

Domestic Violence Survivors and Abusive Litigation: The Need for Washington State to Restore Its Recently Invalidated Anti-SLAPP Law

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Domestic violence survivors are often confronted with abusive or retaliatory litigation tactics as a weapon of abuse. Abusive litigation involves the use of litigation by batterers/abusers to harass and intimidate domestic violence survivors in order to control the lives of their victims by financial, emotional, and psychological means.¹ The calculated nature of abusive litigation is driven by the need to exert and reestablish control and power over a survivor once that survivor chooses to separate physically from the abuser; consequently providing the abuser the means to continue the victimization.² Ironically, the very legal system that a survivor once believed would provide protection from that abuser essentially becomes another weapon that can cause emotional and financial devastation.³ Divorce and child custody hearings³ as well as protection order hearings serve as the most common opportunities for the abuser to repeatedly confront and have contact with the survivor. And the very act of filing for divorce, child custody, protection orders, or simply calling 911 provides the retaliatory motivation that oftentimes drives abusive litigation by batterers.⁴

Abusers use abusive litigation tactics to reestablish and retain control over their victim's lives.⁵ The need to reassert control after the survivor physically separates from the batterer manifests in violence as well as abusive litigation tactics designed to overwhelm the survivor's life. The

¹ Andrea Vollans, "Court-Related Abuse and Harassment: Leaving an Abuser Can Be Harder Than Staying," YWCA Vancouver, Canada (2010).

² Leah J. Pollema, "Beyond the Bounds of Zealous Advocacy: The Prevalence of Abusive Litigation in Family Law and the Need for Tort Remedies," 75 Univ. Mo. K.C. L. Rev. 1107 (2007).

³ *Id.*

⁴ Combined Application for Permission to File Amicus Brief and Supporting Appendix of Authorities in Excess of Ten Pages and Proposed Amicus Brief of Domestic Violence Legal Empowerment and Appeals Project, et. al., in Support of Defendant-Appellant Mrs. H; California Court of Appeals, Second Appellate District; May 2012.

⁵ Tarek Ghalayini, "Double Blind: Legal Violence in Family Court," Spring 2009, Domestic Violence Project.

abusive litigation becomes a form of punishment for leaving the relationship. In fact, the characteristic tactics and justifications that typically surround patterns of physical violence mirror the reasons why abusers engage in abusive litigation – the end result being the psychological and emotional devastation of survivors and therefore continued victimization.⁶ This control manifests itself when survivors are repeatedly forced to face the abuser in a courtroom and suffer punishing financial and emotional consequences. Once the survivor separates physically from the abuser, by for instance leaving their home or ending a relationship, abusive litigation provides the abuser continued access to the survivor; providing the abuser with the opportunity to reassert control over the survivor's life.⁷ Specifically, abusive litigation is often prompted by a survivor's decision to leave/separate from a relationship, such as filing for divorce, as well as filing for a protection order, reporting physical abuse, or simply calling police for assistance.⁸

In some case domestic violence survivors may be able to defend against abusive litigation using anti-SLAPP (Strategic Litigation Against Public Participation) laws.⁹ Anti-SLAPP laws protect individuals from litigation that is intended to deter or dissuade someone from communicating with a government agency, such as the police, or from making public statements regarding public issues. Generally, a SLAPP is a lawsuit intended to censor critics and suppress free expression by burdening someone with significant legal costs. Anti-SLAPP laws are designed to remedy the suppression of such free expression.

Washington's Anti-SLAPP law was first enacted in 1989, making Washington the first state in the nation to do so.¹⁰ Since its enactment, the law has provided a tool for domestic violence

⁶ *Id.*

⁷ Batterer Manipulation of the Courts to Further Their Abuse, and Remedies for Judges; National Council of Juvenile and Family Court Judges, *Synergy*, Vol. 12 No. 1 (2008).

⁸ Amicus Brief in Support of Defendant-Appellant Mrs. H; California Court of Appeals, Second Appellate District; May 2012, *supra* note 4.

