



## Domestic Violence Injunction Hearings Representation Law Student Report

Questions or concerns about client safety? Immediately contact Sojourner Family Peace Center advocates.

Refer clients to Sojourner's 24-Hour Hotline: 414-933-2722

**If you need to consult about a case, contact Hector. Do not share his number with clients:**

Hector's cell 414-839-2170

### I. Quick Overview for Attorney

<b>Client/Petitioner Name:</b>	
<b>Respondent Name:</b>	
<b>Hearing Date &amp; Time:</b>	
<b>This Case #:</b> <i>Get the case number for the restraining order by searching for the respondent's name in <a href="#">CCAP</a>. The case will have the year followed by FA and then some additional numbers (e.g. 2015FA000012). The name of the petitioner will not appear. Only the respondent's name will appear. (e.g. Petitioner v. Smith)</i>	
<b>Additional Case #s</b> (Referenced in Section VI of this report):	
<b>Is there a police report in this case?</b> <b>If yes, is it attached or forthcoming?</b>	
<b>Are there photos of the injuries? If yes, are they attached or forthcoming?</b>	
<b>Were there any witnesses to current or past abuse?</b>	
<b>Does the respondent have guns?</b>	

### II. Law Student Contact Information

<b>Will law student attend the hearing?</b>	
<b>Law student name, email, phone #:</b>	
<b>Best time to contact law student / availability for phone conference as needed with attorney next week:</b>	

### III. Civil Service Information

#### **ONLINE:**

**You may check online to see if service has been accomplished. If your online search is inconclusive, then check by phone.**

- 1) Get the case number for the restraining order by searching for the respondent's name in [CCAP](#). You will be looking for a case starting with "2014FA" called "Petitioner v. Name of Respondent."
- 2) Visit the VineLink.com website at this link:  
<https://www.registervpo.com/RegisterVPO/initSearch.do?referrerAppCode=VINELINK&siteId=50100>
- 3) Enter the case number and other required information into the online VineLink form.

**BY PHONE (NOTE: THE BEST TIME TO GET THROUGH TO THE CIVIL SERVICE OFFICE IS PROMPTLY AT 8:00 A.M.)**

Call the Sheriff's office (Milwaukee County # is 414-278-5030) to ask if service has been accomplished in this case. **Tell them you are calling from the restraining order office.** If the respondent is in another county, look up the Sheriff's office # there. If it has not, call back each day to check on the progress. Tell the Sheriff's office you are a law student assistant to the petitioner's attorney.

Was the respondent served?	
What was the date and time of service?	
If respondent was not served, check back frequently as the hearing date approaches. If service still does not happen, notify Jennifer Michalski, the assistant at Quarles & Brady, who will inform the attorney. <a href="mailto:Jennifer.michalski@quarles.com">Jennifer.michalski@quarles.com</a>	
Comments:	

#### IV. Client Interview

Read the intake sheet from Sojourner for indicators about safety, safest time to call, whether it is safe to leave a message. "I'm calling from the restraining order office about the order you filed. Is this a good time to talk? I understand you wanted a lawyer for your court hearing is that right? Can I ask you some questions?" **Use the intake sheet and TRO as your guide.** EG: "On the restraining order intake sheet, I see there have been past and recent incidents of abuse, that you've called the police, received medical treatment, etc..."

<p><b>Can you tell me more about the abuse or violence that made you want to get a restraining order?</b></p> <ul style="list-style-type: none"> <li>- TIP: If there are numerous incidents, please help the client list them chronologically, starting with the most recent event.</li> </ul> <p><b>Include prior incidents. Include details like how long the incident lasted, what the injuries consisted of, etc.</b></p> <p><i>You want to capture more details than the petition lays out.</i></p>	
<p><b>Did the respondent ever damage or destroy any of your possessions? If yes, when and where did that take place?</b></p> <p><b>Did you see the damage or destruction of the property?</b></p>	
<p><b>Do you have any evidence about this or past abuse? (Things like text messages, voice mails, letters of apology, emails, social media contact, pictures?)</b></p> <p><b>TIP: Court Commissioners WILL NOT look at photos or text messages on phones or other devices. The evidence MUST be printed if the commission is to look at it. The client may forward evidence electronically to <a href="mailto:publicservicelaw@marquette.edu">publicservicelaw@marquette.edu</a>. And the</b></p>	

