the need for the legal profession to be trauma-informed.⁵³ Being trauma-informed not only focuses on understanding the nature of trauma and how it might impact on a person and shape their responses and reactions, but also involves recognising the 'impact that working with issues related to trauma can have on lawyers',⁵⁴ and how the legal system itself might contribute to and compound trauma.⁵⁵ The absence of information about trauma-informed

family Violence and Family Law Issues (December 2009) 7; Family Law Council, *Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems – Final Report* (2016) rec 3 (*Families with Complex Needs*).

⁴⁶ Chisholm (n 13), Rec 4.6; ALRC (n 5) Rec 52; Queensland Women's Safety and Justice Taskforce (n 5) Rec 39-43; ALRC and NSWLRC (n 45) rec 26-3, 31-1, 31-3, and 31-4; House of Representatives Standing Committee on Social Policy and Legal Affairs, *A Better Family Law System to Support and Protect those Affected by Family Violence* (2017) Rec 28; Law Council of Australia, *Justice Project – People who Experience Family Violence* (2018) 83; Royal Commission into Family Violence (Vic) (n 1) rec 212; Family Law Council, *Families with Complex Needs* (n 45) rec 11; Special Task Force on Domestic and Family Violence in Queensland, *Not Now, Not Ever* (2015) rec 65, 107-128; Jordan and Phillips (n 22) 30. See also House of Representatives Standing Committee on Social Policy and Legal Affairs, *Inquiry into Family, Domestic and Sexual Violence* (2021) Rec 26 which recommended education for 'justice and legal sector practitioners' about the 'identification of coercive and controlling behaviour'. In the UK, see Hunter, Burton and Trinder (n 5) 11.

⁴⁷ See (n 6).

⁴⁸ See eg VLA (n 8); Women's Legal Service Victoria offers a range of training opportunities such as 'Safer Families Training' for other CLC lawyers and 'Critical Legal Issues map Training' for family violence practitioners at a basic and advanced level <<https://www.womenslegal.org.au/training/>> (accessed 24 June 2022). In the UK, see the training programme for legal practitioners developed by SafeLives: Ending Domestic Abuse in response to the recommendation made in Hunter, Burton and Trinder (n 5) <<https://www.safelives.org.uk/DA-Family-Lawyers-Training-Programme>>.

⁴⁹ <<https://www.lawcouncil.asn.au/media/media-releases/legal-profession-leading-change-on-domestic-and-family-violence>> (accessed 24 June 2022).

⁵⁰ Council of Attorneys-General Family Violence Working Group (n 7). In 2020, there was a review into various federal forums and councils including then then Council of Attorney's General. At this time, it was decided that the body for attorney-generals would 'become a time limited body and convene only when needed' and be known as the Meeting of Attorney's General (MAG) <<https://www.ag.gov.au/about-us/who-we-are/committees-and-councils/meeting-attorneys-general>> (accessed 25 August 2022). In August 2022, MAG determined to return to the name Standing Council of Attorneys-General and will meet quarterly <<https://www.ag.gov.au/system/files/2022-08/meeting-attorneys-general-communique-august-2022.pdf>> (accessed 25 August 2022).

⁵¹ In the USA, see for eg S. Katz and D. Halder, 'The Pedagogy of Trauma-Informed Lawyering' (2016) 22 (2) *Clinical Law Review* 359; N. Katirai, 'Retraumatized in Court' (2020) 62 (81) *Arizona Law Review* 81; and materials prepared by the National Center on Domestic Violence, Trauma and Mental Health as part of its 'Trauma-Informed Legal Advocacy (TILA) Project'. In Australia, see Blueknot, *Trauma and the Law: Applying Trauma Informed Practice to Legal and Judicial Contexts* (no date); A. Quadara and C. Hunter, *Principles of Trauma-informed approaches to Child Sexual Abuse: Discussion Paper* (prepared for the Royal Commission into Institutional Child Sexual Abuse, 2016).

⁵² <<https://dfvbenchbook.aija.org.au/fair-hearing-and-safety/trauma-informed-judicial-practice/>> (accessed 24 June 2022).

⁵³ Queensland Women's Safety and Justice Taskforce (n 5) 609-11.

⁵⁴ *Ibid.*, 609.

⁵⁵ J. Herman, *Trauma and Recover: The Aftermath of Violence – From Domestic Abuse to Political Terror* (2015 ed).

lawyering and practice at all levels of a lawyer's education was noted by the Taskforce which recommended that all lawyers in Queensland be required to 'regularly complete [Continuing Professional Development] points in domestic and family violence and trauma-informed practice as a requirement of retaining their practising certificates'.⁵⁶ The then Council of Attorneys-General Family Violence Working Group also suggested that one of the 'key family violence capabilities for legal practitioners working in family law, family violence and child protection systems' includes 'understanding the effects of trauma on clients' and the 'ability to practice in a trauma informed way'.⁵⁷

III. OUR STUDY

To start to explore the features of 'good' DFV lawyering we conducted focus groups with 16 lawyers employed by specialist WLSs in three Australian states: NSW ($n = 7$), Queensland ($n = 3$), and Victoria ($n = 6$). Ethics approval was obtained from the UTS Human Research Ethics Committee (ETH21-5868). This was ratified by the Human Research Ethics Committees of the other universities involved for members of the research team employed by different institutions.⁵⁸

WLSs were chosen for this study because of their expertise in dealing with matters involving DFV and their important role in advocating for law and policy reform. WLSs are CLCs that specialise in the delivery of legal services to women.⁵⁹ They provide a range of legal services (legal advice, duty lawyer services,⁶⁰ ongoing case work, law reform, and community education and training) including DFV-related matters in criminal law, civil protection orders, family law and child protection proceedings. Some WLSs have specialist Aboriginal and Torres Strait Islander sections/units and advisory committees, provide outreach clinics for different communities, including for culturally and linguistically diverse women, women in prison and women attending hospitals and/or health clinics.

To recruit participants, the research team contacted WLSs in three states inviting them to participate in the study. An information sheet was provided detailing the project. Each WLS asked its employees if they were interested in participating in the focus groups. Sixteen lawyers agreed to participate and provided written informed consent. All were women.⁶¹ We did not collect other demographic information about participants.

