

Survivors into Advocates: Legal Empowerment and Intimate Partner Violence

By: Payton Small Gannon¹

Introduction:

In 1592, Shakespeare finished *Taming of the Shrew*. The play details the story of Katherina (or Kate), a headstrong and witty woman, a shrew. Kate is married to Petruchio. When he informs her of their pending nuptials, he states “[f]or I am he am born to tame you, Kate”.² For the next three acts, Petruchio abuses and manipulates Kate, telling her his treatment of her is justified because nothing is good enough for her. Eventually, Kate’s spirit is broken by her constant abuse. The play ends with three of the male characters, including Petruchio, making a bet on whose wife is the most “obedient.” Kate turns out to be the most obedient wife and ends the play by stating “[a]nd place your hands below your husband’s foot, In token of which duty, if he please, My hand is ready, may it do him ease.”³ Kate is saying that she is so obedient to her husband that if he needed to stand on her hands for her to prove her loyalty to him, she is ready. The play ends with Kate being broken; the strong-willed, witty woman is no more.

Intimate partner violence is not a new phenomenon, and for most of history, it was not seen as a problem, but simply a part of life. *Taming of the Shrew* is considered one of Shakespeare’s comedies. Intimate partner violence was so common that terms associated with it have persisted as everyday expressions centuries later. The phrase “rule of thumb” comes from early English common laws, which explicitly allowed for “wife beating” for “correctional purposes.”⁴ In the U.S., to “limit” this behavior, states passed rule of thumb laws limiting instruments (such as whips and canes) with which men could beat their wives to no bigger than a thumb.⁵

Intimate partner violence (IPV), also known as domestic violence, remains an epidemic in the United States; it affects more than 12 million people a year. The United Nations defines intimate partner violence as “a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner.”⁶ Abuse is defined as “physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person.”⁷ As the millions of people who experience IPV attempt to escape these dangerous situations, they are in need of many resources,

¹ JD 2025, Georgetown University Law Center. Payton is the Small, Spencer, Weber Women’s Law and Public Policy Fellow. I would like to thank Professors Tanina Rostain and Matthew Burnett for their advice and support in the development and writing of this Note.

² WILLIAM SHAKESPEARE, *TAMING OF THE SHREW* act II, sc 1, l. 268.

³ *Id.* at act v, sc. ii, l. 180-183.

⁴ Paige Feldman and Leslye Orloff, *Domestic Violence and Sexual Assault Public Policy Timeline*, NAT’L IMMIGRANT WOMEN’S ADVOC. PROJECT (2011) <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Herstory-2016-1.pdf> (last visited May 6, 2025).

⁵ *Id.*

⁶ *What Is Domestic Abuse?*, UNITED NATIONS, <https://www.un.org/en/coronavirus/what-is-domestic-abuse> (last visited May 6, 2025).

⁷ *Id.*

including but not limited to legal support, financial assistance, and mental health services.

This paper argues that survivors of IPV and groups committed to helping survivors of IPV are exceptionally well-positioned for legal empowerment movement building. IPV survivors interact with the law in numerous ways, both criminal and civil, and there are currently not enough lawyers and legal practitioners to meet the needs of survivors. Training justice workers and expanding legal empowerment methods could go a long way to helping survivors of IPV find justice and rebuild their lives.

Part One of this paper provides background on the scope of IPV in the United States, and why IPV survivors' needs have gone under-addressed for so long. Part Two provides background on the legal empowerment movement. And finally, Part Three argues that IPV is a particularly apt arena for legal empowerment.

Part I: Intimate Partner Violence, an Epidemic.

This section discusses the scale of the problem of intimate partner violence. First, it begins by framing the scope of the problem. Second, it discusses the long-term outcomes of IPV. Finally, it analyzes the history of IPV and IPV law in the U.S. and how that has affected efforts to end violence.

A. The Scope of the Problem

Intimate Partner Violence affects the lives of a shocking number of people in the U.S.. Estimates put the number of women who will experience sexual violence, physical violence, or stalking by an intimate partner at between 35% and 41%.⁸ A woman experiences physical violence by a partner every 8 seconds in the U.S.⁹ For one out of every three women who are raped, the perpetrator is their partner.¹⁰ 85% of IPV victims are women, but 26% of men experience sexual violence, physical violence, or stalking by an intimate partner during their lifetime.¹¹ The vast majority of aggressors in IPV incidents are men.¹² The actual number of people who experience IPV is likely much higher, but because of stigma, fear of retribution, or unwillingness

⁸ *About Intimate Partner Violence*, CENTER FOR DISEASE CONTROL (May 16, 2024), <https://www.cdc.gov/intimate-partner-violence/about/index.html>; *Domestic Violence Statistics*, NAT'L DOMESTIC VIOLENCE HOTLINE, <https://www.thehotline.org/stakeholders/domestic-violence-statistics/> (last visited May 6, 2025).