⁹ Domesticshelters.org, "How Anti-SLAPP Laws Work: What to do if your abuser threatens to sue you for defamation if you report domestic violence," November 4, 2015: <https://www.domesticshelters.org/domestic-violence-articles-information/how-anti-slapp-laws-work#.VjvO8dWrSV>

¹⁰ Wash. Rev. Code § 4.24.510.

survivors to defend against some forms of abusive litigation. For example, domestic violence abusers may sue a former partner who has called the police to report abuse or when that abuser violates a protection order. It is not uncommon for abusers to claim that the survivor falsely reported domestic violence to authorities, and to bring defamation claims against the survivor. Even though the lawsuits are typically meritless because truth is an absolute defense to a defamation claim, the mere filing of a lawsuit forces survivors to have to go into court, hire a lawyer (if they can afford one), and to relitigate issues that have already been decided by the courts. These lawsuits affect domestic violence survivors throughout the country, as well as sexual assault survivors, and are intended to punish and silence survivors. In fact, defamation claims have become an all too common weapon of choice used by accused rapists to retaliate against sexual assault survivors.¹¹

Moreover, defamation claims used against sexual assault survivors:

...can have a chilling effect on sexual assault reporting, which is already remarkably low. If an alleged perpetrator files a defamation suit, the alleged victim must go through a civil trial as a defendant—a long and potentially traumatic experience. The chance of a rape allegation being false is also small: Researchers put the number of false rape allegations between 2 and 8 percent, no higher than that of most other crimes.¹²

In 2010, the Washington Legislature took another step forward to strengthen its anti-SLAPP laws, unanimously passing a bill to establish additional protections against SLAPP lawsuits. However, Washington’s broad and groundbreaking 2010 anti-SLAPP statute was found to be unconstitutional by the Washington Supreme Court in 2015, in *Davis v. Cox*, ___ Wn.2d ___, 2015 Wash. LEXIS 568 (May 28, 2015).

The 2010 statute expanded the scope of the previous version of the anti-SLAPP law by providing, among other reforms, broader protections for the types of public participation covered

¹¹ Zoe Greenberg, “Jameis Winston’s Threat Against CNN Shows Pattern of Defamation Suits in Assault Cases,” RH Reality Check, November 24, 2015: http://rhrealitycheck.org/article/2015/11/24/jameis-winstons-threat-cnn-shows-pattern-defamation-suits-assault-case/?&utm_medium=email&utm_source=reality&utm_content=8+-+Jameis+Winstonrsquos+Threat+Against+CNN+&utm_campaign=daily-enews-11-24-2015&source=daily-enews-11-24-2015

¹² *Id.*

under the Act.¹³ The previous versions of the law limited the public participation that was covered by the statute to speech and to “...statements made to government officials in the course of government decision making directed towards government officials.”¹⁴ The 2010 anti-SLAPP law broadened the public participation protections and “...is aimed at protecting speech made to the general public that relates to a matter of public concern.”¹⁵

Washington State attorney Bruce Johnson,¹⁶ a nationally recognized First Amendment and anti-SLAPP law expert, played a key role in developing this legislation. Mr. Johnson explained, “[t]he 2010 law was designed to enable ordinary citizens to participate in discussions of public matters without fear of expensive and debilitating retaliatory litigation. That risk has returned, unfortunately.”¹⁷ According to Mr. Johnson, despite the invalidation of Washington’s 2010 Anti-SLAPP law, the original Washington Anti-SLAPP law enacted in 1989 still provides protection for communications made to government agencies which includes communications to police, such as 911 calls. However, the 1989 anti-SLAPP law does not contain the same rigorous mechanisms contained in the 2010 law; the 2010 law also significantly provided greater protections for domestic violence survivors combating abusive litigation.

Accordingly, it is critical for the Washington State legislature to restore the safeguards and protections contained within the 2010 statute in order to provide domestic violence survivors with an essential tool to combat abusive litigation.

❖ **Abusive Litigation Tactics Used by Domestic Abusers**

Court must begin to recognize the patterns of abusive litigation to protect the needs and physical safety of domestic violence survivors. Abusers may utilize a vast array of weapons to retaliate

¹³ Davis Wright Tremaine LLP – Advisories and Blogs: “Washington Enacts New Anti-SLAPP Law,” March 18, 2010: http://www.dwt.com/advisories/Washington_Enacts_New_AntiSLAPP_Law_03_18_2010/

¹⁴ Bruce E.H. Johnson & Sarah K. Duran, “A View From the First Amendment Trenches: Washington State’s New Protections for Public Discourse and Democracy,” 87 Washington Law Review 495, 497 (2012).

