

DISTRICT OF COLUMBIA
COURT OF APPEALS

_____))
Y. T.,)
)
Respondent/Appellant,)
)
v.) _____
)
C. C.,)
)
Petitioner/Appellee.)
)
_____)

MOTION OF DOMESTIC VIOLENCE LEGAL EMPOWERMENT AND APPEALS
PROJECT (DV LEAP) FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE

Pursuant to D.C. Ct. App. Rule 29(b), the Domestic Violence Legal Empowerment and Appeals Project (DV LEAP) hereby moves this Court for leave to submit a brief as Amicus Curiae in support of Appellants in this matter, and state as follows:

1. DV LEAP is a non-profit organization dedicated to providing and promoting legal protection for domestic abuse victims through appellate advocacy in the District of Columbia and nationally. DV LEAP’s Founder and Legal Director, George Washington University Law School Professor of Clinical Law Joan Meier, has been litigating domestic violence cases, teaching, writing, and participating in statutory and court reforms in the District of Columbia for approximately 25 years.

2. The issues raised by the D.C. Superior Court’s Order of August 25, 2015 granting a CPO to Appellee, and specifically the application of the Intrafamily Offense

Act (“IFO Act”)’s legal term “shared mutual residence” to a landlord and his tenants, has negative implications for victims of domestic violence whose interests Amicus represents.

3. DV LEAP respectfully submits that the Superior Court’s ruling that the parties “shared a mutual residence” broadens application of the IFO Act to a potentially infinite class of litigants in violation of the Act’s important protective purpose. DV LEAP’s brief will demonstrate that the legislative history of the IFO Act makes clear that – apart from a specific amendment to cover stalking and sexual assault – its core purpose is to protect victims of familial or intimate abuse, or comparable relationships.

4. If the decision is allowed to stand, it will dilute the meaningful protections the statute created for victims, both practically and symbolically, and invite landlords seeking an opportunity to avoid more protracted proceedings in the Landlord Tenant Branch, and parties to other similarly situated commercial relationships, to strain the Domestic Violence Unit’s limited resources.

5. DV LEAP’s amicus brief will address the Superior Court’s decision in the context of the legislative history, policy concerns, and the ruling’s troubling implications for both domestic violence victims and this Court’s jurisprudence.

6. Movants sought consent from both parties to the filing of their *amicus curiae* brief. While Appellant consents, Appellee – who *Amicus* has been informed is no longer represented - does not.

7. For the foregoing reasons, *Amicus Curiae* DV LEAP respectfully requests that this Court grant leave to file the attached brief opposing the Superior Court’s decision to grant Appellee a CPO in this matter.

Respectfully Submitted by:

Joan S. Meier, Esq. (D.C. Bar No. 398745)
Legal Director, Domestic Violence Legal
Empowerment and Appeals Project, and
Professor of Clinical Law
George Washington University Law School
2000 G. St. N.W., Suite 404
Washington, D.C. 20052
(202) 994-2278

Date: September 25, 2015

For *Amicus Curiae* DV LEAP

CERTIFICATE OF SERVICE

I, Joan S. Meier, hereby certify that I have caused to have served a copy of the foregoing Motion for Leave to File Brief of *Amicus Curiae* Domestic Violence Legal Empowerment and Appeals Project (DV LEAP) on counsel for Appellant and on Appellee on Friday September 25, 2015, at the following addresses:

Maggie Donahue (D.C. Bar No. 1003504)(by mail)
Legal Aid Society of the District of Columbia
1331 H Street, N.W., Suite 350
Washington, DC 20005
Counsel for Appellant

C. C. (by hand)



and

c/o Law Office of Rodney C. Mitchell (by hand)
1629 K. St. N.W., Suite 300
Washington, D.C. 20007

And I further caused the foregoing brief to be emailed to C. C., c/o Rodney Mitchell, Esq., to mitchelldclaw@gmail.com, on September 25, 2015.

Joan S. Meier

