

## Assisting Rural Domestic Violence Victims: The Local Librarian's Role\*

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*With proper training, librarians could be ideal partners to combat domestic abuse in rural areas. This article examines the specific needs of domestic violence victims in rural areas where shelters and legal services are often limited, explains the role of unauthorized practice of law policies, and highlights successful library initiatives that model how such programs might work.*

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### Introduction

¶1 Rules prohibiting the unauthorized practice of law (UPL) by nonlawyers serve many important purposes: limiting fraudulent activities, protecting the public, protecting the bar, and many more. However, those rules can limit nonlawyers from helping in otherwise useful activities, particularly in the domestic violence arena. For instance, the laws against the UPL have been relaxed in some states,

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including Illinois, to allow domestic violence victims who cannot afford a lawyer to be provided with assistance from a knowledgeable and trained layperson or victim advocate. Librarians are ideally suited, especially in rural areas, to serve as advocates, at least within the confines of the library, to domestic violence victims as well. Indeed, with the proper training, librarians could be ideal partners to those combating domestic abuse in rural areas, as many victims of domestic abuse are prevented from working outside the home and may only be permitted by their abuser to access public places, like a library, without punishment. To establish this premise, this article first defines the term “rural” to better provide a context for the surrounding discussion of a specific portion of the domestic violence victim population. Next, the article elaborates on the specific needs of domestic violence victims in rural areas, where shelters and legal services are often limited or absent. The article then explains what UPL policies exist, how these policies apply to librarians, and how some have been relaxed with respect to domestic violence advocates. Next follow some justifications for including librarians among those already serving the domestic violence population. The article concludes with a plea to train more rural librarians to support domestic violence victims.

### The Elusive Definition of the Term “Rural”

¶2 The term “rural” is a bit hard to nail down when discussing “rural America.” Indeed, the term is defined in many different ways. Lisa Pruitt, for instance, suggests that it be defined by reference to “numerical measures such as population density and size of population clusters.”<sup>1</sup> The U.S. government, when measuring the term for the entire country, uses nine potential definitions based on census data, the Office of Management and Budget’s list of metropolitan areas, and the U.S. Department of Agriculture’s Economic Research Service rural-urban commuting areas.<sup>2</sup> Depending on which computation is used, the number of rural American residents in 2000 ranged from 48.8 million to 177 million people.<sup>3</sup> Note that the total U.S. population in 2000 was 281,421,906 people.<sup>4</sup>

¶3 Another way to define U.S. rural areas is by access to resources. “Areas with combined high prevalence and persistence of poverty, low levels of resources for local use, and low levels of investment can be identified as rural without conflicting with more quantitative measures.”<sup>5</sup> And yet, even though defining “rural” in terms of population or access to resources is difficult, it is even more challenging to find a singular rural experience in America, as rural culture is heavily influenced by

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1. Lisa R. Pruitt, *Place Matters: Domestic Violence & Rural Difference*, 23 WIS. J.L. GENDER & SOC’Y 347, 394 (2008).

2. U.S. Dep’t Agric., Economic Research Service, Definition of Rural, Illinois (Sept. 4, 2007), [http://www.ers.usda.gov/datafiles/Rural\\_Definitions/StateLevel\\_Maps/IL.pdf](http://www.ers.usda.gov/datafiles/Rural_Definitions/StateLevel_Maps/IL.pdf) [<https://perma.cc/PTD8-JGR3>].

3. *Id.*

4. U.S. Census Bureau, U.S. Summary: 2000, Census 2000 Profile (2000), <https://www.census.gov/prod/2002pubs/c2kprof00-us.pdf> [<https://perma.cc/TZ4S-M4E6>].

5. Steven M. Virgil, *Community Economic Development and Rural America: Strategies for Community-Based Collaborative Development*, 20 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 9, 14 (2010).

regional differences.<sup>6</sup> In our “increasingly spatially integrated national and global society,” with the “blurring of rural-urban spatial boundaries,” many preconceptions and attitudes about rural America are outdated.<sup>7</sup> In addition, the personal experiences of Americans in rural areas are not necessarily homogeneous. For instance, abused women in farming communities may choose to remain with abusive partners because they wish to retain the family farm, demonstrating a strong attachment to the land.<sup>8</sup> Domestic violence in rural Appalachia, in contrast, may trap abused women because of the region’s “particularly virulent and entrenched form of patriarchy, perpetuated by the physical isolation of the communities.”<sup>9</sup>

¶4 For purposes of this article, however, the term “rural” must be generalized, as it is too difficult a burden to distinguish between the social and cultural contexts for each individual location in rural America. Here the term “rural” is used in a broad sense to refer to the nonurban portion of the United States, both in terms of low population (using any of the governmental definitions available as discussed above)<sup>10</sup> and cultural differences.