¹⁵ *Id.* at 509.

¹⁶ Bruce E. H. Johnson, Partner, Chair, Privacy & Security Practice at Davis Wright Tremaine LLP

¹⁷ Kimberly Chow, “Washington Supreme Court strikes down anti-SLAPP law as unconstitutional,” Reporters Committee for Freedom of the Press, May 28, 2015:

<http://www.rcfp.org/browse-media-law-resources/news/washington-supreme-court-strikes-down-anti-slapp-law-unconstitutional#sthash.QVexu8hz.dpuf>

against survivors in the legal arena. Recognizable and common tactics of abusive litigation and the abuse of the legal process used by abusers include:

- Suing or threatening to sue anyone who helps the victim, including friends, neighbors, advocates, lawyers, and law enforcement officials. Even the threat of litigation makes it harder for the victim to find help.¹⁸ And in cases where the victim has legal representation, the ongoing threat exhausts the victim's financial resources often resulting in the loss of that legal representation.
- Abusers will portray themselves as the actual victims by seeking their own retaliatory protection orders against the victim, her friends, and her family.¹⁹
- Abusers may continually seek to modify the terms of protective orders.
- Abusers will file frivolous appeals, including revisions and reconsideration of court orders.
- Abusers will deliberately refuse to comply with court orders.
- Abusers will sue the survivor for defamation if the survivor reports the abuse to anyone.²⁰
- If the survivor is an immigrant, abusers will make reports to immigration authorities in an attempt to have the survivor deported.
- Turning child custody litigation into a nightmare is another tactic; including seeking sole custody, abusing the discovery process by seeking embarrassing or irrelevant information about the survivor, trying to re-litigate issues that have already been decided by the court,

¹⁸ Brief of Amici Curiae Domestic Violence Legal Empowerment and Appeals Project, Maryland Network Against Domestic Violence, The Women's Law Center of Maryland, The House of Ruth of Maryland, and National Coalition Against Domestic Violence. Court of Special Appeals of Maryland; September 2008.

¹⁹ *Id.*

²⁰ *Id.*

and dragging the process out as long as possible by repeatedly seeking continuances.²¹

- Abusers may also resort to making false reports to child protective services.
- Abusers will seek to portray the mother as an unfit and incompetent parent in child custody cases making requests for mental health evaluations in an attempt to undermine the victim. Therefore, it is critical in ongoing child custody disputes to ensure as much as possible that cases are seen before the same judge/court in order to identify and confront these tactics.
- Reneging on agreements developed through mediation is yet another tactic used by abusers; Abusers will also informally agree to amend a mediated agreement with the victim in order to trap the victim and then drag her back into court for violating the original agreement.
- And even after a divorce is final, abusers can force the victim back into court time and again by seeking to modify parenting plans or child support orders, or by bringing contempt motions against the survivor. Regardless of the merit of the motions, the victim still is forced to go back to court and confront the abuser, miss work, and spend money on attorneys.²²
- Judges may be also targeted if the judge rules against the abuser, wherein the abuser attempts to have the judge disqualified from the case.
- And if the abuser loses in one court, they may bring similar litigation in a different court in order to prolong the litigation abuse.
- The abuser may also utilize forum shopping tactics from one county to the next in order

²¹ *Id.*

²² *Id.*

to conceal the litigation abuse from different judges, as well as circumvent orders from different judges.

❖ **Domestic Violence Survivors Using Anti-SLAPP Laws to Combat Abusive Litigation**

Anti-SLAPP laws provide civil immunity for domestic violence survivors whenever they make a complaint to a government agency. In 2002 Washington’s Anti-SLAPP statute was amended. Among the revisions, the legislature “...eliminated a requirement that the communication be made in good faith; the law as it was passed originally by lawmakers in 1989 granted immunity only if the communication was made in good faith.”²³ This change in the law is particularly significant for domestic violence survivors. Eliminating this requirement removes any burden from the survivor to prove that a claim/complaint was made in “good faith” so as not to chill or dissuade survivors from reporting protection order violations or any reports of violence to the police out of fear that they might be sued.²⁴ The legislature also added “...the \$10,000 statutory penalty...as another deterrent to filing a SLAPP suit.”²⁵ And notably, “[b]ad faith does not deny the speaker immunity; it merely prevents him or her from receiving the \$10,000 statutory penalty.”²⁶

❖ **Washington State Moves to Strengthen Its Anti-SLAPP Laws**

In March 2010 the legislature enacted a completely new anti-SLAPP law in a new section of the Revised Code of Washington.²⁷ The new statute expanded the scope of the previous version of the anti-SLAPP law by providing, among other reforms, broader protections for the types of public participation covered under the Act.²⁸ The previous versions of the law limited the public participation that was covered by the statute to speech and to “...statements made to government

²³ Johnson & Duran, *supra* note 14 at 511.

