

## CERTIFICATE OF ATTENDANCE FOR CALIFORNIA MCLE

**Top portion of form to be completed by the Provider**

It is preferred that the form is pre-printed with the attendees name  
and bar number.

Provider Name: Ventura County District Attorney's Office  
Provider Number: 1130  
Title of Activity: Intersection of Civil and Criminal Cases: What Prosecutors Should Know  
Date(s) of Activity: November 14, 2017  
Time of Activity: 3:30 p.m. to 5:00 p.m.  
Location of Activity (City/State): Ventura, CA

This Activity qualifies for: Participatory  Self-Study   
Total California MCLE Credit Hours for the above activity: 1.5 hours, including  
the following sub-field credits:

- Legal Ethics: \_\_\_\_\_
- Recognition and Elimination of Bias: \_\_\_\_\_
- Competence Issues: \_\_\_\_\_

***Bottom portion of form to be completed by the Attorney after participation in the  
above-referenced activity***

By signing below, I certify that I participated in all, or some\*, of the activity described above  
and am therefore entitled to claim the following California MCLE credit hours:

Total California MCLE Credit Hours: \_\_\_\_\_, including the following sub-field credits:

- Legal Ethics: \_\_\_\_\_
- Recognition and Elimination of Bias: \_\_\_\_\_
- Competence Issues: \_\_\_\_\_

*(You may not claim credit for the subfields above unless the provider is granting credit in  
those areas above.)*

Print Your Name (clearly): \_\_\_\_\_

Your California State Bar Number: \_\_\_\_\_

Signature: \_\_\_\_\_

\* partial participation hours must be pro-rated

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## Intersection of Civil and Criminal Cases: What Prosecutors Should Know

Ventura, CA – November 13<sup>th</sup>, 2017

Your Name (optional): \_\_\_\_\_

Thank you for taking the time to give us your feedback! Please check your overall impression.

**Poor**     
**Fair**     
**Good**     
**Very Good**     
**Excellent**

*Please make a check mark in the corresponding circle.	Strongly Disagree	Disagree	Agree	Strongly Agree
This training provided new information about the civil justice system.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
This training made me more inclined to collaborate with civil attorneys.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I would refer victims in search of civil representation to the NCVBA.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel equipped to respond to defense attorneys who raise the issue of victims filing civil suits in court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I think victims can benefit from being represented by a civil attorney.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would you attend another training with us?	Yes	No		
Would you recommend it to colleagues?	Yes	No		

**COMMENTS:** (Additional space on back of page can be used)

- You have permission to use my comments
- Please do not use my comments

*How can we help to improve relationships between prosecutors and civil attorneys?*

*Do you have any specific reservations about civil attorneys? If so, how could we better address those reservations?*

If you cannot return this evaluation at the training, please mail to: National Center for Victims of Crime, 2000 M St., NW, Suite 480, Washington, D.C. 20036 (or fax to 202-467-8700).

**A FULL MEASURE OF JUSTICE:**  
What Prosecutors Need To Know About The  
Intersection Of Civil And Criminal Litigation

**Jeff Dion and Allison Worden**



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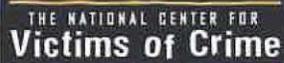
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**MISSION:**  
FORGE A NATIONAL  
COMMITMENT TO  
HELP VICTIMS OF  
CRIME REBUILD THEIR  
LIVES

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- Public Policy Advocacy
- Financial Crime Resource Center
- National Crime Victim Bar Association
- Training and Technical Assistance
  - Complex Homicide Project
  - State Victim Assistance Academies
  - National Training Institute-Portland, OR December 5—7

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A PROGRAM OF  
**THE NATIONAL CENTER FOR VICTIMS OF CRIME**



**Victim Connect**  
resource center

*Confidential referrals for crime victims*  **855-4-VICTIM**

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**THE NATIONAL  
CRIME VICTIM  
BAR ASSOCIATION**

- Client referrals
- Expert referrals
- Advocate Training
- CLE Programs
- Case Law Database
- Networking
- Amicus Briefs
- Document Bank

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**Why I do  
this work**

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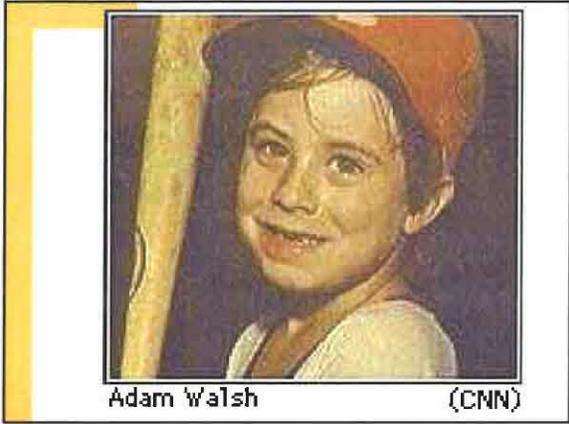
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Adam Walsh (CNN)