Sexism and power structures that subjugate women are fundamental to the motivation and entrenchment of IPV in our society. Though members of all gender identities experience IPV I will default to using feminine pronouns because the vast majority of people who experience IPV are women and to call out these background power structures.

⁹ *Domestic Violence/Intimate Partner Violence Facts*, EMORY UNIV. SCH. MED., https://med.emory.edu/departments/psychiatry/nia/resources/domestic_violence.html (Last visited May 6, 2025).

¹⁰ *Domestic Violence Statistics: A Comprehensive Investigation*, DOLAN + ZIMMERMAN <https://www.dolanzimmerman.com/domestic-violence-statistics/> (Last visited May 6, 2025).

¹¹ *Id.*, *About Intimate Partner Violence*, *supra* note 7.

¹² LUNDY BANCROFT, *WHY DOES HE DO THAT? INSIDE THE MINDS OF ANGRY AND CONTROLLING MEN* (2002).

to report, the exact number is hard to estimate.¹³ Most estimates of IPV are based, at least in some part, on reports to law enforcement.¹⁴ Some estimates suggest that less than 50% of IPV incidents are reported to law enforcement.¹⁵ Despite this severe under-reporting, IPV calls make up about half of all violent crime calls to the police.¹⁶

People from marginalized communities are the most likely to experience IPV.¹⁷ Individuals 18-24 years old experience the highest rates of IPV.¹⁸ Black, Indigenous, and Queer women experienced increased rates of IPV.¹⁹ IPV is not isolated to any income bracket; however, lower-income women are more likely to experience IPV.²⁰ These communities are also likely to be more insulated and suspicious of law enforcement. Far too often, when law enforcement intervenes in domestic violence situations, the victims end up arrested because of mandatory arrest laws.²¹ This is especially true for women of color and can compound the trauma of experiencing abuse.²²

Finally, IPV reports went up substantially during the COVID-19 pandemic.²³ Reports of reproductive violence, specifically reproductive coercion, increased significantly after the Supreme Court's decision in *Dobbs v. Jackson Women's Health*.²⁴

B. *Intimate Partner Violence Outcomes and Effects*

IPV can have far-reaching effects for women and their families. IPV causes nearly 1300 deaths and 2 million injuries every year in the United States.²⁵ Three women are killed every day in the U.S. by their husbands or boyfriends.²⁶ Black women

¹³ Alex Piquero and Andrew Wheeler, *Toward a Better Estimate of Domestic Violence in America*, COUNCIL ON CRIM. JUST. (Oct. 2024), <https://counciloncj.org/toward-a-better-estimate-of-domestic-violence-in-america/>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Domestic Violence/Intimate Partner Violence Facts*, *supra* note 8.

¹⁷ *Who Is Most Affected by Domestic Violence?*, CONNECTIONS FOR ABUSED WOMEN AND THEIR CHILDREN. (May 22, 2023), <https://www.cawc.org/news/who-is-most-affected-by-domestic-violence/>.

¹⁸ *Demographics and Domestic Violence*, DOMESTICSHELTERS.ORG (Jan. 7, 2015), <https://www.domesticshelters.org/resources/statistics/demographics-and-domestic-violence>.

¹⁹ Susan Green, *Violence Against Black Women – Many Types, Far-reaching Effects*, INST. FOR WOMEN'S POL'Y RSCH. (July 13, 2017), <https://iwpr.org/violence-against-black-women-many-types-far-reaching-effects/#:~:text=More%20than%20four%20in%20ten,Islander%20women%20report%20lower%20rates;Who%20Is%20Most%20Affected%20by%20Domestic%20Violence?>, *supra* note 16.

²⁰ Amy Farmer and Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 CONTEMP. ECON. POL'Y, 158, 167 (2003).

²¹ Emerson Beishline, *An Examination of the Effects of Institutional Racism and Systemic Prejudice on Intimate Partner Violence in Minority Communities*, 4 LAW RAZA 1 (2012).

²² *Id.*

²³ Alex R Piquero, Wesley G Jennings, Erin Jemison, Catherine Kaukinen, Felicia Marie Knaul, *Domestic violence during the COVID-19 pandemic - Evidence from a systematic review and meta-analysis*, 74 J. CRIM. JUST., May–June 2021 at 101806.

