

# Crafting Your Client's Story

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## Session Overview

1. Creating an Effective Writing Process
2. Content and Organization
3. Persuasive Techniques

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# 1. Creating an Effective Writing Process

## Thinking Effectively About Writing

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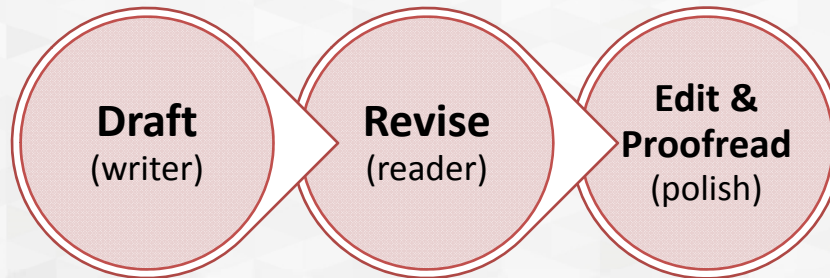
## Thinking About Writing Effectively

### Key questions when writing any document

- 1) Who is the *audience* for the document?
- 2) What is the *purpose* behind the document?
- 3) How does the document get *used*?
- 4) How does the document relate to *other documents*?

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## Three Distinct Stages to Writing

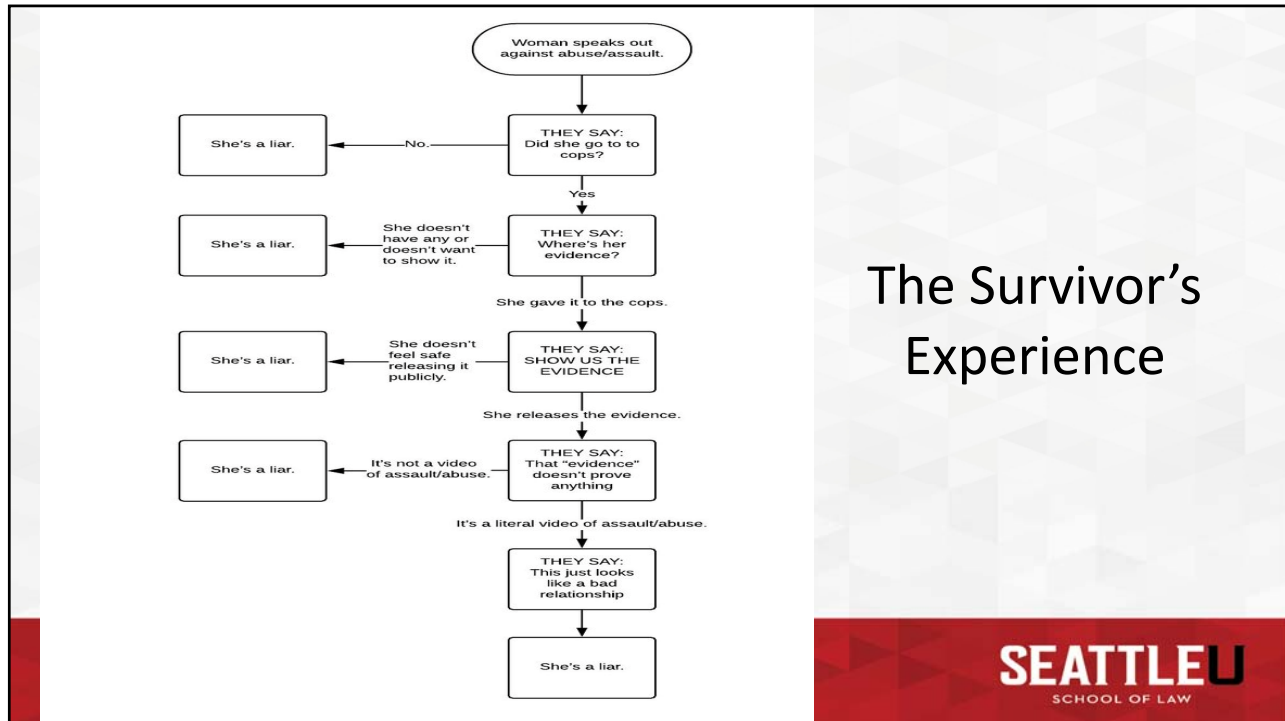


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## Domestic Violence Protection Orders (DVPOs)

- RCW Chapter 26.50
- Supposed to provide DV survivors with “quick, easy, and effective” access to justice in form of protection
- More like motion practice than trial practice
- ER 1101(c) – Rules of Evidence do not apply

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## 2. Content and Organization

Elements of the Story, Sequenced For Maximum Effect

## The Only Thing We Have To Fear...

The only successful theme in DVPO Petitions is Fear

The Persuasive Effect on the reader must establish:

- Your client (and her children) is afraid of the Respondent...
- Because of the Respondent's physical violence (or threat of it)

## How do you do that?

- What do you include
- How do you organize it (both initially and revised)
- How you describe it

## Narrative Checklist

- Legal Definition of DV met
- Organized
- Descriptive

## What do you have to prove?

- Legal Definition: (1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW [9A.46.110](#) of one family or household member by another family or household member. [RCW 26.50.010(1)]
- Legal Standard: Preponderance of the evidence shows that Respondent has committed acts of domestic violence

