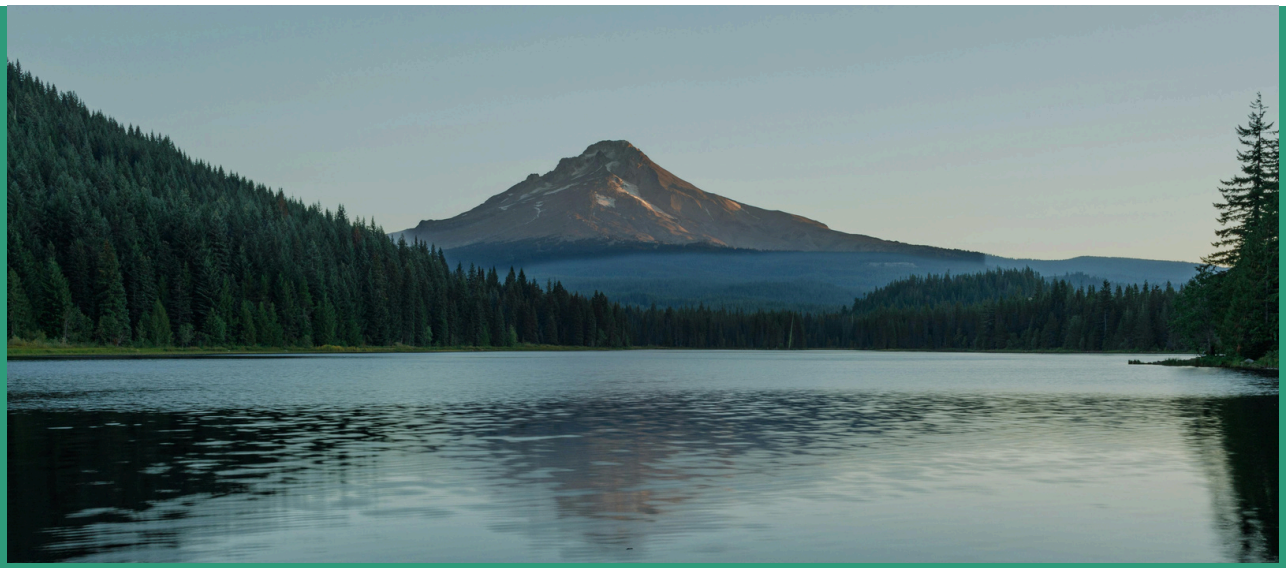
AUGUST 2025| VOLUME 14 ISSUE 3

# OCVLC NEWSLETTER



## From the Executive Director

*BY: EMILY LA BRECQUE, EMILY@OCVLC.ORG*

This has been a summer of big changes for OCVLC. After many years as a staff attorney, I am honored to step into the role of executive director and welcome two extraordinary senior staff attorneys. Sarah, who comes to us from the National Crime Victim Law Institute, and Brett, who is returning to our office after spending several years at Legal Aid of Oregon, are welcome and needed additions to OCVLC's incredibly hard-working staff. There are still challenges on the road ahead. Now more than ever before, OCVLC is providing critical services throughout the state of Oregon, and like many nonprofits, our funding is in jeopardy. We are busier than ever before. So far in 2025, we have opened 280 cases in 31 counties. Slow days are few and far between, but the staff at OCVLC is rising to meet this challenge with empathy, humor, and resilience, and continuing to provide free representation to victims of crime in Oregon.

At the same time, OCVLC did not receive critical funding in the 2025 Legislative session and has been impacted by cuts to and restrictions on VOCA funding. We are seeking appropriations in the 2026 short session, and I am earnestly asking for all those who support and value our services to reach out to their state representatives in support of the legislative appropriation of funds for OCVLC and separately in support of legislative funding to backfill the loss of VOCA funds. If you have questions about how to best support us or about OCVLC's future, send me an email, and I would be happy to talk.

# How can I help the Oregon Crime Victims Law Center continue to support crime victims?

***DONATE***

*ONLINE AT HTTPS://WWW.OCVLC.ORG/DONATE.HTML*

*BY MAILING A CHECK TO:*
*OREGON CRIME VICTIMS LAW CENTER*
*7412 SW BEAVERTON-HILLSDALE HWY.*
*SUITE 209*
*PORTLAND, OR 97225*

***CALL***

*YOUR OREGON STATE SENATORS AND REPRESENTATIVES TO VOICE YOUR SUPPORT FOR FUNDING FOR OCVLC IN THE 2026 LEGISLATIVE SHORT SESSION.*

*NEED HELP FINDING YOUR SENATOR OR REPRESENTATIVE? YOU CAN FIND THAT INFORMATION AT HTTPS://WWW.OREGONLEGISLATURE.GOV/*

***FOLLOW***

*FOLLOW OCVLC ON SOCIAL MEDIA AND SHARE OUR POSTS.*

***SHARE***

*OCVLC'S POSTS ON SOCIAL MEDIA OR THIS NEWSLETTER*

# Appellate Update: Consideration of Crime Victims' Rights in Staying Civil Discovery

*BY: RACHEL GARRETT*

In June, the Oregon Court of Appeals released its opinion in R.M. v. McNeer, 341 Or App 425 (2025), providing a win for crime victims in Oregon who choose to seek a restraining order while criminal charges are pending. The case examined the overlap between crime victims' rights under the Oregon Constitution and how those rights potentially overlap with civil discovery proceedings.

