

Testimony of Jennifer Williams

February 8, 2023

Members of the Judiciary Committee,

My name is Jennifer Williams and I am a resident of Fargo, North Dakota. I am here today to testify in support of House Bill 1533, which seeks to protect survivors of domestic abuse from abusive litigation. I am a survivor of domestic violence. I am very familiar with abusive litigation as it is something I have experienced first-hand since leaving my abuser in 2016. I want my story to help create awareness. Abusive litigation is here in North Dakota. Many of us face it and we often face it alone. There is no protection and often no resources. Due to this, I have become passionate in ensuring I do whatever possible to prevent this from happening to others here in North Dakota. I'm urging the Committee to issue a "DO PASS" so that we can ensure that protection and prevention is in place.

I was married for one year. I moved out, practically overnight as the physical abuse escalated to the point that I found myself texting someone that if something happened to me, he did it. I feared he would kill me. An incident later proved my fears were real. I thought the threats, manipulation, emotional and physical abuse would end when I left. I was wrong.

I had never heard of the term abusive litigation prior to my divorce. I learned very quickly, what it entailed though. I also learned that there are no resources available. It's not something I could just leave, like I did before. I was told if I didn't respond to the filings I was all of a sudden inundated with, I could possibly lose my kids. I was basically told I needed to just deal with it. Do victims of any other type of abuse get told to just deal with it? I was forced to pay thousands of dollars, as a single parent, whenever he felt like filing something. He had all the control, this abuse felt worse than the abuse I endured in the home. It made me understand domestic violence better and why some victims returned to their abuser. I knew this needed to be fixed.

My case has all the red flags of abusive litigation. There's excessive discovery. I was served 11 rounds of just in my divorce alone. Multiple Motions for Contempt have been filed against me, as retaliation it seemed. These all consisted of false accusations or allegations that don't rise to contempt. I was never found in contempt but had to defend each one. Defendant has been found in contempt multiple times and shows complete disregard for the judgment with little to no consequence. I've had to defend multiple motions that were found untimely or not supported by law. A Motion to Void Marriage was filed three months after our trial, claiming I was "fraudulent". He stated I knew the person who married us wasn't licensed to do so in North Dakota. A letter was sent to the Court, while awaiting a decision, months after trial, with more false allegations against me. A month after our Judgment, a Motion for Reconsideration and Clarification was filed. He attempted to use this modify his child support and modify his parenting time. Months later, another Motion to Modify Child Support and Parenting Time was filed. While the Court has ordered attorney fees for several of these motions, attorney fee awards were often for much less than the cost to defend the litigation. This would incentivize the abuser to continue this behavior. This is just a glimpse into what I experienced in terms of filings.

A Demand for Change of Judge was denied, a Demand for Change of Venue was filed right after. I realized then how an abuser can manipulate the system to get what they want. This Change of Venue

was filed with yet another Motion to Modify Child Support, after others were denied. Once a judge evaluates one's credibility, especially the abuser, they will seek to change. Again, this is a common tactic. When a case has over 1,000 filings, there is no way for a court to review the case history. These actions prove to be extremely detrimental to the children involved in these situations. I have witnessed that firsthand now. I filed a Motion for Rule 11 Sanctions. I understand this was untimely; however, it was not frivolous. It raised concerns as to what was initially filed, by my abuser, to change parenting time and other modifications. It's alarming.

My trial court made findings of serious bodily injury, domestic violence. During the disorderly conduct restraining order hearing, the Court noted a history of domestic violence, victimization, and intimidation by the Defendant. The victimization and intimidation continue in filings today. The harassment and name calling is evident in every single filing. He is allowed to do this whenever he wants, I just endure it. If House Bill HB 1533 were in place today, he wouldn't have had the opportunity to continue this abuse. I wouldn't have to just tolerate this as a victim, I shouldn't have to, no one should have to. I have spent thousands of hours I bet dealing with this. My attorney fees have amounted to close to \$200,000 now. This takes away from my children and our future. Imagine a single parent, being forced into that debt simply because they are a survivor of domestic abuse.

In 2021, I submitted a complaint regarding opposing counsel, to the Disciplinary Board of the North Dakota Supreme Court. I feared retaliation so I hesitated, I waited longer than I should've due to that fear. Opposing counsel was publicly reprimanded by the hearing panel as a sanction for violations of Rule 3.4 (c)-(d) of the North Dakota Rules of Professional Conduct. It found that she "overidentified" with her client and that there was a "lack of separation between herself and the client". It found that I was "injured as a result of Aldrich's conduct because she was required to respond to the additional, improper discovery requests and late motions." It also found that "there are multiple instances in which the Rules of Civil Procedure were not properly followed." In my disciplinary complaint, I refer that two separate courts made findings of domestic violence, which opposing counsel blatantly ignores. In her response to the complaint, she rants, calling me a liar at nearly every chance she gets. She accuses me of lying about the abuse. She submits three affidavits, from my abuser, his mother and sister. All calling me names, accuses me of lying about the abuse. I don't understand why an attorney would submit affidavits in her response to a disciplinary complaint but that goes to show that opposing counsel contributes in allowing the abuser to continue the abuse. She is still representing him, same situation as it won't end. Again, having a bill like HB 1533 would also prevent this type of situation from taking place. This is uncalled for. The Disciplinary Board is not able to address domestic violence issues.

Abusive litigation is abuse. It's emotional, psychological, financial and everything in between. It allows harassment, stalking, name calling and accusations to be made, requiring you to defend. We must put protections in place to prevent everything that I have described above. This is just a glimpse of what I have experienced. Vexatious litigant has not worked for me as my abuser is not self-represented and often, the court is not quick to make a finding that a motion is necessarily frivolous. I am asking for a "DO PASS" so that there is a separate protection in place for domestic abuse victims. The time is now.

Thank you for your consideration.