²⁴ Jennifer Gerson, *Domestic violence calls about 'reproductive coercion' doubled after the overturn of Roe*, THE 19TH (Oct. 18, 2023), <https://19thnews.org/2023/10/domestic-violence-calls-reproductive-coercion-dobbs-decision/>.

²⁵ *Domestic Violence/Intimate Partner Violence Facts*, *supra* note 8.

²⁶ *Id.*

are more likely to be murdered by a partner.²⁷ Between 2001 and 2012, more women were killed by their partner with a gun in the U.S. than U.S. troops were killed in Afghanistan.²⁸

IPV survivors experience a range of physical and mental health complications. Physical and sexual abuse can, of course, cause physical injuries. This can include injuries directly associated with the abuse, as well as long-term physical health outcomes, including chronic pain, cardiovascular and gastrointestinal disorders, gynecological and reproductive health issues, and respiratory conditions.²⁹ These conditions can interfere with women's comfort, life, and ability to work. Additionally, IPV survivors can experience a range of mental health concerns, including increased rates of depression, anxiety, post-traumatic stress disorder, and substance abuse disorders.³⁰

IPV has a “radiating effect” beyond the woman experiencing the abuse herself; it also affects her family and the broader community.³¹ IPV is estimated to cost the U.S. around \$3.6 trillion over victims' lifetimes, or \$103,767 per woman survivor and \$23,414 per man survivor.³² These expenses include “\$2.1 trillion (59 percent of the total) in medical costs, \$1.3 trillion (37 percent) in lost productivity among victims and abusers, \$73 billion (2 percent) in criminal justice activities, and \$62 billion (2 percent) in other costs, including victim property loss or damage.”³³

Despite the severe effects of IPV, 82% of IPV victims do not receive services.³⁴ When survivors do receive services, services can include housing and other basic needs, counseling, legal assistance, childcare, and crisis support, among others.³⁵ Lack of resources and support leads to worse outcomes for survivors.³⁶

²⁷ Green, *supra* note 18.

²⁸ ARKADI GERNEY AND CHELSEA PARSONS, WOMEN UNDER THE GUN (Center for American Progress 2014) https://cdn.americanprogress.org/wp-content/uploads/2014/06/GunsDomesticViolencereport.pdf?_ga=2.229254683.688342950.1624907966-782587354.1624027518.

²⁹ SUSAN J. CURRY, AND CRYSTAL J. BELL, ESSENTIAL HEALTH CARE SERVICES ADDRESSING INTIMATE PARTNER VIOLENCE 263 (2024), <https://nap.nationalacademies.org/read/27425/chapter/1#ii>.

³⁰ *Understanding the Impact of Domestic Violence*, MASS GENERAL BRIGHAM MCLEAN (Jan. 28, 2025), <https://www.mcleanhospital.org/essential/domestic-violence>

³¹ Stephanie Riger, Sheela Raja, and Jennifer Camacho, *The Radiating Impact of Intimate Partner Violence*, 17 J. INTERPERSONAL VIOLENCE 184 (2002).

³² Cara Peterson, Megan C. Kearns, Wendy LiKamWa McIntosh, Lianne Fuino Estefan, Kathryn E. McCollister, Amy Gordon, Curtis Florence, *Lifetime Economic Burden of Intimate Partner Violence Among U.S. Adults*, AM. J. PREVENTIVE MED. 433, 433 (2018).

³³ *Id.*

³⁴ *Intimate Partner Violence*, NATIONAL CRIME VICTIMS' RIGHTS WEEK RESOURCE GUIDE (2018), https://ovc.ojp.gov/sites/g/files/xyckuh226/files/ncvrw2018/info_flyers/fact_sheets/2018NCVRW_IPV_508_QC.pdf.

³⁵ *Directory of Local Providers*, NATIONAL DOMESTIC VIOLENCE HOTLINE, <https://www.thehotline.org/get-help/directory-of-local-providers/> (last visited May 6, 2025).

³⁶ Terri L. Weaver, Katherine Kelton, and Jordanna Riebel, *The Relationship between Women's Resources and Health-Related Quality of Life in a Sample of Female Victims of Intimate Partner Violence* 47 J. SOC. SERV. RSCH. 565 (2022).