²⁴ Wash. Rev. Code § 4.24.510: Communication to government agency or self-regulatory organization — Immunity from civil liability.

²⁵ Johnson & Duran, *supra* note 14 at 512.

²⁶ *Id.* at 511.

²⁷ Wash. Rev. Code § 4.24.525 (2010): Public participation lawsuits — special motion to strike claim — damages, costs, attorneys' fees, other relief — definitions;

²⁸ Davis Wright Tremaine LLP – Advisories and Blogs, *supra* note 13.

officials in the course of government decision making directed towards government officials.”²⁹

The 2010 anti-SLAPP law broadened the public participation protections and “...is aimed at protecting speech made to the general public that relates to a matter of public concern.”³⁰

The 2010 law had four goals:

(1) to provide as a matter of substantive law a statutory immunity for statements (and expressive conduct) on matters of public concern, where the plaintiff is unable to establish a prima facie case supporting his or her cause of action; (2) to furnish a suggested procedural framework that encourages and facilitates prompt and inexpensive resolution of such SLAPP claims; (3) to provide a right of immediate appeal of a trial court’s ruling on an anti-SLAPP motion; and (4) to require appropriate reimbursement for the targets of SLAPP lawsuits through an award of reasonable attorneys’ fees and a \$10,000 sanction.³¹

The filing of a motion under the 2010 anti-SLAPP law fast tracked court action and provided for an automatic stay in the SLAPP lawsuit wherein the burden to show good cause automatically shifts to the SLAPP plaintiff. “The statute provides for special motions to strike, which operate as early motions for summary judgment that require SLAPP plaintiffs to demonstrate, at the outset of the litigation, that they can establish the required elements of their case with convincing clarity.”³² Specifically, the SLAPP plaintiff needed to demonstrate a probability of prevailing on the merits of the SLAPP lawsuit under the clear and convincing evidence standard. This provision of the law was designed to facilitate an early summary judgment disposition. Additionally, the 2010 law protected a person defending against abusive litigation from being forced through unnecessary and time consuming discovery until the court decides whether the action should move forward. This reform in the law is particularly critical for domestic violence survivors who oftentimes are trapped by repeated court appearances where they are personally forced to confront their abusers. Halting and/or limiting the abuse of discovery proceedings until the merit of the lawsuit can be established restricts the degree of access the abuser may have with the victim inside the courtroom. Abusers would be precluded from unilaterally piling on discovery requests.

²⁹ Johnson & Duran, *supra* note 14 at 497.

³⁰ *Id.* at 509.

³¹ Johnson & Duran, *supra* note 14 at 497-498.

³² *Id.* at 518.

The statute specifically provides that all of the provisions of Washington’s Anti-SLAPP law are to be construed liberally by the courts.³³ The reasoning for this liberal construction was expressed in the legislature’s finding that “...it was concerned about claims ‘brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances’.”³⁴ The legislature also emphasized that “[a]lthough SLAPP suits are typically dismissed, the litigation often is not resolved before ‘the defendants are put to great expense, harassment, and interruption of their productive activities’.”³⁵

Another critical reform derived from the 2010 law that is particularly relevant to domestic violence survivors seeking relief from abusive litigation is that the law “...has achieved its goal of prompt resolution of meritless claims by significantly shortening the life of non-viable SLAPP claims from a matter of years to months.”³⁶ Moreover, “[b]ecause of the cost that it entails, the threat of lengthy litigation becomes vital to a SLAPP’s effectiveness. Plaintiffs rarely win in court but often realize their ultimate goal: to devastate the defendant financially and chill the defendant’s public involvement’.”³⁷ Oftentimes the ultimate goals of abusive litigation directed against survivors include suppressing the survivor’s ability to seek help from law enforcement and/or the courts along with financial and emotional devastation. Accordingly, the fact that the 2010 reforms have shortened the duration of SLAPP suits is a critical development that survivors may benefit from if they choose to take advantage of the Washington Anti-SLAPP law.