In McNeer, the petitioner filed for a Family Abuse Prevention Act (FAPA) restraining order against their ex-spouse. Prior to the contested hearing, the state brought criminal charges against the respondent for the same conduct underlying the FAPA petition. The respondent wanted to depose the petitioner in preparation for the FAPA hearing, but the petitioner moved for a protective order under ORCP 36 C to postpone the deposition until after the criminal case had resolved. The petitioner argued that allowing the respondent to depose her in the FAPA case would circumvent her rights as a crime victim under the Oregon Constitution, which states that a crime victim has the "right to refuse an interview, deposition, or other discovery request by the criminal defendant or other person acting on behalf of the criminal defendant…" The trial court granted the protective order and ultimately upheld the FAPA order after a hearing, which the respondent appealed.

OCVLC submitted an amicus brief regarding the issue, arguing that allowing a deposition in a civil case based on the same events in a criminal case effectively eliminates victims' constitutional protections. Crime victims often obtain a protective order while criminal charges are pending, as they are an important tool for crime victims to maintain their safety. Allowing victims to be deposed or subject to the discovery process further exposes them to intimidation and harassment.

The Court ultimately held that trial courts do have the authority to limit discovery in civil cases under ORCP 36 C, so long as the party seeking limitations can provide good cause for why discovery should be limited. The petitioner argued, and the Court of Appeals agreed, that there was good cause, because a protective order would preserve her constitutionally protected right to refuse discovery requests in the related criminal case, and that by allowing the respondent to circumvent those protections, it posed an undue burden to the petitioner and opened her up to harassment and intimidation. The Court stated that while language of victims' rights in criminal proceedings under Article 1, section 42 of the Oregon Constitution do not explicitly extend to civil proceedings, there is nothing that prohibits a trial court from considering whether the deposition of a victim would expose them to intimidation or harassment or pose an undue burden when considering a motion brought under ORCP 36 C.

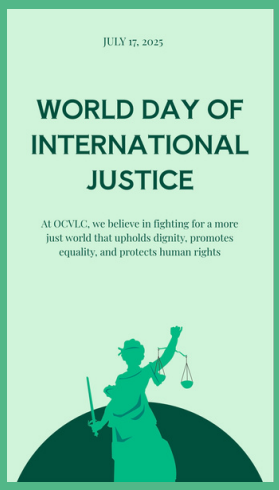
Allowing crime victims to request a protective order limiting discovery in civil cases will undoubtedly give more victims the confidence to seek out restraining orders for their safety. When filing for a restraining order, petitioners have a limited time frame for which they can apply, and oftentimes, criminal cases resolve long after that time frame. This leads to many restraining order cases and criminal cases based on the same conduct pending at the same time. When faced with a discovery request or deposition in a restraining order case, many victims feel retraumatized and question whether it is in their best interest to move forward with seeking the restraining order. By allowing victims to request that discovery be limited while the criminal case is pending, it ensures that crime victims' rights are not only upheld, but respected and honored.

# AN INTERN'S PERSPECTIVE ON CRIME VICTIMS' RIGHTS

*BY: SYDNEY COTTRELL*

Coming in as a summer undergraduate intern, I knew next to nothing about victims' rights. As a politics major, my previous law knowledge had focused squarely on the black and white nature of prosecution vs. defense, the state against an alleged criminal. Given this portrayal, I didn't even think to consider the role of a victim – that is, until starting at OCVLC.

My experience this summer has completely opened my eyes to a whole new realm of the legal system. Through my role running social media, conducting legal research, and attending various court hearings, I relied on my perspective as a relative outsider to law to put myself in the victim's shoes and create resources that were accessible to a wider audience. If I were in their situation, what would I want to know?


It seems so painfully obvious in retrospect, but through this process I learned that victims have constitutional protections that outline basic rights like the right to know in advance when a hearing is set and the right to be heard at different stages of a criminal proceeding. I learned that statutes are wordy and convoluted, but provide much needed rules and regulations. And I also learned how to use Canva to master the art of an Instagram post.