The focus groups were conducted between May and June 2021. One focus group was conducted in person (NSW), and the remaining two groups via Zoom (Queensland and Victoria). The focus groups were audio-recorded and transcribed. Each group was approximately 90 minutes in duration. Participants were asked about their experiences as a lawyer working in DFV matters, what they identified as the features of good and poor DFV lawyering, the role of professional ethical obligations, impediments to good DFV lawyering, and any differences encountered when the other party was unrepresented. In their responses, some participants drew on prior experiences working in private practice. To ensure

⁵⁶ Queensland Women's Safety and Justice Taskforce (n 5) 612.

⁵⁷ Council of Attorneys-General Family Violence Working Group (n 7) 4.

⁵⁸ La Trobe University Human Research Ethics Committee ETH21-5868; Monash University Human Research Ethics Committee 2021-28547-56856; University of Melbourne Human Research Ethics Committee 2021-21766-16267-1; University of Queensland Human Research Ethics Committee 2021/HE000893.

⁵⁹ In Australia, there are a large number of CLCs variously funded by state and federal governments. Some of these CLCs are generalist while others specialise in an area of law or target a particular client group. For further details about WLS, see: <<https://www.wlsa.org.au/>>.

⁶⁰ A duty lawyer is a lawyer located at a court who gives free legal advice and/or representation on the court date. Duty lawyers generally are employed by (or funded through) the various legal aid commissions or employed by various CLCs.

⁶¹ Being a woman is a 'genuine occupational qualification' for employment in these services: see *Anti-Discrimination Act 1977* (NSW) s 14 and s 31; *Anti-Discrimination Act 1991* (Qld) s 25; *Equal Opportunity Act 2010* (Vic) s 26.

participants' confidentiality, each participant has been given a unique code reflecting their jurisdiction.⁶²

The transcripts were manually coded by members of the research team, and the team discussed the themes that emerged from the focus groups. The data were analysed individually and then collaboratively to enhance reliability.⁶³ Themes were identified both from the literature review and from the data itself.⁶⁴

1. Limitations

Our study is a small sample of WLSs. WLSs, and CLCs more generally, represent a model of legal service delivery that is not driven by costs and billing and they may provide other support services on site. This environment provides some flexibility and time allowances that may not be possible within private practice. However, WLSs also experience constraints that result from limited funding and high caseloads. As noted within our analysis, the research is not intended to be representative of all legal practice; rather it is designed to illuminate issues in DFV lawyering that can provide the basis for further research.

The WLSs provide legal services to women, and also operate some specialist programmes. In the jurisdictions where the three WLSs in our study operate, there are also other specialist legal services for Aboriginal and Torres Strait Islander people, including ones that specialise in DFV work. As a result, there are limits on the cultural diversity of our participants' clients and our participants' experiences of DFV lawyering.

In their work at WLSs, participants generally acted for clients who were victims of DFV. Few had experience of acting for alleged perpetrators of DFV (although some of the women that they assist have been misidentified as offenders). Nonetheless, while sharing their experiences of DFV lawyering, participants also revealed aspects of practices adopted by lawyers who act for perpetrators of DFV. This is an area that requires further research.

IV. FINDINGS

The focus groups revealed that, from the perspective of the focus group participants, what is seen as 'good lawyering' in the context of DFV has multiple dimensions. As mentioned above, the primary focus of this article is to start to identify the features of good lawyering when working with victims of DFV, although it is also the case that many of the following features are applicable whether a lawyer is working with a victim of DFV or the person who uses DFV.

While not the main focus of this study, focus group participants pointed to well-documented problematic practices by those who represent victims of DFV and those who represent perpetrators (recognising that many private practitioners represent both). This provides the context for the present study. Participants pointed to several poor practices connected to the absence of training and education for lawyers about the nature and impact of DFV, the absence of implementing or being aware about trauma-informed approaches, and lack of knowledge about cross-jurisdictional issues. Focus group participants also drew attention to problematic practices by some lawyers who represent perpetrators of violence; these included antagonistic approaches to litigation including correspondence that 'can be quite aggressive' (NSW3), 'deliberately provocative' (NSW4), suggesting that the woman is simply

⁶² For example, NSW1, NSW2, VIC1, and QLD3.

⁶³ G. Guest, K. MacQueen and E. Namey, *Applied Thematic Analysis* (Sage, 2012).

⁶⁴ K. Charmaz, *Constructing Grounded Theory: A Practical Guide through Qualitative Analysis* (Sage, 2006); B. Kennedy and R. Thornberg, 'Deduction, Induction, and Abduction' in U. Flick (ed.), *Sage Handbook of Qualitative Data Collection* (Sage, 2018) pp. 49–64.

making up the allegations to gain advantage in family law proceedings (QLD3), and extending to ‘chest-beating’ letters that appear to be written more for one’s own client than to communicate with the other side (QLD1). Participants also highlighted that some lawyers have a reputation for being ‘a bit of a bully’ (NSW3). Some participants were of the view that some perpetrators seek legal representatives who are like them; with clients reporting that ‘...my very abusive partner has found a very abusive lawyer in the way that they then speak to me or the way that they approach me’ (QLD1). In this vein, one participant described that there were what she described as ‘dodgy’ lawyers who ‘market to violent men’ (VIC4).

It was in this context of problematic practices that we asked participants to identify what the features of good lawyering and good practice would be when working with clients who have experienced DFV. Features of good lawyering identified in the focus groups included how a lawyer works with an individual client, how a lawyer conducts litigation, and the extent to which the lawyer is engaged with systemic reform. Participants emphasised that good DFV lawyering is about legal knowledge combined with a deep understanding of DFV:

... it’s really the legal knowledge, both of the [civil protection order system⁶⁵], family law, how violence actually is treated in the legal system, but also that underpinning understanding of the dynamics of [DFV]. Of how clients are affected, and how they’re likely to present and yes, that deeper understanding of really what [DFV] is, and how it affects people. (NSW3)

This requirement of a deep understanding of DFV frames and scaffolds the features of good practice identified in the focus groups.

Many of the features of, and skills associated with, good DFV lawyering nominated by focus group participants arguably apply to good lawyering more generally regardless of area of practice or area of concern. Obviously knowing the law, observing professional and ethical responsibilities, spending sufficient time with a client and adopting client-centred practices are vital for all lawyers, not just those who work in DFV. In addition, lawyers working in other areas of law may also face constraints on good practice created by the institutional environment. However, the consequences that might flow for victims of DFV as a result of inadequate legal practice may be particularly serious, not only in terms of poor legal outcomes but ongoing safety concerns.

