

The P.O.W.E.R. Act



By Ndid N. Moses

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On September 4, 2018, President Donald Trump signed into law the Pro Bono Work to Empower and Represent Act of 2018 (P.O.W.E.R.). The P.O.W.E.R. Act, which passed through congress with strong bi-partisan support, is a directive to the federal courts and the legal community to do more to help victims “escape the cycle of abuse.” The act aims to form a “dedicated army of pro bono attorneys focused on” the mission of providing pro bono services to assist victims of domestic violence, stalking, and sexual assault. Under the act, for a four-year period, each federal district court must “design, organize, and implement” at least one public event “in partnership with a state, local, tribal, or territorial domestic violence service provider or coalition and a state or local volunteer lawyer project, promoting pro bono legal services as a critical way in which to empower survivors of domestic violence, dating violence, sexual assault, and stalking and engage citizens in assisting those survivors.”

According to the Connecticut Alliance to End Sexual Violence, 19 percent of Connecticut residents have experienced a sexual assault in their lifetime, and 26 percent of Connecticut women are sexual assault survivors. With the passing of the P.O.W.E.R. Act, Congress acknowledged these startling statistics, and the fact that the legal community is in a unique position to help address these issues

by providing pro bono services to victims. According to Congress, “[l]egal representation increases the possibility of successfully obtaining a protective order against an attacker, which prevents further mental and physical injury to a victim and his or her family.” For instance, one study funded by the National Institute of Justice found that “83 percent of victims represented by an attorney were able to obtain a protective order, whereas only 32 percent of victims without an attorney were able to do so.”

While the P.O.W.E.R. Act encourages lawyers to provide legal assistance to victims, it also encourages the legal community to work to help victim’s access resources, such as a place to live, childcare, and transportation. This is consistent with Rule 6.1 of the 2018 Connecticut Practice Book’s Rules on Professional Conduct, which encourages attorneys to “render public interest legal service...to public service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession[.]” The American Bar Association (ABA), one of the major advocates for the P.O.W.E.R. Act, has noted in its comment on Model Rule 6.1 of the ABA Model Rules of Professional Conduct that pro bono service and a lawyer’s “personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer.” ■

Did you give the gift of pro bono service this holiday season?

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