## Legal and Behavioral Definitions are Different

- Behavioral Definition: A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

[United States Department of Justice Definition]

## How the Petition Organizes the Narrative

Link: [www.courts.wa.gov/forms/documents/DV1\\_015.doc](http://www.courts.wa.gov/forms/documents/DV1_015.doc)

- Most Recent Incident & Why Need Temporary Order
- Past Incident
- Violence Towards Children
- Stalking
- Medical Treatment for Injuries
- Suicide Threats
- Firearms/Weapons
- Why Want for More Than One Year



## How to Organize – An Alternative Proposal

- Most Recent Incident & Why Need Temporary Order
- First Incident
- Typical Abuse (for when there are too many incidents to describe)
- Worst Incident (if not most recent or first incident)
- Behavioral DV & Coercive Control
- What Will Happen If Order Is Not Granted

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## Client Perception vs. Reader Perception

“It's hard to measure what was worst, because, in my experience, there are different kinds of "worst". There's physically worst, psychologically worst, morally worst. What was "worst" tends to have changed over time. In the relationship, the beatings seemed the worst. Certainly, they were the most physically dangerous issue I faced. I rarely gave the sexual violence a second thought. In the aftermath however, I would discover that the rapes had caused the deepest, most intimate damage, so in that respect, I would consider that worst.”

– Louise McOrmond-Plummer  
[www.aphroditewounded.org](http://www.aphroditewounded.org)



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## Client Perception vs. Reader Perception (cont.)

- Must tell the story from the client's point of view & validate your client's experience and perception
- But balance with reader expectations/perceptions



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## How to Strike that Balance

- Always include how this made your client feel – Don't assume the reader knows
- Include Behavioral DV & Coercive Control – Paints a fuller picture and validates your client's experience
- Use persuasive techniques discussed in the next section to help you focus on the presentation for the reader

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## The Problem With “Most Recent”

### Example:

Six months ago, Linda and Bob were arguing about business expenses. Bob was drinking and didn't want to talk about it. Linda disagreed because bills were due. Bob jumped up, got in Linda's face, and told her to shut up. She said, “what are you going to do?” and he strangled her. He let go when the kids came in. Linda did not call the police.

Last week, a similar argument took place. This time, when Bob said shut up or else, Linda froze, left the room, and slept with the kids that night. The next day she fled to a shelter. She's now come to your office to get help with a protection order petition.

What's the most recent?

## Other Content & Organization “Do's”

- Include dates and approximations to establish “when”
- Use direct quotes for threats and verbal abuse
- Include violence against children AND violence children witnessed
- Include impact of violence on client and children

## Content and Organization “Don’ts”

### CONTENT TO AVOID:

- Affairs / Infidelity / New Dating Partners
- The phrase “Emotional Abuse”
- Anger/Outrage
- “He threatened to take me to court...”
- Uncorroborated allegations of child sex abuse



### ORGANIZATION “DON’TS” :

- Don’t bury the lead
- Don’t lead with custody disputes
- Don’t lead with verbal abuse or coercive control (unless that’s all you got)

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## Know the Opposition:

### Tactics Used to Undermine Client’s Credibility

- Mental Health/Chemical Dependency Issues – “She’s crazy/ She’s a junkie”
- Immigration Issues (real or not) – “She just wants a greencard”
- Victim Defendants – “She’s the abuser, not me”
- Angry/ Vindictive – Texts/Voicemails/Social Media
- Ongoing relationship – “She’s Not Really Afraid of Me”
- Ongoing or past legal actions that may suggest an ulterior motive - “She’s trying to get a custody advantage”
- Perceived jealousy – “She’s getting back at me for cheating on her”
- Previous DVPO filings (against this or other respondents)
- Delays in Filing and/or Timing of Filing

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## 3. Persuasive Techniques

Emphasizing Favorable Information /  
Deemphasizing Unfavorable Information

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### Using Persuasive Techniques

Drafting

Revising

Editing

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## Overall Concept: Show, Don't Tell

- Use details, make vivid
- Use the right words, not vague terms (e.g, verbal abuse)
- Use writing techniques to make the presentation more compelling

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## Specific Techniques Re: Amount of Information Provided

1. Give more *airtime* to favorable information, less airtime to unfavorable information;



2. Give more *detail* about favorable information, less detail about unfavorable information;

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## Example: Which is More Persuasive?

Yesterday, we were arguing about who would take Louise to school. He was very angry. I was upset because he promised to do it last week. Eventually, he lost control and hurt me.

Yesterday, he slapped my face many times after I asked if he was taking Louise to school like he promised. He told me to “shut the fuck up” and when I didn’t, he jumped up, threw me against the wall, and screamed, “no lazy bitch is going to tell me what to do.” He was inches from my face, and I could feel his spit while he yelled. When I turned my head, he slapped me again and didn’t stop until I fell to the ground sobbing.

