
**IN THE
COURT OF APPEALS OF VIRGINIA**

Record No. 1062-22-4

AMBER LAURA HEARD,
Defendant-Appellant,

v.

JOHN C. DEPP, II,
Plaintiff-Appellee.

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* SANCTUARY
FOR FAMILIES, THE VIRGINIA NATIONAL ORGANIZATION FOR
WOMEN, THE DC COALITION AGAINST DOMESTIC VIOLENCE,
EQUALITY NOW, ESPERANZA UNITED, THE FEMINIST MAJORITY
FOUNDATION, BATTERED WOMEN’S JUSTICE PROJECT, THE
WOMEN’S EQUAL JUSTICE PROJECT, NATIONAL CRIME VICTIM
LAW INSTITUTE, THE COALITION AGAINST TRAFFICKING IN
WOMEN AND PROFESSOR CATHARINE A. MACKINNON, *ET AL.*
IN SUPPORT OF THE DEFENDANT-APPELLANT**

Amici Curiae (“*Amici*”) Sanctuary for Families, the Virginia National Organization For Women, the DC Coalition Against Domestic Violence, Equality Now, Esperanza United, The Feminist Majority Foundation, Battered Women’s Justice Project, The Women’s Equal Justice Project, National Crime Victim Law

Institute, the Coalition Against Trafficking in Women, Professor Catharine A. MacKinnon and the organizations, individual professors, scholars, victim advocates and professionals listed in Appendix A hereto, by counsel, respectfully move this Honorable Court for leave to file the attached brief *amicus curiae*, pursuant to Rule 5A:23 of the Supreme Court of Virginia, in support of the Defendant-Appellant Amber Laura Heard. In support of this motion, *Amici* state as follows:

1. *Amici* are leading nonprofit organizations, professors, victim advocates and professionals around the world dedicated to advancing the safety and well-being of survivors of domestic violence. Collectively, *Amici* provide a broad range of legal and other services to victims of domestic violence, and are active contributors to, and experts in, the scholarship surrounding the dynamics of domestic violence.

2. A full list of *Amici* is attached hereto as Appendix A.

3. This appeal presents issues that are important to Virginia law. It concerns and implicates not only the rights of the parties to this case, but also the rights of numerous other citizens throughout the Commonwealth. *Amici* are concerned because the jury verdict reflects a deep and dangerous ignorance of the coercive tactics and non-physical forms of abuse that are a critical component of domestic violence.

4. *Amici* certify that they have sought to obtain the consent of all parties to the appeal. Defendant-Appellant Amber Laura Heard has consented to the motion. Plaintiff-Appellee John C. Depp, II objected to the motion.

WHEREFORE, for the reasons set forth above, *Amici* respectfully request that this Honorable Court permit them to file a brief *amicus curiae* in support of the Defendant-Appellant.

Respectfully submitted:

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APPENDIX A – LIST OF AMICI

Sanctuary for Families is one of the nation’s leading nonprofit service providers and advocates for survivors of domestic violence, sex trafficking and other related forms of gender violence. Founded in 1984, Sanctuary for Families is committed to assisting survivors holistically to achieve legal representation, safety, economic self-sufficiency and empowerment while improving the response of systems to survivors’ complex and multifaceted needs. Each year, Sanctuary for Families helps more than 7,000 adults and children move from fear and abuse to safety and stability through comprehensive services and advocacy.

The Virginia National Organization for Women (NOW) has thousands of members and supporters in the Commonwealth and is a state chapter of National NOW which was founded in 1966 to take action through intersectional grassroots advocacy to promote feminist ideals, lead societal change, eliminate discrimination, end violence against women and achieve and protect the equal rights of all women and girls in all aspects of social, political and economic life.

The DC Coalition Against Domestic Violence (DCCADV) is the federally-recognized statewide coalition of domestic violence programs, organizations and individuals organized to ensure the elimination of domestic violence in the District of Columbia.

Equality Now is an international human rights NGO with ECOSOC status at the United Nations with the mission to achieve legal and systemic change that addresses violence and discrimination against all women and girls around the world. Founded in 1992, Equality Now is a global organization with partners and members in every region. Over the past ten years, Equality Now has witnessed a global trend of defamation lawsuits used to retaliate against and silence women who have spoken out denouncing gender-based violence. Examples of this can be seen all around the world, including in India, Russia, the Netherlands, the USA, France, and Kazakhstan. Among its advocacy efforts, Equality Now submitted an amicus brief to the Supreme Court of Georgia (the country) in June 2021, arguing that the emerging use of defamation lawsuits against survivors to silence and retaliate against them is in violation of international human rights law, and that the right to speak about the experiences of violence, harassment, and discrimination is integral to the right to live free from violence and encourages societal change.

