

Testimony of Jennifer Williams in Support of HB1533
Senate Judiciary Committee

Chairman Larson and members of the Committee, my name is Jennifer Williams and I am a resident of Fargo, ND. 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.

Abusive litigation is here in North Dakota. Many of us face it and we often face it alone. We don't talk about it for fear of retaliation or something bad happening for speaking up against our abuser. While there is awareness of it happening, abusive litigation is basically allowed to continue and there are no resources. I have become passionate in ensuring I do whatever possible to prevent this from continuing and 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.

Prior to leaving, I didn't know what abusive litigation was. I quickly learned. This time I couldn't leave the abuse, like I did before. It's not something I could just leave, like I did before. My abuser used the court system to continue to abuse. If I didn't respond to his crazy accusations and the filings I was inundated with, I was told I could possibly lose my kids. I was told I need to "just deal with it". Do victims of any other type of abuse get told to just deal with it? As a single parent, I was forced to pay thousands of dollars whenever he felt like filing false accusations against me or a motion that had no evidence. He controlled me in more ways than before. The abuse was worse than when I lived in the home. It made me understand domestic violence, the impacts of it and why some victims returned to their abuser.

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. Several subpoenas filed on me, untimely and evident that it was being used as a means of abuse. 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", again denied. A letter was sent to the Court, while awaiting a decision, months after trial, with more false allegations against me. Within a year and a half of our divorce, Defendant filed three motions to change parenting time, financial obligations and child support. 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. I learned afterwards that this is common with abusive litigation. When a case has over 1,000 filings, there is no way for a court to review the case history and credibility. These actions prove to be extremely detrimental to the children involved in these situations, which I have witnessed firsthand now. I filed a Motion for Rule 11 Sanctions and while I now understand this was untimely, it was not frivolous. It raised concerns as to what was initially filed, by my abuser and his counsel, to change parenting time and other modifications. It's alarming.

When attorney fees are awarded, they are for often far less than the cost to defend the litigation. Attorney fees are not promised, even when motions are denied. This would incentivize the abuser to continue the behavior. When you are self-represented, no fees can be awarded. Self-representation can also have detrimental effects on one's mental and physical being, it's time consuming and can cause one to risk losing their job. This is what an abuser wants. Being a victim of abuse should not force you into that process, that's not a resolution. From my experience, the abuser will also make the process a lot more difficult. I would not wish that on anyone going through this.

Vexatious litigant or Rule 58 has not worked for me as my abuser has always been represented. The court is also not quick to make a finding that a motion is necessarily "frivolous". Requesting for a Vexatious litigant also takes a showing of numerous frivolous motions, the court does not always make that separate finding. Rule 11 is also not an option as it is timely and attorneys often do not want to file this type of motion, I have been told many times that it's not worth it.

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. I just endure it. 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 totaled close to \$200,000. Imagine single parents, being forced into that debt simply because they are a survivor of domestic abuse. Imagine the children that this takes away from and the quality of life this leaves.

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 discover requests and late motions." It also found that "there are multiple instances in which the Rules of Civil Procedure were not properly followed." Counsel has blatantly ignored prior court findings of domestic violence; continues to claim I lied about the abuse. In her response to the complaint, she rants, falsely accuses me and calls me a liar at nearly every chance she gets. I can't imagine victim shaming in this manner ever being publicly accepted. While this behavior is not understood, it evidences that the abuser is allowed to continue the abuse through counsel, through someone else. Even when there was a restraining order and protection order. Recent filings will show this continues. I just responded to false accusations, name-calling, and false statements which they know to be false. HB 1533 would also limit this practice as well.

Abusive litigation is abuse. It's emotional, psychological, financial and everything in between. HB 1533 would protect so many from having to experience this. Our Court system is there to protect us but I, along with many others, have not been protected. I am asking for a "DO PASS" so that we do have that protection.

Thank you for your consideration.