

Never Again

FOUNDATION

AS A YOUNG ASSOCIATE at a Phoenix-area law firm, J. Reuben Clark Law School graduate Keith Perkins figured his Japanese language skills and his interest in business law had positioned him well for a career as a transactional lawyer. He had little interest in litigation and no plans to get involved in emotionally draining cases with clients who had been physically and sexually abused. That's when a senior partner handed Perkins a file that changed his life—and the lives of untold victims of abuse like the children in that case who could not afford justice.

"They couldn't get representation," said Perkins, a 1993 graduate of the Law School. "I thought that if there was anybody the law should protect, they were the ones. Although the law was there to protect them, the system did not give them access to the law."

Perkins soon realized that abuse victims face a variety of obstacles that go beyond the challenging task of recovering from their physical and emotional injuries. The high standard of proof required for conviction in criminal cases and the heavy workload of many prosecutors lead to plea bargains, which often leave victims feeling frustrated. Perkins realized that because prosecutors must seek the good of the entire community, victims lack an advocate to pursue their interests not only in the criminal context but also in the civil system.

In the civil context, victims face the additional complication that criminal abusers can rarely afford to compensate victims for their injuries. That means most civil lawsuits by abuse victims are brought not against abusers but against the deep-pocketed employers, schools, or churches who are alleged to have had a duty to stop the abuse.

"That really bothered me," Perkins said. "You couldn't go after the person who did it. You could only go after the fringe people."

After his first two cases representing abuse victims, Perkins was frustrated by the lack of available resources for victims to pursue legal remedies. Perkins made a resolution: Never again.

• BY EDWARD L. CARTER •

Those two words, "never again," set Perkins on a crusade. Eventually he abandoned his plans to practice transactional law and started a private, nonprofit foundation that represents abuse victims for free. He named it the Never Again Foundation and set about soliciting charitable contributions so he could do nothing less than change the relationship between abuse victims and the law. "Our whole purpose is to provide access to the civil justice system, not only for the good of the victim but also for a message of deterrence," Perkins said.

In July 2001 Perkins achieved a \$1.25 million state court civil jury verdict on behalf of a Show Low, Arizona, woman who had been beaten, nearly drowned, and threatened with a loaded pistol by her husband of three years. The man was convicted of aggravated assault and sentenced to 12 years in prison, but the civil lawsuit was necessary to ensure that the woman's property would not be subject to division in the couple's divorce.

"I think those results can be repeated with the same kind of facts," said Perkins, who hopes to endow the Never Again Foundation and expand the organization's operations from its Gilbert, Arizona, base into Utah and other states.

Although the \$1.25 million verdict made headlines, money is not the motivating factor for either the Never Again Foundation or its clients, said Jordan Carpenter, a second-year BYU law student who worked with Perkins during the summer of 2002. "From the outset they are told they may never get a dime, and they don't care," said Carpenter. "They just want vindication."

Now Perkins is setting out to expand the influence of the Never Again Foundation.



He has drafted legislation on victims' rights, filed an appellate brief on the question of whether a convicted criminal can deny liability in a subsequent civil lawsuit, and worked to extend Arizona's statute of limitations for civil lawsuits by abuse victims against their abusers.

He finds that most victims are unaware of the statute of limitations for civil lawsuits, which he believes should be as long as the seven-year statute of limitations for filing criminal charges. Although criminal prosecutors sometimes frown on victims' civil lawsuits against abusers because criminal jurors may look on abuse victims as gold diggers, Perkins believes the civil and criminal justice systems can work together.

Perkins' enthusiasm for providing free legal representation for victims of physical and sexual abuse makes it hard to believe that he ever considered doing anything else. He attests, "This message is very unique and very powerful."

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