Finally, if the anti-SLAPP motion is granted there is both an award of attorney’s fees and a mandatory \$10,000 fine imposed on the SLAPP plaintiff. A common problem that many domestic violence survivors face when confronted with abusive litigation tactics is the inability to retain legal representation. In fact, a 2008 Washington State survey of domestic violence programs indicated that a mere 8 % of those programs could reliably connect survivors with an

³³ *Id.* at 520.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 526.

³⁷ *Id.* at 527.

attorney when representation was requested.³⁸ The provision of attorney's fees removes another hurdle the survivor will encounter when seeking legal representation. Furthermore, individuals who cannot afford attorneys now only have limited protections under the current anti-SLAPP law, whereas the groundbreaking 2010 anti-SLAPP law provided these individuals with far greater protections and opportunities to retain legal representation.

❖ **Washington Supreme Court Finds the 2010 Anti-SLAPP Statute Unconstitutional**

The 2010 statute was found to be unconstitutional by the Washington Supreme Court in 2015, in *Davis v. Cox*, ___ Wn.2d ___, 2015 Wash. LEXIS 568 (May 28, 2015). However, the decision in *Davis v. Cox* had no effect and did not strike down the previously enacted provisions of Washington's Anti-SLAPP law.

Mr. Johnson and his colleagues summarized the Washington Supreme Court's decision as follows:

[The Court]...invalidated the state's broad anti-SLAPP statute, holding in a unanimous opinion that the law violates the constitutional right to a jury trial. The decision strikes the statute in its entirety, finding the constitutional problem undermined the law's "mainspring." The decision, *Davis v. Cox*, is the first in the nation to hold an anti-SLAPP statute unconstitutional...

Mr. Johnson and his colleagues further explained that the Washington Supreme Court held that the 2010 statute:

...violates the state constitutional protection for the right to trial by jury. Specifically, the court held that the requirement that a plaintiff "establish by clear and convincing evidence a probability of prevailing on the claim" meant that the trial court had to weigh and decide disputed factual evidence, which is the purview of a jury. Other courts, in Washington and elsewhere, have held that this provision is akin to a summary judgment procedure. But the Supreme Court declined to read RCW 4.24.524(4) that way, holding the law's plain language requires a judge deciding an anti-SLAPP motion to rule on factual issues and dismiss even non-frivolous claims if they do not meet the "clear and convincing" standard. That, the court held, "creates a truncated adjudication of the merits of a plaintiff's claim," and "invades the jury's essential role of deciding debatable questions of fact"...Today's decision is significant because it holds the anti-SLAPP statute unconstitutional on its face, meaning it cannot be applied in any circumstance.

³⁸ 2008 Domestic Violence Counts: The National Census of Domestic Violence Services – Washington Summary, National Network to End Domestic Violence.

Because the basis is the state constitution, the Washington Supreme Court's opinion is the last word, pending any future legislative fix. It therefore appears that, for now at least, media defendants and others have lost an important protection against baseless lawsuits targeting their First Amendment activities.³⁹

The Washington Supreme Court decision striking down the 2010 law directly affects individuals who cannot afford legal representation, which is once again a critical safeguard for domestic violence survivors. Accordingly, the need for the legislative reform envisioned by Mr. Johnson to restore the protections contained within the 2010 anti-SLAPP law represents critical legislative reform that will enable domestic violence survivors to regain the safeguards from the 2010 law that will once again provide survivors with a vital tool to combat the insidious nature and consequences of abusive litigation.

❖ **How Can Anti-SLAPP Laws Be Used Against Domestic Violence Survivors?**

Although an increasing number of states have enacted anti-SLAPP laws⁴⁰, only a small minority of those states has utilized the potential power of these laws to protect domestic violence survivors. However, it is important to recognize the potential downside that anti-SLAPP laws can represent for domestic violence survivors. Anti-SLAPP laws can be used as a weapon against survivors.⁴¹ For instance, survivors may be prohibited from suing their abusers when the abuser attempts to harm them by making a false report to child protective services, by making a report to immigration officials, or by seeking retaliatory protection orders against the survivor, and against her friends and family. Furthermore, anti-SLAPP laws also prevent survivors from filing civil lawsuits against abusers who make false reports to child protective services.