C. *The Legal History of Intimate Partner Violence*

Intimate partner violence has also been known as domestic violence, spousal abuse, or wife-beating. Intimate partner violence was not illegal for most of American history.³⁷ Under the legal theory of coverture, women were not independent legal persons.³⁸ Their identity was subsumed by their husbands.³⁹ William Blackstone's commentaries explained coverture as

by marriage, the husband and wife are one person under law: that is the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated or consolidated into that of the husband: under whose wing, protection, and *cover*, she performs everything ... and her condition during her marriage is called coverture.⁴⁰

The legal theory of coverture justified denying women property rights, the right to vote, the right to enter into contracts, or right to retain custody of her children.⁴¹ Additionally, under the theory of coverture, men had the right to beat and rape their wives.⁴²

Alabama was the first state to rescind the legal right of men to beat their wives in 1871.⁴³ Maryland was the first state to criminalize “wife-beating” in 1886.⁴⁴ Focus on intimate partner violence and the movement to end domestic violence did not take center stage until second-wave feminism in the 1970s.⁴⁵ In 1976, South Dakota became the first state to criminalize spousal rape, and in 1993 North Carolina was the last.⁴⁶ Nineteen states still have a spousal rape loopholes, allowing for certain cases of rape within a marriage.⁴⁷ In 1994, the federal Violence Against Women Act (VAWA) was passed and provided government funding and support to try to eradicate IPV.⁴⁸ However, as discussed in Part I.A, there is still a long way to go to meet that goal.

Part II: What is Legal Empowerment?

Legal empowerment reimagines the way people interact with the law. It focuses explicitly on the needs of low-income communities, which are the most likely to be underserved by the current system. Legal empowerment focuses on democratizing the law and centers people by giving them the tools to “know, use, and shape” the law.⁴⁹

³⁷ Catherine Allgor, *Coverture: The Word You Probably Don't Know But Should*, NAT'L WOMEN'S HISTORY MUSEUM (Sept. 4, 2012), <https://www.womenshistory.org/articles/coverture-word-you-probably-dont-know-should>.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ WILLIAM BLACKSTONE, COMMENTARIES *430.

⁴¹ Allgor, *supra* note 36.

⁴² *Id.*

⁴³ Feldman, *supra* note 3.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Barbara Rodriguez, *Why bills to end spousal rape loopholes hit snags*, THE 19TH (May 28, 2021), <https://19thnews.org/2021/05/why-bills-to-end-spousal-rape-loopholes-hit-snags/>.

⁴⁸ Feldman, *supra* note 3.

⁴⁹ Stephen Golub, *Beyond Rule of Law Orthodoxy* 25-26 (Carnegie Endowment for International Peace 2003).

Some consider legal empowerment a rights-based approach because “it uses legal services to help the poor learn, act on, and enforce their rights.”⁵⁰

One of the significant problems with access to justice in the U.S. is that there are just not enough lawyers to serve the extensive need. The Legal Services Corporation (LSC), established by Congress in 1974, is the largest funder of civil legal services to low-income communities.⁵¹ They provide legal services to people whose income is 125% of the federal poverty line.⁵² 74% of low-income households experienced a civil legal problem in 2021;⁵³ the most common are related to housing, family and safety, and education.⁵⁴ 92% of low-income Americans did not receive enough or any legal help with their problems.⁵⁵ In 2021, low-income people approached LSC-funded organizations with 1.9 million civil legal problems; 49% of these requests had to be turned away because of limited resources.⁵⁶ There are simply not enough lawyers working at legal aids, non-profits, or doing pro-bono to serve the number of people who need help.

Legal empowerment focuses on decentering lawyers in the law.⁵⁷ Lawyers have a legally authorized and enforced monopoly on law in the U.S. because of unauthorized practice of law regulations,⁵⁸ which criminalize and punish the unauthorized practice of law and prevent anyone who is not a lawyer from offering legal advice.⁵⁹ Though all states have their own slightly different law criminalizing the unauthorized practice of law, the distinction usually rests on giving legal information versus legal advice.⁶⁰ Anyone can provide and publicize legal information, but only lawyers, in a lawyer-client relationship, can provide legal advice.⁶¹ For example, anyone can tell you about your rights in housing court or the forms that may need to be filled out, but only lawyers can advise a person on their specific circumstances and what forms they personally need to fill out, and how to fill out those forms. The difference lies in the specificity; anyone can give out broad, generalized information, but only lawyers can advise on a specific situation and how to handle it most effectively.⁶² These laws severely hamper the effectiveness of non-lawyer advocates and resources.