In the remainder of this article, we outline the key elements of good practice identified by participants in the focus groups. Central here was the importance of the lens or knowledge that a lawyer brings to their work. This includes a deep knowledge about the nature of DFV and its impact on clients and how they respond and present, as well as what this means for how a lawyer works with their clients in terms of providing sufficient time, avoiding re-traumatisation through the legal process, and addressing their legal and non-legal needs. Good lawyering also means that lawyers need knowledge not only within one’s primary area of legal practice, but also across all main areas of law in which clients might need to seek a response to address the violence they are experiencing. Throughout this discussion, the various impediments or constraints to good practice that emerge in different models of legal practice, or through environmental or institutional factors are also discussed.

⁶⁵ Each Australian state and territory has its own legislation providing for civil protection orders. These orders have different names; in NSW they are known as Apprehended Violence Orders (AVOs), in Victoria as family violence orders, and in Queensland as domestic violence orders.

1. The importance of the lens of knowledge a lawyer brings to DFV work

To be a good duty lawyer in [DFV] is to also have a really good understanding of what domestic violence is like and how it might present. (QLD1)

Participants emphasised that providing DFV legal services is an area of specialisation. It requires knowledge about:

- the nature of DFV (the types of violence and abuse used and the context of control);
- its impact on victims including how they might respond to that violence and their presentation;
- the way in which DFV is experienced differently by different groups and that for more marginalised victims how their experiences of the service delivery system (including the law) are impacted by additional structural and institutional barriers;
- the multiple areas of law that might arise in the context of DFV;
- how to translate the client's experience of DFV into forms of evidence that a court can recognise and act upon; and
- the need to be attentive to non-legal needs and make appropriate referrals for support that is outside the expertise of the lawyer.

This knowledge in turn informs the skills that lawyers bring to their work:

- how the lawyer asks questions (including questions that 'reality test');
- the conduct of risk assessment;
- how they communicate with their client and the other party; and
- the need to adjust or innovate practices to ensure accessibility for different groups of victims.

To do this work effectively, a lawyer needs to ensure that they provide sufficient time for a client to make disclosures about violence and abuse, and to provide multiple opportunities for disclosures over time.

Participants emphasised that a fundamental component of being DFV-informed is being attentive to safety at all times, and at all stages of the legal process, noting that not all legal practitioners may have this safety lens at the 'forefront' of their minds (QLD1). This includes ensuring safety when visiting the legal practice, conducting risk assessment and safety planning (or referring the client to a service that can do this work), managing and progressing the client's case 'as safely as you can as a lawyer, so not to expose your client to risk, inadvertently or deliberately, by way of your actions as a lawyer' (NSW4).⁶⁶ This lawyer went on to reflect that this means that there is 'a lot of responsibility on us as lawyers ... to keep the case as safe as we possibly can' (NSW4).

Participants suggested that such DFV-informed specialisation is not necessarily evident across private practice, where the opportunities for training and professional development may be unavailable, or not seen as necessary (NSW1, NSW2, NSW3, QLD2, VIC5). However, participants emphasised that it was not possible to generalise about private practitioners; with one participant describing it as a 'mixed bag' (QLD1).⁶⁷ Participants remarked on a number of excellent practitioners across multiple areas of DFV law who seek out training and education opportunities; they are 'interested in that area and, that's a passion that

⁶⁶ Similar findings emerged in UK research by Retter and Tomlinson (n 18) 6.

⁶⁷ Interestingly this phrase was also used in recent UK research to describe lawyers understanding of DFV: Taylor-Blackford (n 18) 6.

they have and so, therefore, they are good at what they do' (QLD2). On the other hand, participants commented that there were other private practitioners who 'might never have done domestic and family violence training. Ever. Because it's not compulsory. If it's not an area of practice that they're interested in, it's not going to be a [Continuing Legal Education] that they attend, then their level of understanding is probably what's in the media' (QLD2). Those participants who had previously worked in private practice stated that it was all about 'learning on the job' (NSW1, NSW3).

Participants pointed out that some practitioners 'dabbled' (VIC2, VIC4) or 'tacked on' (QLD2) DFV work to their other legal work. This was seen as a concern because these lawyers lack specific understanding of DFV and/or the law, particularly in the area of civil protection orders.

I do think that it probably is a jurisdiction [civil protection orders] where a lot of people feel that they can dabble. A lot of lawyers feel that they can just pop into intervention orders without really having much expertise or experience. (VIC2)

It's tacked onto their family or tacked onto their [criminal] area of law and they pick one [civil protection order matter] up every now and then and run with it. So, they're not coming to it from a specialised perspective I would think in the majority of cases. (QLD2)

It was not only criminal lawyers and family law lawyers who occasionally acted in the civil protection order space, but you may also get 'the odd commercial lawyer just popping in for the odd matter' (VIC2), 'every now and again you'll get someone who does wills and estates' (VIC5), and 'a generalist who comes in and thinks, that'd be right' (VIC5). One participant drew attention to the fact that some practitioners view the civil protection order space as a simple area of law with the legislation being 'pretty easy to follow' (VIC4); and in a legal sense it is, but what makes it complex is the need to have a good understanding of the nature of DFV in order to do it well. The importance of such understanding was raised in matters where victims in civil protection order or criminal law matters may have been misidentified as offenders. Participants suggested that non-specialist lawyers would 'just take the application on its face' (NSW4). In comparison, a DFV specialist would 'approach it differently' (NSW4) – asking a range of questions that would seek to unpack how the woman came to be identified as a defendant and whether this was in the context of her own victimisation.