❖ **Using Washington's Current Anti-SLAPP Law to Combat Abusive Litigation Against Domestic Violence Survivors**

Notably, Washington's 2010 anti-SLAPP law was developed to facilitate early summary

³⁹ Ambika Kumar Doran, Bruce Johnson, Eric Stahl | Davis Wright Tremaine LLP, "State Supreme Court Strikes Down Washington's Anti-SLAPP Statute," JD Supra Business Advisor, May 29, 2015:

<http://www.jdsupra.com/legalnews/state-supreme-court-strikes-down-86636/>

⁴⁰ Public Participation Project – State Anti-SLAPP laws and judicial decisions:

<http://www.anti-slapp.org/your-states-free-speech-protection/>

⁴¹ Barbara Hart, "Litigation Abuse: DV and the Law," National Bulletin on Domestic Violence Prevention, July 2011, Vol. 17, No. 7.

judgment dispositions. Additionally, the 2010 law protected a person defending against abusive litigation from being forced through unnecessary and time consuming discovery until the court decides whether the action should move forward. This reform in the anti-SLAPP law is particularly critical for domestic violence survivors who oftentimes find themselves trapped by repeated court appearances and are personally forced to confront their abusers. Halting and/or limiting the abuse of discovery proceedings restricts the degree of access the abuser may have with the victim inside the courtroom.

Furthermore, anti-SLAPP plaintiffs rarely win in court but often realize their ultimate goal: to devastate the defendant financially and chill the defendant's public involvement'.⁴² These are some of the same goals that abusers seek to achieve through abusive litigation directed against domestic violence survivors. Moreover, the ultimate goals of abusive litigation directed against survivors includes suppressing the survivor's ability to seek help from law enforcement and/or the courts. The 2010 anti-SLAPP law shortened the duration of SLAPP suits which is particularly vital for survivors.

Finally, if the anti-SLAPP motion is granted there is both an award of attorney's fees and a mandatory \$10,000 fine imposed on the SLAPP plaintiff. Domestic violence survivors that are confronted with abusive litigation tactics face the inability to retain legal representation. The provision of attorney's fees removes another hurdle the survivor will likely encounter when seeking legal representation to fight back against abusive litigation.

Washington State attorney Bruce Johnson has emphasized that Washington State case law indicates that if an individual communicates to the wrong government agency the protection provided within the original 1989 anti-SLAPP law may not be available for the person seeking protection from the anti-SLAPP law. This is particularly worrisome for domestic violence survivors who may find themselves unprotected by the current anti-SLAPP law if they communicate with the wrong government agency when seeking help or protection from an abuser; it may be critical for a survivor to therefore communicate with police in the proper

⁴² Johnson & Duran, *supra* note 14 at 527.

jurisdiction. This lack of potential lack of protection for survivors can only be remedied with legislative anti-SLAPP reform that would restore the 2010 anti-SLAPP protections. Domestic violence survivors represent a critical constituency for restoring the broad and groundbreaking protections originally contained within the 2010 anti-SLAPP law.

Mr. Johnson is currently planning to restore the groundbreaking impact of Washington's 2010 anti-SLAPP law with a legislative reform agenda planned for Washington's 2016 legislative session. Mr. Johnson's planned legislative reform agenda includes addressing the needed changes to 2010 law to satisfy the prescriptions contained in the Washington Supreme Court's decision striking down the 2010 law while maintaining the groundbreaking nature of the 2010 law.

The Washington Trial Lawyers Association lobbied heavily against the 2010 anti-SLAPP and will likely fight any future legislative fix to restore the 2010 law and its significant protections and safeguards. Specifically, the Washington Trial Lawyers Association has come out against the protections for limiting discovery contained within the 2010 anti-SLAPP law, which is a critical issue and safeguard for domestic violence survivors battling the oftentimes endless legal, emotional, and financial devastation associated with abusive litigation.

The Washington State legislature must seriously evaluate and consider not only the imperative need to maintain the significant protections contained within the 2010 statute that provide critical safeguards for survivors battling abusive litigation tactics but how the elimination of those safeguards will impact the ability of survivors to establish any tangible means to confront abusers that use the courtroom to reestablish and retain control over their victim's lives.

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