Esperanza United mobilizes Latinas and Latin@ communities to end gender-based violence. Formerly Casa de Esperanza, Esperanza United was founded in 1982 by a small group of persevering Latinas as an emergency shelter in St. Paul, Minnesota. Esperanza United continues to ground its work in community strengths and wisdom, as it serves Latin@s locally and nationwide through a robust training and technical assistance program.

The Feminist Majority Foundation (FMF), founded in 1987, is a cutting-edge non-profit national organization dedicated to equality, reproductive health, and non-violence in all spheres, nationally and globally. FMF uses research and action to empower women economically, socially and politically. FMF believes that feminists are the majority, but this majority must be empowered.

BWJP (Battered Women's Justice Project)'s mission is to promote change within the civil and criminal legal systems to enhance their effectiveness in providing safety, security and justice for survivors of gender-based violence (GBV), their families, and communities. BWJP has a thirty year history as an industry leader, and is a collection of national policy and practice centers at the intersection of GBV and legal systems. BWJP provides educational activities, including training, technical assistance, and consulting to advocates, nonprofit service providers, community leaders and systems professionals.

The Women's Equal Justice Project provides advocacy services to sexual assault survivors as they navigate the criminal justice process; and partners with survivors to improve the justice system's response to sexual assault.

National Crime Victim Law Institute (NCVLI) is a nonprofit educational and advocacy organization located at Lewis and Clark Law School in Portland, Oregon. NCVLI actively promotes victims' rights and voices in the justice system through crime victim-centered legal advocacy, education and resource sharing.

NCVLI accomplishes its mission through education and training; promoting the National Alliance of Victims' Rights Attorneys & Advocates; researching and analyzing developments in crime victim law; and participating as *amicus curiae* in select civilian and military cases when a victims' rights issue of broad importance is presented.

The Coalition Against Trafficking in Women (CATW) is a non-governmental organization that promotes women's human rights. It works internationally to combat trafficking and sexual exploitation in all its forms and to empower victims and survivors of this brutal global criminal industry.

C.A. Goldberg PLLC is a victims' rights law firm.

Fearless! Hudson Valley, Inc. has a mission to build an informed, just and accountable society so all people can experience supportive and safe relationships free from abuse, exploitation, and oppression. Fearless! Hudson Valley, Inc. does this by education, prevention, advocacy, and providing comprehensive services, including shelter, to victims and survivors of interpersonal violence, human trafficking, sexual violence and other types of crime victimization.

Hope's Door is based in Westchester County, New York. Domestic violence victims suffer abuse in lethal and non-lethal ways, leaving wounds seen and unseen, living in fear and confronting danger – physical, sexual, financial, psychological, and emotional. They feel hopeless and alone, living with shame and fear. Too often,

they do not reveal abuse, report offenses, seek medical care, pursue orders of protection, or access the trauma-informed services that would foster healing. Hope's Door stands ready to help. Its mission is to end domestic violence and to empower survivors to achieve safety, independence, and healing from the trauma of abuse.

Media Watch has been a nonprofit since 1989, organized in 1985, to improve women's image in the media. Media Watch teaches media literacy and works on creating more critical consumers of commercial media.

Movement of Mothers advocates for scientific research to formulate biopsychosocial, trauma-informed models of the family court and child welfare systems.

The New York State Coalition Against Domestic Violence (NYSCADV), established in 1978, is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact and resource center on domestic violence for the State of New York. NYSCADV is a statewide non-profit membership organization comprised of local domestic violence service providers and allied organizations who are committed to preventing and ending domestic violence. NYSCADV provides education, support and technical assistance to the network of primary purpose domestic violence service providers statewide, and supports the development of policies, protocols and procedures to enhance domestic violence intervention and prevention.

One Mom's Battle (Tina Swithin) works to raise awareness and educate family court professionals on post-separation abuse in the family court system (divorce, paternity and child custody battles). Education on high-conflict individuals and post-separation abuse will allow family court professionals to recognize the abusive dynamics that play out in the family court system so they can make decisions that are in the best interest of victims and children.