One aspect of legal empowerment is reforming rules around the unauthorized practice of law to allow more people to provide legal assistance. This usually involves training community members in specific areas of the law and allowing them to give more helpful and individual legal advice. Some U.S. states have started by allowing paralegals to “engage in limited independent practice.”⁶³ However, recently, there has been a push to allow even more people to provide legal services. Studies from other

⁵⁰ *Id.*

⁵¹ *The Justice Gap*, LEGAL SERVS. CORP. 14 (April 2022).

⁵² *Id.* at 14-15.

⁵³ *Id.*

⁵⁴ *Id.* at 8.

⁵⁵ *Id.*

⁵⁶ *Id.* at 9

⁵⁷ Golub, *supra* note 48.

⁵⁸ Kathryn M. Young, *Getting Help* 2024 WIS. L. REV. 1149, 1158 (2024).

⁵⁹ *Id.*

⁶⁰ Matthew Burnett and Rebecca L. Sandefur, *Designing Just Solutions at Scale: Lawyerless Legal Services and Evidence-Based Regulation* 19 RDP BRASILIA 104, 104 (2022).

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.* at 105.

countries show legal advice offered by non-lawyer community justice workers, provided by trained individuals, can be as effective as (if not more so) than legal advice provided by fully qualified attorneys.⁶⁴ Legal empowerment and access to justice advocates often seek to expand access to legal services by reforming unauthorized practice of law regulations to allow more people to understand the law and use it to empower their communities.

Part III: Intimate Partner Violence, a Unique Opportunity for Legal Empowerment

A. Intimate Partner Violence and The Law

Survivors of IVP may interact with the legal system in many ways, both civil and criminal.⁶⁵ First, sometimes there are criminal charges of domestic abuse brought against abusers.⁶⁶ Though the case may be about the acts of the abuser towards the woman he abused, the criminal prosecution is not about her or her interests.⁶⁷ The survivor of the abuse is simply “the complaining witness.”⁶⁸ Though a criminal trial may result in the conviction and imprisonment of her abuser, as well as the possibility of a criminal no-contact order and financial restitution, it cannot address the myriad of civil legal issues she may face. In a civil legal proceeding, the woman can bring a case directly against her abuser. She may request a civil protection order, a divorce, arrange custody of children and child support or alimony payments, as well as reimbursement for damages caused by the abuse and any applicable tort suits, including intentional affliction of emotional distress, assault, battery, or false imprisonment.⁶⁹

One of the significant barriers to accessing relief is that people are not entitled to lawyers in civil cases. While in a criminal case, the accused is entitled to a lawyer, and the state is represented by the prosecution, in civil cases, there is no such right to counsel.⁷⁰ This means that to get a civil protection lawyer, a survivor must often file her claim in court, fill out the corresponding forms, and confront her abuser without the assistance of counsel. This also means that it is possible the abuser would have counsel and the survivor would not.

Katherine Young’s seminal paper, U.S. Civil Justice Problems, evaluated what demographic factors made U.S. adults more likely to experience civil justice problems and which problems they experience.⁷¹ Women are 19.2% more likely to have experienced a debt problem in the past year.⁷² Katherine Young attributes part of this

⁶⁴ Id. at 108-09.

⁶⁵ Carolyn Copps Hartley, Lynette M. Renner, & Shellie Mackel, *Civil Legal Services and Domestic Violence a Missed Opportunity* 94 FAM. IN SOC’Y: THE J. OF CONTEMP. SOC. SERV. 15 (2013).

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ Id.

⁶⁹ Brian K. Zoeller; Patrick Schmiedt, *Suing the Abuser: Tort Remedies for Domestic Violence*, U.S. DEPT OF JUST. (Spring 2004), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/suing-abuser-tort-remedies-domestic-violence>

⁷⁰ Hartley, *supra* note 64.

⁷¹ Kathryn Young & Katie R. Billings, *An Intersectional Examination of US Civil Justice Problems*, 2023 UTAH L. REV. 487 (2023).

