

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

and

KIRT WEST,
INSPECTOR GENERAL OF THE
LEGAL SERVICES CORPORATION
3333 K STREET, NW, 3RD FLOOR
WASHINGTON, DC 20007,

Petitioners,

v.

CALIFORNIA RURAL LEGAL
ASSISTANCE, INC.
631 HOWARD STREET, #300
SAN FRANCISCO, CA 94105,

Respondent.

No. 1:07-mc-00123-EGS

**DECLARATION OF TERI
SCARLETT IN SUPPORT OF
ATTORNEY-INTERVENERS'
OPPOSITION TO PETITION FOR
SUMMARY ENFORCEMENT OF
ADMINISTRATIVE SUBPOENA**

Before: The Honorable Emmet G. Sullivan

JACK W. LONDEN (CA SBN 85776)
JLonden@mofoc.com
Admitted pro hac vice
WENDY M. GARBERS (CA SBN 213208)
WGarbers@mofoc.com
Admitted pro hac vice
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
Tel.: (415) 268-7000

Attorneys for Interveners JEANNIE BARRETT, ALEGRIA DE
LA CRUZ, VANESSA FRANK GARCIA, PHYLLIS KATZ,
TERI SCARLET, ARTURO RODRIGUEZ, and KIRK AH-
TYE

I, Teri Scarlett, declare:

1. I am an attorney licensed to practice in the State of California, and I have been a member in good standing of the California State Bar since 1987. I am the Directing Attorney for the Monterey, Gilroy, and Salinas Basic offices of California Rural Legal Assistance, Inc. (“CRLA”), respondent in this action. I am submitting this declaration in support of the Attorney-Interveners’ Opposition to the Office of the Inspector General’s Petition for Summary Enforcement of Administrative Subpoena. I make this declaration on personal knowledge, except as otherwise expressly stated. If called as a witness, I could and would testify competently to the matters stated in this declaration.

2. I have worked in legal services for over 20 years, and at CRLA from 2000 to the present. A large part of my practice is devoted to family law, with a focus on domestic violence cases. I have worked with literally thousands of women who are victims of domestic violence. Between 2003 and 2005, I estimate that 40% of my clients were victims of domestic violence.

Intake and Processing of Domestic Violence Clients

3. Typically, my clients are referred to CRLA by someone—the police, the courts, or a friend. When they call or come into the office, they fill out our intake form. This intake form is then used to determine whether they are eligible for our services. Most domestic violence victims who contact us are eligible for our services, meaning that they meet our threshold income requirements. In addition, even though CLRA by law does not provide legal services to individuals who are undocumented from an immigration standpoint, the Violence Against Women Act contains an amendment to the eligibility criteria imposed on CRLA by the Legal Services Corporation that allows us to represent women and children who are victims of domestic violence, even if they are undocumented.

4. After I or a paralegal has reviewed the intake form and the client has been screened for eligibility, I contact the client for an interview. This interview can take place in our offices or over the phone, and during it I collect additional and standard information about the client. My clients are often extremely traumatized, and the initial interview is very difficult for them. If the

client decides to pursue a restraining order, the client then comes into the office, reviews the paperwork I have prepared based on the interview, and signs a retainer agreement.

5. On the same day the client reviews the paperwork, I can usually get a temporary restraining order. The proceedings are *ex parte*, though of course they are not confidential. If the temporary restraining order is granted, a hearing is set within the next few weeks, at which I seek a three-year restraining order.

Confidentiality Concerns of Domestic Violence Clients

6. I seek restraining orders on behalf of many of my clients, but many other of my clients decide not to pursue restraining orders. The reasons that clients choose not to pursue restraining orders vary, but a common reason is fear of their abuser.

7. My clients live in real fear of physical abuse, against both themselves and against their children. When my clients place their initial call to CRLA, they are often on the phone—terrified that they will be overheard—and they often hang up in the middle of the call if someone comes in the room. Because abusers have been known to dial *69 when they see their girlfriend or wife on the phone, CRLA has had its numbers blocked from caller identification.

8. We at CRLA try not to underestimate the real danger our domestic violence clients are in. When I do seek restraining orders, I strongly urge my clients to go to a shelter or a friend's house, somewhere where their abuser cannot easily find them. The first few days a restraining order is in effect are usually the most dangerous for my clients, but many of my clients are never entirely free of danger. Sadly, I know first-hand the serious threat that seeking legal recourse can be to my clients. I have had two cases in which my clients were killed by their abusers after I obtained restraining orders against them. I also know of a case in which a CRLA attorney sent a client a form she had requested in the mail, and when her abuser saw the form, he beat her severely.

9. Because I understand the danger they are in, I understand when clients tell me that they do not think they can go through with getting a restraining order. For this same reason, I tell all my clients that if they decide not to go to court their visit to me will be kept completely

confidential. Making this promise is absolutely essential: otherwise, my clients would never seek legal help at all.

Specific Cases in which CRLA's Clients' Identities Are Confidential

10. The subpoena issued by LSC's Office of the Inspector General ("OIG") seeks information that I know to be privileged and confidential. If the Court so directed me, I would be able to provide to the Court *in camera* specific examples of individual, domestic violence clients of mine whose privileged and confidential information is sought by OIG's subpoena. I have not provided such detail in this declaration, and I would not provide such detail unless directed to do so by the Court *in camera*, out of concern about waiving the very privilege and confidentiality rights I am trying to protect.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 13th day of September 2007, at Monterey, California.

/s/ Teri Scarlett

Teri Scarlett