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## Techniques for Creating Emphasis

1. Be Strategic About Sentence and Paragraph Length
  - Short = emphasis
  - Long = de-emphasis
2. Take Advantage of Positions of Emphasis
  - Beginning and ends of sentences, paragraphs, and documents highlight
  - Bury bad stuff in the middle
3. Consider using headers

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## Example

One time, respondent came to my house and wanted me to take a ride with him because we had just broken up and he wanted to talk to see if we could make things work. I still love him, so I gave him a chance and got in his car. We stopped at a 7-Eleven to get some beer, and then we went to a park nearby to have a some drinks and talk. I told him I was hurt by him cheating on me, but he denied it and said I got bad information. We kept going back and forth and I finally had enough of his lies. I told him to bring me home, but he said he wouldn't until we worked it out. I threatened to get out and walk, but he told me to stay, so I did. Finally, as I opened the car door, he got mad at me and pulled my hair and shoved me. He left me in the parking lot and I had to walk home in the dark.

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## Example: Revised

On June 10, 2018, the respondent grabbed me by the hair and shoved my face into the ground. He ripped out my hair and made my scalp bleed. He held my face on the ground so hard that it left scratches on my cheek. He told me he did this because I "disrespected" him. He took my phone and drove off without me, leaving me alone in a deserted parking lot. No one was there to help.

I am terrified he will come back and hurt me again because he told me he's "not done with me yet." I recently broke up with him and he is not accepting my decision. He showed up at my apartment earlier that day and refused to leave unless I took a drive with him. I didn't want to go but was afraid he would hurt me if I refused.

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## Techniques Involving Sentence Structure

Think about these techniques in particular when you need to weave in and deal with unfavorable information, particularly later in the petition rather than at the beginning.

1. Use *active voice* for most sentence, but use the *passive voice* strategically to deemphasize certain information;
2. Put key information in *main clauses*, while using *dependent clauses* for information you want to deemphasize.

## Examples (Kaia is the current petitioner, Brent is the respondent)

- Kaia assaulted Brent five years ago by scratching his face.
- Kaia was arrested five years ago for scratching Brent's face during an altercation in which he shoved her against the wall and threatened to choke her.
- Although Kaia was arrested for domestic violence five years ago, Brent had shoved her up against a wall and threatened to choke her. While trying to free herself from Brent's grasp, Kaia scratched Brent's face, which left a visible mark. She fled the house and called the police from her car, but by the time they arrived, Brent was the only one with visible injuries, so the police arrested Kaia at Brent's urging.

## Technique Involving Word Choice

1. Choose words carefully – think about connotation as well as meaning.

Examples:

- Mom, Mommy, Mother
- Abused vs. punched, grabbed, slapped
- Strangled vs. choked

2. Avoid conclusory terms, adjectives (debatable) – (e.g., “Clearly)

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## Capturing the Client’s Voice

- Have to balance the need to tell the story effectively & still capture their voice
- Need to be mindful of big words, words that obviously don’t sound like the client
- Look for in revising and editing

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## Putting It All Together

Read the narrative on the next slide and think about whether it is effective or ineffective. How would you rework it using the persuasive techniques we've been describing to make it more persuasive?

- What makes this narrative weak/strong?
- Is anything missing?
- What, if anything, would you want to add?
- What, if anything, would you want to remove?

## Putting It All Together (cont.)

Yesterday, the respondent showed up at my house wanting to pick up our daughter without my permission. He was shouting at me to open the door and "send her out." I told him "no" because I was afraid he would not return her. He refused to leave so I called the police. He left before they got there and they told me to file a protection order. Respondent contacted me later that night and told me he is going to "make my life miserable."

## Putting It All Together (Revised)

Yesterday, September 3, 2018, around 10:00pm, I heard loud pounding on my front door. When I looked out, I saw the respondent violently pounding on my door. He was hitting it so hard that the glass was rattling in it, and I was afraid the glass was going to break. The noise from his pounding on the door was so loud - it woke up our three-year-old daughter. He was screaming at the top of his lungs that I better send my daughter out. I told him no and that if he didn't leave immediately I was going to call the police. My daughter and I were terrified.

I was afraid to let him in because of him assaulting me on June 10<sup>th</sup>. Even though I told him four times to leave, he continued pounding on the glass. So I called the police and told him they were on their way. He left before they got there, and they could not locate him, incident # KC14-1948

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## Revising Checklist

- Will this document meet the reader's needs?
- Is the tone right for this document and its readers?
- Is the document well-organized?
- Are the ideas well-developed, with the appropriate level of detail and explanation included?
  - Is there anything that is missing that should be included?
  - Is there anything included that should be omitted?
- Are the paragraph divisions effective?
- Is the wording precise?
  - Use the correct term to convey the desired meaning.

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## Editing and Proofreading Tips

- After you have revised to focus on the reader, then drill down to sentence-level editing.
  - Great resource for clarity and directness:  
<http://www.plainlanguage.gov/howto/wordsuggestions/simplewords.cfm> (has a long list of problematic words and simple solutions)
- Proofread every document that you write, just before sending it out.
  - Proofread in hard copy.
  - Consider reading aloud.
  - Read particularly long documents from end to beginning rather than start to finish.

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## Questions/Discussion



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