Several focus group participants commented on the implications that an absence of DFV knowledge may have, including minimising allegations about DFV, whether they ask their clients about violence, and whether the proposed order or outcome in family law or civil protection order proceedings addresses concerns about safety and risk (NSW4, NSW5). One participant identified an issue with some criminal lawyers who largely act for people who use violence as seeing DFV as only incidents of physical violence:

They're less aware of family violence as a pattern of behaviour, because of that very incident-based approach of the criminal law I think they don't view this as a problematic . . . And they therefore tend not to present it to the court as being a problematic pattern of behaviour, which needs to be addressed in a systematic way. It's, 'oh, this was a one off incident'. Which of course, we know, working in this space that it usually isn't. (NSW1)

2. Trauma-informed in the context of DFV

Participants emphasised that a good DFV lawyer needs to be trauma-informed in terms of understanding the nature and impact of trauma (in this case DFV) on clients and how

people may react to that trauma and present in different ways. Being trauma-informed required lawyers to be attentive to the following interrelated aspects of practice:

- time spent with clients;
- adopting 'whole' client-centred practices;
- being aware that trauma can manifest in different ways;
- trying to avoid or ameliorate possible re-traumatisation through the legal process, including through dealings with the lawyer themselves; and
- how they frame and describe the experience of DFV and its impacts for their clients and the court.

A. Time

The most common element nominated by participants that facilitates good DFV lawyering is time. Time to: build trust and rapport; elicit a complete story about what the woman has experienced particularly if her experience involves sexual violence (NSW4); and to meet on multiple occasions (NSW6). Time is particularly important where the lawyer may be the first person to whom a client has disclosed (NSW1).⁶⁸ This means that lawyers need be attentive to making time in their diaries/workday to do this work: 'You need to carve out that time in your day to give the appropriate space for that client to then unpack those issues with you. So I think, yes, it always just takes a lot of time' (NSW5). One participant stated that the longest duration she has engaged with a client was 'maybe eight months . . . where she just kept coming back, but she wasn't yet ready to tell me everything' (NSW1). Another participant noted that this 'hanging in there' and waiting until the woman is ready is not necessarily 'something that other practitioners are inclined to do' (NSW6).

However, such 'hanging in' is not always feasible within the constraints of private practice, or within the limited legal aid funding model for private practitioners who conduct that work, nor would it be an affordable approach for most clients who are paying a private practitioner (NSW5, VIC1, VIC4). Importantly many clients may want a more timely response given other demands on their time. The issue of time spent or made available is therefore a complex one when thinking about 'good' lawyering, the issue is not so much how much time, but whether restrictions on time impact on whether sufficient questions are asked (NSW3) or whether there is sufficient time to build rapport and trust with a client to facilitate disclosures.

In this context, some of the focus group participants said that they were aware that not all private practitioners bill for all time spent. One participant who had previously worked in private practice noted that some private practitioners will 'regularly write off large sections of a bill for a client who had been a victim of domestic violence' (NSW1), noting that these were 'practitioners who were trauma-informed. Not every private practitioner has that kind of training or that understanding' (NSW1) or, in practical sense, are able to afford not to bill.

Other legal practice contexts present an impediment to providing sufficient time. One of the most notable of these is duty lawyering where time is particularly constrained. One participant described duty lawyering as an 'example of bad ways to do lawyering when there is family violence' because it is 'not designed to be particularly client focused. So it's very much a system designed to, I would say, assist the court, rather than necessarily assist the people who are there needing the legal representation' (VIC4). To address this, other participants described how they might adapt their practice as a duty lawyer to counter this time pressure:

⁶⁸ See also Retter and Tomlinson (n 18) 16.

You're obviously constrained by the situation that you're dealing with . . . if you're at duty court, then it's a matter of getting the information you need. So knowing what questions you need to ask to get that information quickly, but also doing that in a trauma-informed way, in a non-traumatising way of getting it done. So I would always get a copy of the [civil protection order] application, for instance . . . So I could see what was going on, I could see what had been reported. So I didn't have to go through and ask her, 'oh, what actually happened?' . . . by getting that bit of paper, I didn't have to actually go through it with her (NSW3).

While not mentioned by focus group participants, the provision of 'unbundled' legal services – such as providing discrete legal advice or representation where the client is otherwise self-representing in a case⁶⁹ – particularly in the costly area of family law matters, also raises challenges to the capacity to be trauma-informed or even provide competent legal services. The emphasis is on provision of fast, cheap services. The participants we spoke to work in organisations (WLSs) that also provide discrete legal services (eg one off advice or assistance with documents), with more sustained case work in some matters. In these contexts, there are structures in place to ensure appropriate representation as discussed here. This might be less possible in a costs-driven context or where there is less sensitivity to these issues in a private firm practice.⁷⁰ This is an area of legal practice that requires further research.

B. Client-centred practices

Participants spoke highly of client-centred practices that acted on and respected where victims were currently placed in their decision-making. This involved ensuring that their clients were provided with options, were actively involved in decision-making about their own case, and that they felt heard and validated (NSW6). One participant explained:

[O]ne of the things that makes really good lawyering in the DV space, is that ability . . . to travel hand-in-hand with the client along that journey. And to make them feel like this legal process is not necessarily . . . I mean it's happening to them, but it's also something that they've got some . . . agency and some empowerment about what's going to happen and at least even just the agency that comes from making an informed decision. Of course, once you end up in court, there's sometimes very limited outcomes that are available. You basically will have to live with, in most cases, live with whatever orders the court decides to make. But at least then the client understands what is happening, and why. And I would say that, whether you're talking about in the community legal centre, or whether you're talking about private practice, that is very, very important to make sure that the client feels that this . . . They're part of what's going on and it's not just something that's happening, without them having any say or any understanding. (NSW1)

Focus group participants noted that good DFV lawyering was about more than the law. It also requires attentiveness to the wide range of non-legal needs that a person who has

⁶⁹ This is an increasingly common occurrence where around 50% of parenting cases going to trial have at least one of the parties self-represented: Australian Law Reform Commission, *Review of the Family Law System* (Final Report 135, ALRC 2019) 98. See also Wangmann, Booth and Kaye (n 39). In the UK, see J. Mant, *Litigants in Person in the Family Justice System* (Hart, 2022).

