

115TH CONGRESS
1ST SESSION

H. R. 1762

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2017

Mr. KENNEDY (for himself, Ms. GABBARD, Mr. YOUNG of Alaska, Mrs. MCMORRIS RODGERS, Mrs. BROOKS of Indiana, Ms. KUSTER of New Hampshire, Mr. MEEHAN, Ms. CLARK of Massachusetts, Mr. COHEN, Mr. SWALWELL of California, Ms. TSONGAS, Mr. JOYCE of Ohio, and Ms. SPEIER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pro bono Work to Em-
5 power and Represent Act of 2017” or “POWER Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Extremely high rates of domestic violence,
2 dating violence, sexual assault, and stalking exist at
3 the local, State, and national levels and such vio-
4 lence or behavior harms the most vulnerable mem-
5 bers of our society.

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

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

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

18 (5) According to the National Network to End
19 Domestic Violence, which conducted a census includ-
20 ing almost 1,700 assistance programs, over the
21 course of 1 day in September 2014, more than
22 10,000 requests for services, including legal rep-
23 resentation, were not met.

24 (6) Pro bono assistance can help fill this need
25 by providing not only legal representation, but also

1 access to emergency shelter, transportation, and
2 childcare.

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

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

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

24 (10) As representatives of the Department of
25 Justice, the duty of United States Attorneys is to

1 present “equal and impartial justice to all its citi-
2 zens,” which should include, especially, survivors of
3 domestic violence, dating violence, sexual assault,
4 and stalking who might not otherwise know how to
5 seek advice and protection.

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

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

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

22 **SEC. 3. U.S. ATTORNEYS TO PROMOTE EMPOWERMENT**
23 **EVENTS.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, and not less often than once

1 each year thereafter, each United States Attorney, or his
2 or her designee, for each judicial district shall lead not
3 less than 1 public event, in partnership with a State, local,
4 tribal, or territorial domestic violence service provider or
5 coalition and a State or local volunteer lawyer project, pro-
6 moting pro bono legal services as a critical way in which
7 to empower survivors of domestic violence, dating violence,
8 sexual assault, and stalking and engage citizens in assist-
9 ing those survivors.

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

23 (c) REQUIREMENTS.—Each United States Attorney
24 shall—

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

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

9 **SEC. 4. REPORTING REQUIREMENTS.**

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

15 (b) REPORT TO CONGRESS.—

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

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

1 **SEC. 5. FUNDING.**

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

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