evidence can then be attached to your report for the attorney to review and print for the hearing. Ask the client to type in the subject line: Evidence for [law student first name] from [client last name].	
<p><b>Are there witnesses of this or past incidents who saw or heard something first hand? If yes, who? What is that person's phone number and address?</b></p> <ul style="list-style-type: none"> <li>- TIP: You are only concerned with witnesses who saw or heard something first hand. You are not interested in character witnesses.</li> </ul> <p><b>Will the respondent likely have witnesses come to the hearing?</b></p>	
<b>Have you ever called the police?</b>	
<p><b>Did the police come? If yes, what was the date and location of that incident?</b> You will need that information when you get a copy of the police report. There are a number of <a href="#">police departments in Milwaukee County</a>. We usually see cases where the City of Milwaukee police responded. Sometimes, the incident may be occurred in another municipality such as Brown Deer or West Allis. Clarify which city or village responded so you can get the report from the correct place.</p>	
<b>Do you know if the respondent is being charged by the DA's office?</b>	
<b>Is the respondent in custody?</b>	
<b>What would the respondent say about this?</b>	
<b>You indicated on your intake sheet the following types of abuse [list them for client.] Are there any things on this list you want to attorney to NOT bring up during the hearing?</b>	
<b>Does the respondent own any guns? If yes, do you have proof of the guns? (eg: photos on Facebook or phone...)</b>	
<b>If the respondent has not been served, ask the client whether there are other places the Sheriff's office might try to find them.</b>	
<b>If the respondent has been served, tell the client the temporary order they have is in place they should call the police if the respondent violates it.</b>	

## V. Information for Client about the Hearing and Testifying

If clients have questions about the process or what to expect, let them know an advocate will call them the day before the hearing with information about that. If they want to talk about before then, the client should call the Restraining Order Office during regular business hours at 414-278-5079.

### Tell the client the following:

- **Be early so you have time to meet with the lawyer before the hearing. Allow time to pass through security and get to the 7<sup>th</sup> floor.**
- **[BEING EARLY IS VERY IMPORTANT. IT IS OFTEN THE ONLY OPPORTUNITY FOR THE LAWYER AND CLIENT TO SPEAK BEFORE THE HEARING]**
- Dress neatly – like you would for a job.
- Speak directly to the lawyer when s/he questions you.
- Answer only the question that is asked. If it is a “yes” or “no” question, only answer “yes” or “no.” Do not elaborate unless asked.
- Stay on track. Keep your answers short. The lawyer will focus on the pieces of the story that are most important.
- If your answers are too long or you get off track, the lawyer will likely interrupt you to get you back on track.
- If you do not understand a question, tell the lawyer. They will rephrase their question.
- If you do not know the answer to a question, say you don’t know.
- **The respondent has the right to cross-examine you. They might choose to ask questions. If they do, the attorney will object on your behalf whenever they can.**

## VI. Student Recommendations and Opinion

<b>What is your overall impression of the client? Do you think they will come to the hearing? Did they have trouble articulating their story? Do you have particular concerns?</b>	
<b>Should a 9-1-1 record be pulled?</b>	
Check the public court records online for the victim, offender, and any witnesses ( <a href="http://wcca.wicourts.gov/index.xsl">http://wcca.wicourts.gov/index.xsl</a> ) Also check the municipal court records ( <a href="https://query.municourt.milwaukee.gov/">https://query.municourt.milwaukee.gov/</a> ) to see if the abuser has a received a citation for disorderly conduct, battery, trespassing, loitering, vandalism, etc. that might indicate stalking, property damage, etc. <b>Write a little about what you found and attach a PDF of the records for the attorney to review. INCLUDE THE CASE NUMBERS FOR ANY CASES INVOLVING THE PARTIES.</b>	

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**To get police reports or 9-1-1 records:**

When you received your referral(s), your email will have indicated whether a student volunteer is available to pick up police reports this week. REREAD THAT EMAIL AND FOLLOW THE INSTRUCTIONS.

**DO NOT GO TO THE OPEN RECORDS UNIT OR SEND ANOTHER STUDENT THERE WITHOUT CALLING TO CONFIRM WHETHER THERE ARE REPORTS TO RETRIEVE.**

**If you need to retrieve reports:**

- 1) Check where the incident happened. There are 19 police agencies in addition to Milwaukee.
- 2) If the incident was responded to by Milwaukee Police, the instructions for obtaining reports are below.
- 3) If another police department responded, please consult [this list](#) for contact information. Call to inquire about the process for obtaining records there.

**Milwaukee Police Department Open Records, MDP District 3 (Photo below)**

Here's a map from the law school: <http://goo.gl/maps/kAVPL>

2333 N. 49<sup>th</sup> Street (2nd floor)

(414) 935-7232

**HOURS: Mondays, Wednesdays, Fridays: 7:30 a.m. – 3:30 p.m. (Closed on Tuesdays and Thursdays)**

**CALL 414-935-7502 (during the hours of operation) to see if a report is available.** “I am calling to see if there is a police report for a domestic violence incident.” You will need the following information:

- Petitioner name and date of birth
- Respondent name and date of birth
- Date of incident
- Address of police response

**Records at \$0.25 per page. You should not have to pay anything. Instead, kindly request to have the charges placed on the Marquette Law School account.**

The MPD Open Records Building