⁷⁰ The Productivity Commission considered this approach: Productivity Commission, *Access to Justice Arrangements: Inquiry Report* (2014). It ultimately recommended amendments to the Australian Solicitors' Conduct Rules (ASCR) to remove any barriers to this approach and produce guidance for appropriate representation in this context. The ASCR applying in NSW, Victoria and Western Australia has recently been amended to adopt a new r 11A 'Short-Term Legal Assistance Services' which provides a different approach to managing concurrent clients where this is needed to provide access to justice. These rules do not, however, provide any further guidance around solicitor competency or trauma informed approaches.

experienced DFV may have that necessarily impact on the nature and viability of legal options. Participants explained that they provide clients with referrals to services such as housing, social supports, counselling, financial support, as well as things like driving lessons to facilitate independence and connection to employment. Participants described their work as 'wrap around' (QLD1). For those WLSs and other CLCs who provide non-legal services in-house (eg social workers or financial counsellors), the ability to address these non-legal needs is maximised, but for private practitioners this might involve having knowledge about relevant support services so that they can refer clients to appropriate services (NSW2). While the provision of such referrals is critical, it also needs to be recognised that, at least in Australia, these other support services are experiencing a range of resource constraints that may mean that their availability is limited particularly for a victim without funds.

C. Awareness that trauma can manifest in different ways

A key aspect of trauma-informed practice identified was recognition of the variable ways in which trauma impacts on victims and that this may mean that victims respond and present in different ways.⁷¹ One participant gave an example where a victim may be very angry, and in this context, a private lawyer may be inclined to withdraw representation:

I've had calls where clients recently called very angry, very upset, can't get proper instructions and we need to say, 'I've given you all the information I can for today, but let's have a call next week and unpack this further' at a time that suits, and I think, in doing that, over a period of time, again, building rapport, but also potentially a higher threshold of [understanding . . .] I can't imagine it in other [private practice] contexts that I've worked, a client expressing frustration and then not saying, 'well, that's you saying that you don't have confidence in us and we're ceasing to act'. And just knowing that often, when clients call angry, it's a trauma response, or can be a result of a complex range of factors, and just needing to hang in there and being open and also being patient. (NSW6)

Other aspects of trauma may include not being able to remember everything that happened or in sufficient detail (QLD1), and/or that clients may not disclose everything until their relationship with their lawyer has been well established (NSW6). For example, a client might not disclose that they have been sexually assaulted by their former partner in a family law matter until sometime after the first affidavit and Notice of Risk forms have been filed.⁷² This again shows the importance of providing time with a client to build rapport and trust, as well as repeated opportunities to disclose violence.

D. Avoiding or minimising re-traumatisation

An awareness of how legal processes may compound trauma was raised by all focus groups as key to good DFV lawyering. Participants adjusted their practice to try to ensure that they ameliorated those additional harms, investing extra time, providing additional explanations, and preparing clients for potentially upsetting reading material.

⁷¹ See also Katz and Haldar (n 51).

⁷² Australian family law proceedings require parties to submit a 'notice of risk' form. When the focus groups were conducted there were two main courts that dealt with family law matters: the Federal Circuit Court of Australia and the Family Court of Australia each having a separate form to notify the court of risk. In the former, this was known as the 'Notice of Risk' form and in the latter as the 'Notice of Child Abuse, Family Violence or Risk of Family Violence'. From September 2021, there is now a single federal court to deal with family law proceedings: the Federal Circuit and Family Court of Australia. This court requires every party to submit a 'Notice of Child Abuse, Family Violence or Risk' form when filing an Initiating Application, Application for Consent Orders or Response to an Initiating Application in parenting proceedings.

One participant noted that some victims have already told their story multiple times, and as a result the lawyer might need to find other ways to get the information. This participant explained:

I'm also very conscious about not re-traumatising the client. And if they're perhaps not ready to talk about their experience in the first meeting, I might say, well come and have a look at an [civil protection order] application. And then that gives you something to work with. To see what was reported to police, and then maybe sort of once the trust has been built to ask more narrow questions, might make it easier. (NSW2)

Other participants emphasised the need to be attentive to the impact of communication from the other party on their client. Strategies were required to convey potentially distressing content in a way to reduce re-traumatisation, 'because sometimes the words and language that come back from the other side, in particular, whether it be in an affidavit, or even from other lawyers, can actually be very harsh' (NSW3). Such strategies included: using different language to that used by the other party or their lawyer, calling beforehand to explain the nature of the document that they are forwarding, being conscious of the timing for the delivery of the information (eg does the client have access to support at that time), and using humour in a sensitive way (NSW1, NSW3, NSW6).

3. Framing and describing violence and abuse and its impacts

Participants emphasised that how lawyers communicate with clients, the questions that they ask and the language used, are critical to not only building a relationship but also in documenting and naming the DFV:

We're shifting away from focusing necessarily on violence and looking at violence and abuse, because that's the language that women use when they talk about their experiences to us. So I guess, being conscious of language, and as [NSW4] and [NSW6] have already said, about how you frame the questions that you're asking, in order to be able to identify if there's been violence, and abuse. (NSW7)

This was seen as particularly important in regard to non-physical forms of abuse and controlling behaviours (NSW4, NSW6, QLD3):

But I think being able to take some good instructions, and to know how to ask questions and often it's a regular occurrence here that we will say to clients, 'have you experienced violence in your relationships', say on the [telephone] advice line. But they will say 'no'. But in giving you instructions about the circumstances of their relationship, or of what's gone on that's led them to get some advice, it's about then circling back and starting to unpack with your client and naming violence, for what it is. And being able to help your client, I think, see that violence is not necessarily just a hit. So being able to unpack and name it for your clients, and then frame their legal problem within the domestic violence framework. (NSW 4)

In a similar way, participants emphasised that language was critical in their submissions and litigation work:

The ways that we frame [the] evidence, it's the language that we use, as [NSW7] talked about. I think I'm ... I'm quite conscious in the ways that we draft [documents] and ...

rather than [saying. . .] something along the lines of, oh, 'my client experienced domestic violence'. [Instead] 'Well the ex was the perpetrator of domestic violence against my client'. And I think it's about that language and I think it just shifts the focus into keeping perpetrators to account . . . And holding them to account, I think, just in the ways that we can frame what, on the face of it is quite a simple sentence. I think that's the sign of good lawyering, is being very aware of our language to all of the players, . . . I think we've got a really important role to play in the framing of domestic violence and the use of our language, because, you know, our words are so powerful, and the ways that we frame things can be so powerful for our clients, as well. So just hearing from us, the ways that we might frame their experiences can be such an empowering and validating experience for the clients. And on the flip side, if we do it badly, we can be just yet another player in the system, who has failed to validate and that has failed that client in being believed. (NSW4)