⁷² Id. at 525.

to the wage gap, which is logical.⁷³ However, women also have compounding identities associated with a rise in civil justice problems. For example, women of color are significantly more likely to experience civil justice problems than their white peers.⁷⁴ Black and Latinx people are also considerably more likely to face civil justice problems.⁷⁵ Parents of children under 18 are unsurprisingly more likely to experience a family structure problem; they are also 21.3% more likely to experience employment problems and 32.4% more likely to experience debt problems.⁷⁶ This would disproportionately affect women, because women head 80% of single-parent households.⁷⁷

This study also found that experiencing IPV makes it significantly more likely that a person will experience a civil justice issue.⁷⁸ Specifically, women who have experienced sexual violence or domestic abuse “are 53.9% more likely to experience an employment problem [and] 89.5% more likely to experience a family structure problem.” Finally, they are 42.5% more likely to experience debt problems.⁷⁹ Distressingly, it does not matter if the experience with IPV or sexual assault was recent. A woman could have been in an abusive relationship in her 20s and is, therefore, more likely to experience employment problems in their 40s.⁸⁰

In 2022, LSC released the Justice Gap Report, based on a survey of 5,000 U.S. adults, and its goal was to “measure the presence of civil legal problems among low-income Americans” and the extent to which these low-income Americans are able to access the legal help necessary to resolve their problems.⁸¹ Of recent domestic violence survivors, 98% experienced one or more civil legal problems, 87% experienced five or more civil legal problems, and 62% experienced ten or more civil legal problems. Notably, these estimates exclude civil legal problems directly related to domestic violence, such as CPOs.⁸² Domestic violence survivors sought help for 29% of substantial problems they experienced, but they did not receive any or enough help 88% of the time.⁸³

B. Why IVP is Uniquely Well Suited for Expanded Legal Empowerment Efforts.

IVP services is a field uniquely well primed for legal empowerment expansion efforts. First, it is clear from the data that there are not currently enough legal services to adequately help survivors, despite the significant expansion of legal services due to VAWA. Second, legal empowerment efforts could help survivors transform into advocates. Third, those leaving abusive relationships usually already exhibit help-seeking behavior, removing a significant obstacle to legal assistance.

⁷³ *Id.*

⁷⁴ *Id.* at 522

⁷⁵ *Id.*

⁷⁶ *Id.* at 531

⁷⁷ See Press Release, US Census Bureau, Census Bureau Releases New Estimates on America’s Families and Living Arrangements (Nov. 17, 2022), <https://www.census.gov/newsroom/press-releases/2022/americas-families-and-living-arrangements.html>.

⁷⁸ Young, *supra* note 70, at 532-533.

⁷⁹ *Id.*

⁸⁰ *Id.* at 533

⁸¹ *The Justice Gap*, *supra* note 50, at 15.

⁸² *Id.* at 41.

⁸³ *Id.* at 55

i. Not Enough Attorneys

Legal empowerment focuses on decentering lawyers and empowering justice workers to know and use the law. This would be especially helpful for IPV survivors because there are not enough lawyers to effectively provide support for all of the IPV survivors. As mentioned previously, domestic violence survivors sought help for 29% of substantial problems they experienced, but they did not receive any or enough help 88% of the time.⁸⁴ Allowing justice workers to assist survivors in their legal needs could go a long way toward patching these gaps.

This is especially important because when survivors have lawyers, their likelihood of receiving a protection order goes up dramatically. Alesha Durfee found in her study that of survivors with a lawyer, 70% of the survivors received civil protection orders, compared to 58% of those without lawyers.⁸⁵ In most states, when survivors submit their complaints and supporting evidence, they also submit a personal narrative meant to detail their account of the abuse.⁸⁶ When lawyers helped survivors submit these narratives, 100% of the narratives specifically focused on events that met the legal definition of domestic violence.⁸⁷ Comparatively, only 63% of the narratives written without the support of a lawyer mentioned incidents that meet the legal standard for domestic violence.⁸⁸ Additionally, when lawyers helped survivors prepare their narratives, they were more likely to include supplemental documents, including police reports, medical records, and affidavits by witnesses and other parties.⁸⁹ 45% of survivors with lawyers submitted supplemental material compared to only 2% of those filed without legal assistance.⁹⁰ Finally, narratives filed by survivors with lawyers were more likely to be well organized, contain consistent theming, and use legal terms.⁹¹

Interestingly, Durfee's study found that survivors who utilized legal advocates but not lawyers were not much more likely to receive a civil protection order.⁹² Durfee posits that this is because the advocates were typically only able to make small edits or additions to the narratives at the end.⁹³ These edits were helpful as they usually mentioned other court orders or police reports and focused on acts that meet the legal standard for domestic violence.⁹⁴ However, Durfee does not account for the limitations that the unauthorized practice of law restrictions put on legal advocates. Though advocates may be able to inform a survivor what the legal definition of domestic violence is and tell them to attach any documentation they may have, they are prevented from providing more individualized legal advice.⁹⁵

⁸⁴ *Id.* at 55

⁸⁵ Alesha Durfee, Victim Narratives, Legal Representation, and Domestic Violence Civil Protection Orders 4 FEMINIST CRIMINOLOGY 7, 16 (2009).