The Pixel Project is a completely virtual, volunteer-led global 501(c)3 non-profit organization whose mission is to raise awareness, funds and volunteer power for the cause to end violence against women at the intersection of social media, online communities, new technologies and popular culture/the Arts.

Possibility Seeds is a Canadian social change consultancy dedicated to gender justice, equity, human rights and inclusion. Possibility Seeds believes safer and more equitable workplaces, organizations and institutions are possible.

WeSpoke collects data from litigants on their experiences in the family court system and brings together women who have been victims of the system and denied due process and the right to parent. Through linking up, transparency and alliances are formed so that we can become one united force with a strong, collective voice to demand change.

The following individuals¹ are professors, scholars, victim advocates and professionals around the world dedicated to scholarship on domestic violence, raising awareness and/or advancing the safety and well-being of survivors of domestic violence:

Catharine A. MacKinnon, Elizabeth A. Long Professor of Law, University of Michigan Law School, The James Barr Ames Visiting Professor of Law (since 2009), Harvard Law School (affiliations for identification only).

Michele Landis Dauber, Frederick I. Richman Professor of Law, Stanford Law School (all titles and affiliations for identification purposes only).

Deborah Epstein, Agnes Williams Professor of Gender, Violence, and Law at Georgetown University Law Center, where she has directed the Domestic Violence Clinic for over 30 years, represented hundreds of survivors in protection order litigation, and written extensively in the field.

Lisa A. Sales, President of the Virginia Chapter of the National Organization for Women, Member of the Fairfax County Council to End Domestic Violence and the Virginia Sexual and Domestic Violence Action Alliance Policy Committee. As a survivor who was fired from a decade-long job at one of the nation's largest global defense companies for speaking out about sexual violence,

¹ Unless otherwise noted, the affiliations of the individual Amici are listed for identification only.

Ms. Sales believes it is critical that judges making decisions in the lives of survivors be mandated to take continuing legal education in trauma-informed handling of sexual and domestic violence. Ms. Sales helped drive legislation to change three laws in Virginia on behalf of survivors.

Renée B. Adams, University of Oxford, expert on gender inequality and governance and investigator on topics related to open justice.

Lindsey C. Boylan is a lifelong advocate for women and career urban planner who has spent nearly two decades in New York working in and around the highest levels of government.

Elizabeth Blackney, Survivor and Activist involved in projects supporting the rights of women and girls in 29 countries, including reparations for Survivors, reproductive health access (including abortion), and vocational training, among other projects.

Dr. Stephanie Ann Brandt, MD, Forensic Evaluator in Child-Focused Litigation and Clinical Assistant Professor of Psychiatry, Weill Cornell Medical College, New York, New York.

Cheryl Bratt, Associate Professor of the Practice, Boston College Law School.

Nancy Chi Cantalupo, Associate Professor of Law at Wayne State University and nationally recognized expert on sexual harassment and gender-based violence as discrimination in violation of federal civil rights laws.

Lauren B. Cattaneo, Professor of Psychology at George Mason University, who has done research on intimate partner violence for 25 years, focusing on the interactions between survivors of intimate partner violence and the institutions that are meant to protect them.

Professor Gillian Chadwick, JD, LLM, Professor of Law and Associate Director of the Children and Family Law Center at Washburn University School of Law, academic and lawyer who has represented hundreds of survivors of domestic violence, sexual assault, stalking, and human trafficking and published research in the field of gender-based violence.

Dr. Andrew Thomas Cicchetti, Ph.D. LCSW-R, Domestic Violence and Trauma-Informed Gestalt Therapist.

Julia Devanthéry is a Senior Lecturer on Law and the Founding Director of the Housing Justice for Survivors Project at the Legal Services Center of Harvard Law School. She is an expert on the intersection of gender-based violence and housing instability.

Margaret Drew is an associate professor of law at the University of Massachusetts School of Law where she teaches the Human Rights at Home

Clinic. Professor Drew has represented survivors of gender violence for over forty years, with an interest in assuring that survivors, their advocates, and the courts recognize that domestic abuse includes a range of behaviors, only a small portion of which are physical. Emotional, verbal, and mental abuse are significant tools of abuse, leading to coercion of the target. Professor Drew is considered an expert in the field.

Kate Hugill, Survivor, Advocate and Award-winning domestic abuse speaker for law enforcement training.