Another key role for DFV-informed lawyers identified by participants is to explain to the court how different trauma presentations might appear counter to traditional legal notions of what makes a credible witness or an 'ideal victim':

We have this system of law, which thinks of a credible witness as being somebody who can remember clearly dates and times and things like that. But we know that it's a common trauma response to not be able to recall dates and events with any kind of specificity. And it can be really hard to . . . But I think part of what we do here, which perhaps ties into being a specialist service, is that we, we try to frame the experience of the client in a way that's . . . We have to take into account the fact that this is a trauma response, when we're presenting our client's story. And hopefully in a way that . . . the court will read as credible. (NSW1)

Reflecting the CLC environment in which the focus group participants were employed which includes funding for engagement in policy and law reform processes, participants also identified that good DFV lawyering extended to the systemic level in terms of trying to push and change system responses. Work on a systemic level included being involved in law reform processes, seeing the courtroom as a site for education and training, providing training to other legal professionals, working with various government agencies to change practice, and being attentive to the language that they use to ensure that the focus remains on the perpetrator. This more expansive notion of lawyering may not necessarily fit with the ways in which private practitioners are employed and practise. Indeed, there might be disagreement among practitioners that these tasks are legitimately part of the legal role.⁷³ However, this more systemic view of lawyering could be conceived of as an aspect of a lawyer's duty to the administration of justice.⁷⁴ A number of private practitioners do engage in policy and law reform processes either individually or through their respective solicitor or barrister associations.

⁷³ There is a long scholarly debate about the role of a lawyer. Some theorists conceive of a lawyer as an aspect of an adversarial process whereby the central ethical obligation is client partisanship. This approach – often called agency ethics – would contend that responsibility for the outcome of a client's case or the system itself does not lie at the feet of a lawyer. This approach does not prohibit a lawyer from pursuing law reform, but would not demand this, and would be opposed to anything that detracted from client partisanship (such as considering the impacts on the other parties). Others might demand that lawyers work within their role to improve justice in a range of ways from client counselling to law reform projects. For a short description of this philosophical debate see: D. Luban and B. Wendel, 'Philosophical Legal Ethics: An Affectionate History' (2017) 30 *Georgetown Journal of Legal Ethics* 337.

⁷⁴ See discussion in Law Council of Australia, *The Lawyer Project: Report* (September 2021); Australian Solicitors' Conduct Rules 2015, r 3.

4. Legal knowledge including cross-jurisdictional knowledge

A good lawyer is one with good knowledge of the law and process, and its context.⁷⁵ Because DFV legal issues cross multiple areas of law, a good DFV lawyer needs knowledge of multiple intersecting areas of law, even if they primarily practice within one domain.⁷⁶ While this seems an obvious attribute, as one participant explained 'lawyers aren't necessarily cross-jurisdictional' (VIC5). This applied to the 'dabblers' (mentioned earlier) and also those who specialise in related areas of law, such as family law, but are not 'necessarily familiar with the ins and outs' of the relevant civil protection order legislation (VIC5). Several participants commented that this lack of knowledge had implications not only for the matter at hand, but also any related matters in other courts/jurisdictions, eg the time a matter might consume at court, the appropriateness of the orders sought, or inappropriately seeking to raise or deal with matters that are more relevant to another jurisdiction.⁷⁷ Knowledge about the intersections between, and different orientations of, the child protection and family law jurisdictions was highlighted as an area of particular concern. As one participant noted 'there are only a handful of practitioners that cross both jurisdictions' (VIC5). Several participants also noted that knowledge about DFV was not just for those who practise in the more obvious jurisdictions (family law, child protection, and civil protection orders) but was important for many other areas of legal practice (NSW2, VIC4, VIC5).

5. Constraints and tensions that emerge in DFV lawyering work

Aspects of legal work – including the simple fact of working in an adversarial legal system – can frustrate good DFV lawyering. Participants spoke about: tensions in trauma-informed work (believing a client) but also having to establish a case to a legal standard; not being a mere mouthpiece for clients but reality testing their claims; and the fact that lawyers encounter a variable legal landscape where how they approach a case may be shaped by who is on the bench or the jurisdiction in which they are appearing.

And so there's always, for me anyway, there's this inherent tension in wanting to believe my client and needing to take full instructions from her. But also, at the same time in the back of my mind thinking, well, how do we, if this needs to be proved in court, how do we do that, to the requisite legal standard? And also, of course, there's always the danger that in trying to take the instructions or to obtain the proof, there is a risk of re-traumatising the client. So, as I said, there is a, for me anyway, an inherent tension in the work that we do. (NSW1)

A. Professional ethics

A number of participants raised their professional obligations to the court and the administration of justice as issues that arise in providing effective DFV representation. This was raised in the context of lawyers acting for victims, but there were also issues raised for lawyers who act for perpetrators of violence.

⁷⁵ S. Rice, 'What Does a Social Justice Lawyer need to Know?' (2022) 47 (2) *Alternative Law Journal* 90, 91.

⁷⁶ P. Eastaie et al, 'A Jurisdictional Collision? Responses to Family Violence and Family Law in the ACT' (2022) 47 (1) *Alternative Law Journal* 23. In the USA, see Carey (n 9).

⁷⁷ For example, trying to negotiate family law orders at the same time that a civil protection order is listed at court. Whether this is appropriate will depend on many factors. In some circumstances this will have a number of advantages in terms of dealing with two intertwined matters at the same time, however, in other cases it may mean that the victim feels pressured to consent to orders that might compromise safety. Two participants (VIC5 and QLD2) expressed concern about this practice in the duty lawyer context where some family law practitioners appearing in the protection order jurisdiction appear more interested in the family law connotations rather than the immediate proceedings.