⁸⁶ *Id.* at 10.

⁸⁷ *Id.* at 17.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* at 20.

⁹¹ *Id.* at 21-23.

⁹² *Id.* at 28.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

Finally, access to legal services is vital because studies have found that it actually decreases the rate of IPV.⁹⁶ The Department of Justice published a report that IPV rates fell by 21% between 1993 and 1998.⁹⁷ They chose this period because the Violence Against Women Act (VAWA) was passed in 1994.⁹⁸ VAWA led to a vast expansion of resources and funding for groups advocating to end domestic violence and provide services to survivors.⁹⁹ Farmer and Tiefertalar analyzed whether any victims' services corresponded to a drop in incidents of domestic violence.¹⁰⁰ They hypothesized that the presence of victim support resources, such as shelters, hotlines, and legal services, provides survivors with more options and resources to leave their abusive relationships, bringing down the number of incidents of intimate partner violence.¹⁰¹ Farmer and Tiefertalar found that "women living in counties with shelters, hotlines, safe homes, emergency transportation, programs for batterers, children's programs, and counseling are not significantly less likely to be victims of intimate partner violence than women who live in counties without these services."¹⁰² Contrastingly, "women who live in counties with legal assistance programs to help battered women are significantly less likely to report abuse."¹⁰³ Farmer and Tiefertalar argue this is because legal services help women with practical problems, like divorce and custody, that give women actual alternative options to their abusive relationships.¹⁰⁴ In 1986, there were 336 legal services programs for domestic violence survivors; by 1994, there were 1190, a 254% increase; by 2000, there were 1441 programs.¹⁰⁵ Farmer and Tiefertalar found that the decrease in domestic violence between 1993 and 1998 was a result of the expansion of legal services. Access to legal services not only provides practical support to women seeking to leave abusive relationships but is the only social service that leads to fewer incidents of abuse.

There are simply not enough lawyers to provide resources to IPV survivors. Access to legal services is critical because survivors with legal support are better able to access CPOs, divorce, custody arrangements, child support, and welfare services. Creating programs that train community justice workers and allow them to fill these gaps would not only lead to better outcomes for survivors but also could decrease the rate of IPV.

ii. Existing infrastructure

One of the benefits of building legal empowerment programs around IPV survivors is that there is already significant infrastructure in the field. Though there are not enough attorneys to provide services to all the survivors who need them, there are significant networks of programs that seek to provide other services to survivors. These organizations and services include shelters, hotlines, safehouses, support

⁹⁶ Farmer, *supra* note 19.

⁹⁷ *Id.* at 158. Though there was some controversy regarding the DOJ's statistics, as many advocacy groups say that their research shows the DOJ statistics are a vast underestimation.

⁹⁸ *Id.*

⁹⁹ Erika Hinkle, Riley Smith, & Sean Worley, *Domestic Violence*, 26 GEO. J. GENDER & L. 442-43 (2025).

¹⁰⁰ *Id.* at 159.

¹⁰¹ *Id.*

¹⁰² *Id.* at 164.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

groups, counseling, and other programs.¹⁰⁶ Many of these groups already try to provide limited legal support but do not have the resources to provide more legal services. Tapping into these already existing networks would obviate the need to build out entirely new networks to provide services and would add more legal services to the places women are already turning to for help. Additionally, people already working in these networks have extensive knowledge of the other services available to survivors. This is especially important because when seeking help, people want someone who can serve as a guide and help them navigate resources, programs, and legal concerns.¹⁰⁷

Adding community justice workers to already existing programming has the benefit of adding services to groups that are already integrated into and trusted by their communities. People who already work at these organizations and understand the intricacies of IPV could become community justice workers, giving them more tools to assist survivors, empowering them to provide more resources to their communities, and utilizing existing networks and infrastructures.

iii. Turning Survivors into Advocates

Community justice programs that train IPV survivors to help other survivors would have multiple levels of benefit. One model for a program would provide legal training to survivors who have left abusive relationships and rebuilt their lives so that they could help other survivors through the system. This would have multiple benefits. First, if these programs employed survivors as community justice workers, they could provide a stable income for them. Second, they would empower survivors to become advocates in their communities.