# AN INTERN'S PERSPECTIVE ON CRIME VICTIMS' RIGHTS

*BY: SYDNEY COTTRELL*

Now at the end of my time with OCVLC, I think my biggest takeaway has been the dedication and care exhibited by each member of the OCVLC staff. Despite dealing with often heavy case content and constantly combatting the frustrations of the criminal justice system, I admire how the office still exhibits such joy. There is a camaraderie and shared desire to make a difference in the lives of clients that is infectious, and is something that will be sure to stick with me for years to come. I feel so grateful for their mentorship and guidance.

As I embark on my senior year of college, I am excited to build on my newfound knowledge of victims' rights and continue to stay curious about how best to help make a positive difference in the lives of others.


Originally from SE Portland, Sydney is a rising senior at Pomona College in Southern California majoring in politics and double minoring in music and history. After college, she intends to take a gap year or two before applying to law school to further explore her interests in criminal and constitutional law. In her free time, Sydney enjoys singing in her a cappella group, Mood Swing, exploring new running routes, and serving as a play-by-play announcer for Pomona's women's soccer and basketball teams.

# WELCOMING OUR NEW SENIOR STAFF ATTORNEYS!

## MEET SARAH LeCLAIR, JD

Sarah joined the Oregon Crime Victims Law Center (OCVLC) as a Senior Staff Attorney in July 2025. Before starting at OCVLC, she served as a Staff Attorney and Legal Publications Director at the National Crime Victim Law Institute (NCVLI) for 16 years. While with NCVLI, she participated in the continued development and implementation of the organization's national litigation and education strategies, including providing legal technical support on victims' rights-related issues and planning and facilitating in-person and online trainings. Before NCVLI, Sarah practiced law as an associate attorney at Miller Nash LLP in Portland, Oregon for four years, and served as judicial clerk for the Honorable Rick Haselton of the Court of Appeals of the State of Oregon. She has a BA in History from the University of Oregon and a JD from the University of Virginia School of Law. We are so excited to have her on the team!

# WELCOMING OUR NEW SENIOR STAFF ATTORNEYS!

## MEET BRETT CATTANI, JD

Brett Cattani (he/him) is a senior staff attorney with the Oregon Crime Victims Law Center (OCVLC), where he represents crime victims and survivors of abuse in civil legal matters. He previously served as a staff attorney and pro bono coordinator with Legal Aid Services of Oregon (LASO), helping to manage the daily operation of LASO's pro bono projects. Brett joined LASO in 2007, providing direct representation to underserved communities in a wide variety of poverty law cases. In 2016, he transferred to the Bronx office of Legal Services NYC, specializing in eviction defense, housing discrimination, and affirmative habitability litigation. Before returning to LASO, Brett held a grant-funded position with OCVLC, representing abuse survivors at Multnomah County's Gateway Center for Domestic Violence. Brett is a graduate of the University of California at Berkeley and Lewis & Clark Law School.

# Case Summaries

*BY JACK STAUNTON*

An OCVLC attorney represented the mother of a murder victim in an Oregon Parole Board murder review hearing. This was the Adult in Custody's first request for parole; the family had many questions about the process and was very concerned about his potential release. In his hearing memorandum, in addition to disputing much of the information in the post-sentencing report and sanitizing how the murder occurred, the AIC discussed the importance of music and guitar playing to his rehabilitation while in custody. Throughout his time in custody, the AIC has played guitar and recorded numerous albums that he has published online. The lyrics and album covers included depictions of the murder itself, along with lyrics related to death, torture, and revenge. The OCVLC attorney wrote a hearing memorandum, attaching screenshots of the AIC's album covers and lyrics and arguing that he had not demonstrated stability, maturity, or rehabilitation. The day before the hearing, the AIC asked the Board to cancel the hearing and told the Board he would not be asking for parole for another 2 years.

An OCVLC attorney met with a victim at the Family Justice Center in preparation for their upcoming protection order hearing. The attorney provided information to the victim on what to expect at the hearing and how to prepare, including the format of the proceedings, the types of evidence that can be presented, and the judge's expectations. The victim reported that the meeting made them feel more prepared and confident going into the hearing.

Two OCVLC attorneys represented a FAPA client in a modification to her FAPA order, which contained an added provision allowing the respondent to possess a hunting rifle. After considering the attorneys' written and oral arguments, the judge found that there was no discretion on the court's part to allow the respondent access to a firearm. The client felt safer with the total firearm prohibition in place.

An OCVLC attorney represented a client in a hearing where the respondent petitioned the Court to terminate a stalking protective order. The stalking protective order was only a few years old, and the circumstances had not materially changed since its enactment. The client also lived out of state and had been served electronically. The OCVLC attorney petitioned the court to reset the hearing to allow the client to appear remotely. The OCVLC attorney represented the client at the contested hearing, and the Court ultimately denied the Respondent's request to remove the stalking protective order.