Participants identified ethical tensions in cases where the client's instructions are at odds with the client's experience of DFV or where the client does not want to present evidence to the court. Here tensions emerged between the lawyer's duty of client confidentiality,⁷⁸ and their duty to the court not to deceive or knowingly mislead the court.⁷⁹ Issues can also arise where the client might give instructions that are seemingly against interest or might endanger legal rights or safety. For the lawyer, this raises complex questions about the duty of competence where it is unclear what acting in the client's best interests might be. A lawyer must provide understandable advice to receive proper and lawful instructions.⁸⁰ Yet how this applies might be a matter of lawyer experience and reflection in each case. For instance, participants variously noted that they would 'look at it holistically and try and support the client in making her decisions' while ensuring that she has adequate support in terms of her non-legal needs which was connected to being responsive to trauma (VIC1). In some cases, ethical requirements on lawyers may necessitate withdrawal of representation:

But I think we also find ourselves in the position where sometimes we have to disengage from clients altogether. Where we will not be compromising our ethical position by continuing to act for them. It does happen sometimes that you become aware of information, and this is a difficult decision to make, which the client's refusing to be put to the court or which the client is wanting to put to the court in a rather disingenuous way, and we're just simply not going to do that. So I think, yes, there are difficulties, and we will make those decisions. I think a lot of my role . . . is actually talking with the lawyers about when we're going to disengage. Or how are we going to manage the client's instructions, which are putting their safety at risk. This is a sort of almost a daily dilemma for our kind of practice. (VIC4)

Participants explained that good lawyers do more than simply act on instructions; good lawyers must 'exercise the forensic judgments called for during the case independently'.⁸¹ This is relevant when acting for a victim or for a perpetrator of DFV.

I think to some extent, there is still a school of thought about lawyering that you are just the client's . . . You just relay what the client says. You just relay the client's instructions. And I think that it's true, that we do intercede, or we stand between . . . Intercede is probably not the right word, but we stand between them and the court and try to put the client's case to the court as best as we can . . . But you also do have a responsibility, I think, to reality check the client as well. (NSW1)

For participants, this was about exploring all aspects of your client's case including those aspects that may not be favourable to your client but that need to be addressed in order to discharge a lawyer's duties.

We've got duties to our client, but also to the court, and in the family lawyer space, care space, to the child themselves, as well, so balancing those ethical obligations. (NSW5)

In the context of representing a victim of DFV, a participant explained that she 'encourage[s] . . . clients to be very upfront about [issues with their parenting, mental health, or

⁷⁸ Australian Solicitors' Conduct Rules 2015, r 9.

⁷⁹ *Ibid.*, r 19.

⁸⁰ *Ibid.*, rr 7 and 8.

⁸¹ Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015, r 17.1.

drug and alcohol misuse and so on]. Be on the front foot about [those matters], but I don't think all lawyers take that view' (NSW3). Another participant explained the importance of asking more questions when inconsistencies emerge:

I think if lawyers are then presented with evidence that seems contradictory to their client's instructions, seek some further instructions around that, because that's your job, you've got to figure out what's going on there. . . ., I think you've got then an obligation, best lawyering practice, to figure that out and get to the bottom of what that means. (NSW5)

In family law parenting proceedings, attention was also drawn to the 'best interests of the child at the forefront of any negotiations and orders that are being sought' (NSW4).⁸² One participant who had previously been employed in private practice explained what this 'push back' might involve:

And so, if you get instructions, for example, in the private practice days, when I did occasionally act for the alleged DV perp, I thought it was my responsibility as a lawyer to push back a little bit on the client's instructions, and say, 'well, she says all this all this happened. What do you say about that? Oh, okay, so you only did that, but that's still problematic behaviour, we need to address this. We can't just blanket deny everything, because it's not . . . This allegation is not going to go away. You need to address what happened and you need to address your future behaviour', because that's going to ultimately lead to a more favourable outcome. (NSW1)

Participants were of the view that lawyers acting for perpetrators of violence cannot simply assert that they have instructions to deny there have been any incidents of DFV if they have not also inspected all the evidence that is available, eg in subpoenas.

B. The institutional environment

Participants also pointed to structural or systemic factors that impede or constrain aspects of good lawyering on both an individual and litigation level; 'sometimes you're faced with courts who also are not appreciating violence, so it can be very difficult' (NSW4). Participants described how, if they encounter judicial officers and legal practitioners who do not understand DFV or trauma responses, this can impede the extent to which they can articulate the victim's case, reduce re-traumatisation of the victim, or impact on the ultimate outcomes. This is exacerbated by the variability between different courts, different judicial officers, different legal practitioners, whether a party has legal representation, and the availability of support services.⁸³ The variability in judicial approaches was particularly emphasised as a challenge for good lawyering as it means that participants had to alter their approach and advice depending upon which judicial officer was presiding:

[A]nother big problem that I often find is just the different approaches of the magistrates and I hate giving the advice that it really depends on who we're going to get today. 'Oh, we've got this magistrate. Oh, well, I should be fine. We can go in'. I'll say all this stuff. Or 'no, we've got this difficult magistrate and you're not going to get it. You're going to have to do this'. I hate that because that's not how the system should be working. It should all be the same and it should all be uniform. (QLD1)

⁸² Comparable requirements emerge in the child protection jurisdiction: see eg *Children, Youth and Families Act 2005* (Vic) s 10(1).

⁸³ See discussion of this variability in the context of family law proceedings in Wangmann, Booth and Kaye (n 39) 15, 159.

Participants pointed out that each jurisdiction and court has its own culture which also impacts on the nature of the lawyering that takes place. For example, in the child protection arena, most people are likely to have their own lawyers because of the availability of legal aid. While this was beneficial, it was also noted that the child protection jurisdiction has 'got its own . . . culture, which is not necessarily a healthy culture' (VIC4), and that the child protection arena experiences a high turnover of staff which impacts on the knowledge and experience levels of staff and the ability to build constructive relationships (VIC6). By way of contrast, the Indigenous List operating in some family court registries was described as more 'collegiate' (NSW5).

V. DISCUSSION AND CONCLUSION

This article aimed to commence a discussion about the features of 'good' DFV lawyering for lawyers who represent victims of DFV in civil protection order proceedings, family law and child protection matters and more broadly. Previous Australian government inquiries and studies have tended to highlight problematic legal practice, with little attention paid to what 'good' lawyering might look like other than recommending more training and education. This study aims to fill this gap through focus groups with 16 lawyers employed in Australian WLS who specialise in the representation of victims of DFV in a wide range of legal proceedings.

The focus group participants confirmed the range of problematic practices that has been documented in previous studies. Focus group participants particularly drew attention to the poor practices adopted by some lawyers who act for perpetrators of violence. The participants confirmed victims' concerns that some DFV lawyers may act unsafely, may minimise and suppress evidence of DFV, may not understand or identify DFV, may pressure victim survivors of DFV into particular outcomes and might collude in abuse and re-traumatisation, including systems abuse.