IPV survivors are a physiologically resilient group of people. Resiliency is required in order to go through the trauma of an abusive relationship and find the strength to leave these relationships.¹⁰⁸ A program that trains and utilizes survivors to assist other survivors would also harness natural instincts. Survivors already have a natural instinct to find each other and share their stories.¹⁰⁹ Surviving IPV is a unique experience that can only truly be understood by other survivors.¹¹⁰ Connecting with other survivors also validates the experiences of the women being abused, often who experience gaslighting by their abusers.¹¹¹ Engaging with other survivors can validate and affirm their experiences and emotions.¹¹² Many survivors report that they become “magnets” for other survivors’ stories.¹¹³ A program that worked with survivors to help them become community justice advocates would not just have the benefits of providing legal services to this underserved community but also connect survivors with each other.¹¹⁴ This would validate the experiences of both women and allow women in the

¹⁰⁶ *Directory of Local Providers*, *supra* note 34.

¹⁰⁷ Young, *supra* note 57, at 1183.

¹⁰⁸ Flore I. Matheson, Nihaya Daoud, Sarah Hamilton-Wright, Heidi Boreinstein, Cheryl Pedersen, and Patricia O’Campo, *Where Did She Go? The Transformation of Self-Esteem, Self-Identity, and Mental Well-Being among Women Who Have Experienced Intimate Partner Violence*, 25 WOMEN’S HEALTH ISSUES 561, 566 (2015).

¹⁰⁹ *Id.* at 566.

¹¹⁰ *Id.*

¹¹¹ *Id.* BANCROFT, *supra* note 11.

¹¹² Matheson, *supra* note 104

¹¹³ *Id.*

¹¹⁴ *Id.*

early steps of leaving an abusive relationship to see that there is a path forward to a life without abuse. Other scholars have pointed out the benefit that mentor programs that connect survivors provide,¹¹⁵ and they have proven to be successful in countries outside of the U.S.¹¹⁶ By integrating legal empowerment into these programs, survivors would be able to access more services, be more successful in their legal needs, utilize the success of peer-to-peer programs, and become advocates for long-term programming that seeks to end abuse permanently.

iv. Survivors are Already Help-Seeking

One of the unique aspects of IPV survivors is that they are already exhibiting help-seeking behavior. One of the significant problems with providing legal sources to people to help fix their problems is that most people never make it to a lawyer. Providing people with legal help is severely limited by the number of people who do not know that their problems are legal and never go to an attorney.¹¹⁷ The benefit of justice workers is that they can be embedded in other organizations and the community, making them less intimidating than lawyers.¹¹⁸ Survivors of IPV are unique from other populations in that they already demonstrate help-seeking behavior.¹¹⁹ When a woman experiences abuse, many women already begin to reach out to IPV resources for help.¹²⁰ Embedding legal services in these already existing resources would ensure that when legal problems arose, they could be properly identified and addressed. Because many women attempting to leave abusive relationships already demonstrate help-seeking behavior, this naturally circumvents one of the most significant problems in providing legal support to people: them seeking help at all.

Conclusion:

Survivors of IPV are a uniquely well-suited population to integrate legal empowerment philosophies and structures and utilize access to justice workers. There is already a flourishing network of resources to build on, and survivors are often already exhibiting help-seeking behavior. Additionally, access to legal services can assist survivors in transitioning to advocates for their communities. Finally, access to legal services meaningfully reduces the amount of abuse in a community. It does not simply help people escape bad situations but actually lowers the number of incidents of intimate partner violence. For almost 60 years, feminist movements have been advocating to end intimate partner violence; working to utilize legal empowerment

¹¹⁵ *Id.* at 567.

¹¹⁶ *Id.* 569; Lesley Campbell, Peer support: reframing the journey from lived experience of domestic violence (Christchurch Women's Refuge 2012).

¹¹⁷ Young, *supra* note 57, at 1202.

¹¹⁸ *Id.* at 1203

¹¹⁹ James Teufel, Lynette M. Renner, Michael Gallo, and Carolyn Copps Hartley, *Income and Poverty Status Among Women Experiencing Intimate Partner Violence*, 55 L. & SOC'Y R. 405, 407 (2021); Emma Freetly Porter, Maria Paula Mendoza, Miaomiao Deng, Marissa Kiss, Katie Mirance, Kaelyn Foltz, Angela J. Hattery, *Institutional Betrayal in the Criminal and Civil Legal Systems: Exploratory Factor Analysis with a Sample of Black and Hispanic Survivors of Intimate Partner Violence*, 40 J. INTERPERSONAL VIOLENCE 756, 757 (2025).

¹²⁰ Teufel, *supra* note 115; Freetly Porter, *supra* note 115.

movements and philosophies could provide another significant step forward in that fight.