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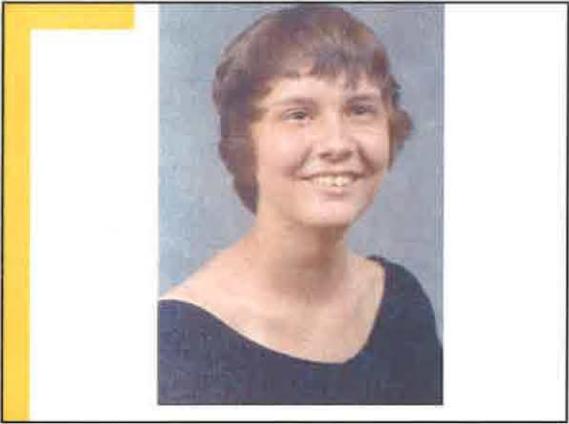
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**Let's Talk About Lawyers**

- As prosecutors, How do you view civil lawyers?
- How do you think civil lawyers view prosecutors?
- Are civil lawyers' views of prosecutors correct?
- Do civil lawyers and prosecutors have anything in common?



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### What do Victims Want?

- Is there anything that victims want that the Criminal System either :
  - Inherently cannot give them, or
  - Cannot effectively provide given how the system currently operates

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### Victim Benefits in the Civil System

- Direct Accountability
- Broader Accountability
- Information
- A Lower Burden of Proof
- Indemnification
- Economic Incentives for Crime Prevention

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### Case Examples

- Child Sex Abuse
- Negligent Security
- Campus Sexual Assault
- Drunk Driving
- Stalking
- Financial Fraud

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**Don't Screw Up this Prosecution!**

- What threats to the prosecution are posed by a civil case, and how can they be mitigated?
  - Filing a concurrent civil suit may be used to impeach victim's credibility.
  - Perpetrator gets information through civil discovery, to which they would not otherwise have access.

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**Passing the Baton**

- To what extent can prosecutors and civil attorneys work collaboratively to assist each other and/or the victim?

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**What Legal/Ethical Duties Does the Prosecutor Owe the Victim?**

CA Penal Code 679.02. (a) The following are hereby established as the statutory rights of victims and witnesses of crimes:

\* \* \*

(8) For the victim, to be provided with information concerning the victim's right to *civil recovery* and the opportunity to be compensated from the Restitution Fund . . .

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**What Legal/Ethical Duties Does the Prosecutor Owe the Victim?**

**U.S. Constitution, Amendment VII**

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved . . .

**California Constitution, Article 1, Sec. 16**

Trial by jury is an inviolate right and shall be secured to all

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**What Legal/Ethical Duties Does the Prosecutor Owe the Victim?**

- **Rule 4.1** a lawyer shall not knowingly: make a false statement of material fact or law to a third person
- **Rule 4.3** In dealing with a person who is not represented by counsel, a lawyer shall not give legal advice, other than the advice to secure counsel.

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**What Can Prosecutors Say About Civil Claims When Asked By Victim?**

- You may have a civil claim and may wish to consult a civil attorney.
- You should select an attorney that will work with the prosecutor and not jeopardize the criminal case.
- It may be best to wait until after the criminal case is over, but there are civil statutes of limitation. Please discuss with your attorney.
- If you retain private counsel, we cannot speak with you without your attorney's consent. Please have your attorney notify us of his or her legal representation of you and consent to our continued communication with you.

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**What Can Prosecutors Say About Civil Claims When Victim Doesn't Ask?**

- In compliance with 679.02, Prosecutor can say:
- You may have a civil claim and may wish to consult a civil attorney.

**AND ...**

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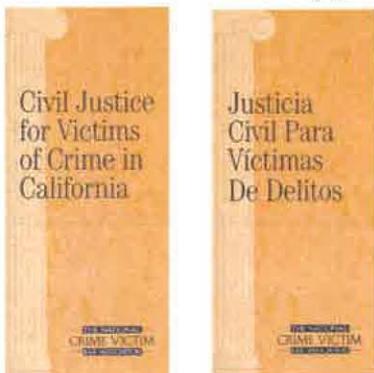
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**Provide hard copy/link to:**



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**Referring Victims to Civil Lawyers**

- **National Crime Victim Bar Association** complies with all guidelines for Nonprofit Attorney referral services as set forth by the **American Bar Association** and the **California State Bar**
- 844-LAW-HELP (844-529-4357)
- [www.VictimBar.org](http://www.VictimBar.org)

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## Restitution

- Are Prosecutors doing enough to:
  - Incorporate Restitution into Plea Agreements?
  - Fully Value Restitution?
  - Argue for Restitution?
  - Preserve Restitution before Probation Expires?
- Civil Lawyers can help with restitution and CA allows attorney fees for restitution.

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## Please Provide Feedback

**Jeff Dion**

Director

National Crime Victim Bar Association

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**Allison Worden**

Gomez Trial Attorneys

*aworden@thegomezfirm.com*

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— THE NATIONAL —  
**CRIME VICTIM**  
— BAR ASSOCIATION —

[www.VictimBar.org](http://www.VictimBar.org)

THE NATIONAL CENTER FOR  
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