Focus group participants also detailed structural and institutional factors within the Australian legal system that may militate against good practice, including fragmentation of the areas and venues for law in DFV matters as a consequence of the Australian federal system of law, ethical duties that might not align with client-centred approaches or allow to good non-adversarial practices,⁸⁴ stringent procedural requirements around rules of evidence as well as widespread lack of understanding of DFV across professionals working in the legal system. These factors point to the direction for reforms.

Our study goes beyond existing criticisms of DFV legal practice to focus on good legal practice: what are the skills, knowledge, and competencies that should be identified as required to practice in this area. Participants in our study have commenced the task of identification of the features of good professional practice for lawyers acting in matters involving DFV. There are questions or issues about the extent to which some of the features identified in these focus groups are able to be transferred and applied to other forms of legal practice such as private practice or the provision of unbundled legal services. At the same time, however many of the identified features of good lawyering were general and adaptive to different practice settings. These included:

- being DFV-informed (having knowledge about the nature and impact of DFV, adopting a safety lens at all times, and being knowledgeable about intersecting areas of law),

⁸⁴ See for instance discussions about the constraints of the *Australian Solicitors Conduct Rules 2011* in acting for clients in a non-adversarial, ethic of care approach: C. Parker and A. Evans, *Inside Lawyers Ethics* (3rd ed, Cambridge University Press, 2018).

- being trauma-informed (providing adequate time to build trust and rapport; being attentive to non-legal needs; being aware of how trauma can manifest in different ways; avoiding re-traumatisation).

The DFV specialist lawyers we spoke to noted that, outside of specialist CLCs and legal aid settings, lawyers working in private practice may not be provided with training and education opportunities to inform and improve their work with victims of DFV. The findings from this study emphasise the need to improve the training and education of all legal practitioners to be able to work effectively, appropriately and safely on matters involving DFV. In Australia, this educational content is generally absent from the undergraduate/Juris Doctor (JD) level (ie law degrees leading to admission to practice) and beyond, including in mandatory CLE provided to practitioners unless they voluntarily elect to undertake such training. To be 'good' DFV lawyers, practitioners require education about the dynamics of DFV, its impact on victims and children, how trauma manifests in different ways, the need to view legal responses to DFV beyond doctrinal categories, and to have an understanding about how DFV is responded to in the legal system. This also requires knowledge about how different groups experience DFV as well as how they might be impacted by other structural inequalities that in turn shape how they might engage with law. This education and training needs to be introduced in undergraduate/JD law education and scaffolded throughout a person's legal career.

The findings from this study are useful to commence the process of establishing standards of legal competency in DFV work. Professional competencies are the 'knowledge, skills, abilities, and other characteristics that are needed for effective performance in the jobs in question'.⁸⁵ Competency standards, or models, are based on ideas of good professional practice and are often intended to distinguish average performers from top performers.⁸⁶ Competency models are embedded in legal practice in multiple ways: through admissions standards for entry-level lawyers,⁸⁷ through legal conduct rules⁸⁸ and through specialist accreditation.⁸⁹

Existing Australian standards on DFV skills, knowledge and ethical practices for lawyers are rudimentary and piecemeal. The Law Admissions Consultative Committee standards for entry-level lawyers require competency around providing client advice in criminal matters, including DFV criminal and civil protection order matters, but with a focus on identification of a client's rights and implementing the clients' instructions.⁹⁰ Similarly, the admissions standards require that lawyers acting in family law matters, including civil protection orders, be able to elicit information necessary to identify the client's options and inform them about the options and to represent the clients in family law matters.⁹¹ Within these frameworks, there is little specific content about working with clients who have experienced DFV or use DFV, yet arguably 'good' DFV lawyering requires more than simply knowledge of the law and professional requirements. We suggest that good DFV lawyering must include at a minimum: both a consciousness of the relationship between legal practice and safety (both physical and

⁸⁵ M. Campion et al, 'Doing Competencies Well: Best Practices in Competency Modeling' (2011) 64 *Personnel Psychology* 225, 226.

⁸⁶ *Ibid.*

⁸⁷ Law Admissions Consultative Committee, *Practical Legal Training: Competency Standards for Entry-Level Lawyers* (2015, rev 2017).

⁸⁸ Law Council of Australia, *Australian Solicitors Conduct Rules 2011*, 24 August 2015.

⁸⁹ For example, Law Institute of Victoria, *Accredited Specialisation Scheme Rules* (May 2021) for family and also children's law specialisation.

⁹⁰ Law Admissions Consultative Committee (n 87) 13.

⁹¹ *Ibid.*, 17–18.

psychological) of DFV victims and a prioritisation of safety through legal advocacy wherever possible; being trauma-informed in all aspects of practice, which includes refraining from minimising DFV and/or retraumatising victims (eg not asking them to tell their story repeatedly), being patient and giving time to clients when they need to provide and/or process information, being non-judgmental about various aspects of DFV including in particular victim-blaming. Importantly, these minimum competencies focus on the protection and care of victims in DFV proceedings. Although protection and care are inherently tied to how lawyers work with perpetrators, more work on competent lawyering for perpetrators is needed.

This article forms the background to larger questions about DFV lawyering across multiple areas of law and across the legal career span to ultimately improve the experience of those services for the people who rely on them, whether as a person who has experienced violence, or a person who has used violence. This article points to three clear directions for future research and practice development. The first is research that develops our understanding of how lawyers who represent perpetrators of DFV approach and undertake their work, the ethical and practical dilemmas they face, and how they respond to them; an understanding of perpetrator lawyering is pivotal in ensuring that all lawyers operate as part of a robust family and sexual violence safety system. The second is development of competency/best practice standards of what constitutes good lawyering in many legal settings; because DFV touches on so many areas of legal practice, including criminal and family law, child protection, civil protection orders, banking and finance, tenancy, consumer and immigration law, such standards should apply to all areas of law and could be facilitated nationally by the Law Council of Australia, or the state law societies or the Law Admissions Consultative Committee. The third direction for future work is towards high-quality and routine education about DFV for all law students and professional development for practising lawyers.