Dr. Holly Jacobs, Founder & Board Member, Cyber Civil Rights Initiative (CCRI); survivor of nonconsensual pornography (also known as “revenge porn”) and supporter of hundreds of NCP victims in sharing their stories of victimization in order to take back their power.

Dr. Emma Katz, Ph.D. Senior Lecturer at Liverpool Hope University and internationally respected academic expert on coercive control and domestic abuse.

Aisha Ali-Khan, Women’s Rights Campaigner, UK.

Dr. Saira Khan, PsyD, LCSW, Visiting Lecturer at City University and Counselling Psychologist with expertise in trauma recovery from coercive control.

Professor Laurie S. Kohn, Associate Dean of Jacob Burns Community Legal Clinics, Director, Family Justice Litigation Clinic and Director, Civil Access to Justice Clinic at George Washington University Law School.

Dr. Ingeborg Kraus, Clinical Psychologist, Traumatherapist, and Supervisor in Germany, and expert witness in court in cases of sexual violence.

Tammy Kuennen, Professor of Law and Attorney, University of Denver Sturm College of Law, where she has directed the Civil Litigation Clinic since 2004 representing hundreds of survivors. Professor Kuennen has trained attorneys and judges on issues related to gender-based violence for fifteen years, and has written fifteen articles or book chapters on the topic of how the law might better address the issue of intimate partner violence.

Julia Lee, Clinical Assistant Professor of Law, University of Michigan Law School, focused on clinical teaching and representing domestic violence survivors in protection order, family law and immigration matters.

Julia R. Livingston, Esq., Member of the New York City Bar Association Subcommittee on Domestic Violence.

Lisa McDonald, founder of Live Live Revolution in Australia, Arts Psychotherapist and activist in the field of sexual violence, domestic violence, coercive control, trauma and neuroscience. Ms. McDonald founded Live Live Revolution to support, educate and raise awareness of the effects of sexual violence as a gendered crime and works with women and members of the LGBTQIA+ community and within a feminist intersectional, trauma informed framework.

Dr. Belinda McIntosh, MD, Psychiatrist.

Natalie Nanasi, Associate Professor, Director, Judge Elmo B. Hunter Legal Center for Victims of Crimes Against Women.

Judith G. Olin is Clinical Professor of Law at The University at Buffalo School of Law where she has directed The Family Violence and Women's Rights Clinic for nearly seven years. Olin is a former domestic violence prosecutor and legal services family law attorney where she exclusively represented intimate partner violence survivors.

Tashmia Owen, Artist, Writer and Survivor Advocate in UK family courts.

Alexa Polar, Writer, Director, Producer and Founder of Female Filmmakers Fuse, formed to advocate for the safety of victims of assault, sexual assault and harassment in the entertainment industry.

Dr. Charlotte Proudman, Ph.D. Research Associate at the University of Cambridge on gender inequality under the law and Barrister in family law.

Dr. Lily Kay Ross, PhD, Gender and Ethics Fellow at Psymposia, creator, producer and host for New York Magazine's Cover Story: Power Trip podcast, and expert in gendered and sexual violence.

Rita Smith, International Expert on Violence Against Women with over 40 years' experience in domestic violence and sexual assault.

Roslyn Talusan, Culture Journalist and Anti-Rape Activist.

Camille Waring, Feminist Author, PhD Candidate at University of Westminster, Research in Sexual Violence, Feminism.

Merle H. Weiner, Philip H. Knight Professor of Law at University of Oregon (title and institutional affiliation for identification purposes only). Professor Weiner teaches Torts, Advanced Torts (including defamation), and Gender-based Violence and the Law; she also founded and was the faculty director of the University of Oregon's Domestic Violence Clinic for twenty years.

Sarah Yacoub, Attorney, Founder and Executive Director of Equal Justice Inc., a non-profit that provides pro bono legal representation for trauma survivors, including domestic abuse and sexual assault.

Amy Ziering, Filmmaker focusing on films dealing with issues of sexual assault, family courts and trauma.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of November, 2022, pursuant to Rule 5A:1, an electronic copy of the Motion for Leave to File Brief of *Amici Curiae* in Support of the Defendant-Appellant has been filed with the Clerk of the Court of Appeals of Virginia, via VACES. On this same day, an electronic copy of the Motion for Leave to File Brief of *Amici Curiae* in Support of the Defendant-Appellant was served, via email, upon:

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