### Challenges Faced by Rural Victims of Domestic Abuse

¶5 Domestic violence is all too common in U.S. society at large. It is not specific to race, religion, age, or region.<sup>11</sup> “Although chronically underreported,”<sup>12</sup> it is estimated that approximately seven million women experience physical abuse by a “current or former intimate partner each year.”<sup>13</sup> And although men also suffer from domestic abuse,<sup>14</sup> it is far more common for a woman to be victimized in this manner. As such, for ease of reference, the victims are identified as female throughout the remainder of this article. “Domestic abuse” is generally defined as physical or mental abuse directed at a victim by a member of his or her household or a current or former significant other.<sup>15</sup> As noted above, domestic abuse does not occur only in rural areas; however, victims living in rural areas do face unique obstacles

6. Pruitt, *supra* note 1, at 394.

7. See Daniel T. Lichter & David L. Brown, *Rural America in an Urban Society: Changing Spatial and Social Boundaries*, 37 ANN. REV. SOC. 565, 584 (2011).

8. Pruitt, *supra* note 1, at 400 (citing Carol K. Feyen, *Isolated Acts: Domestic Violence in a Rural Community*, in THE HIDDEN AMERICA: SOCIAL PROBLEMS IN RURAL AMERICA FOR THE TWENTY-FIRST CENTURY 118–20 (Robert M. Moore III ed., 2001)).

9. *Id.* at 396–97.

10. See U.S. Dep’t Agric., *supra* note 2; U.S. Census Bureau, *supra* note 4.

11. Nat’l Network to End Domestic Violence, Domestic and Sexual Violence Fact Sheet, [http://nnedv.org/downloads/Policy/AD14/AD14\\_DVSA\\_Factsheet.pdf](http://nnedv.org/downloads/Policy/AD14/AD14_DVSA_Factsheet.pdf) [<https://perma.cc/5JXM-LR5V>] [hereinafter DSV Fact Sheet].

12. Lynn Westbrook, *Information Myths & Intimate Partner Violence: Sources, Contexts, and Consequences*, 60 J. AM. SOC’Y INFO. SCI. & TECH. 826, 826 (2009).

13. DSV Fact Sheet, *supra* note 11 (citing P. Tjaden & N. Thoennes, Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey (July 2000), <https://www.ncjrs.gov/pdffiles1/nij/181867.pdf>).

14. *Id.* (noting that whereas “1 in 5 women . . . has experienced rape in . . . her lifetime,” the numbers are lower for men—“1 in 77”).

15. See, e.g., 750 ILL. COMP. STAT. ANN. § 60/103(1), (3), (6) (West 2012) (defining domestic violence for purposes of Illinois law).

to leaving abusive relationships, including isolation and lack of access to community services.

### Isolation

¶6 Rural America is characterized by vast amounts of land with few people. This means that the individuals living in rural areas may not have ready access to a car, a telephone, the Internet, or even neighbors.<sup>16</sup> Indeed, Leslie Morgan Steiner, author of *Crazy Love*<sup>17</sup> and a victim of domestic abuse, explains that her fiancé moved her from New York City to a rural town in New England for the express purpose of isolating her from family and friends in order to begin the cycle of violence.<sup>18</sup> Steiner's move from a large city to a small rural town removed her access to friends, family, and neighbors who could hear her scream or see the bruises on her body after the abuse began.<sup>19</sup> In that case, the move was a calculated one.<sup>20</sup> On the other hand, women who were born and raised in rural communities are already quite accustomed to the isolation of rural America. However, when violence is added to the isolation, it can be deadly.<sup>21</sup>

¶7 The isolation of rural victims of domestic violence places them in a catch-22 situation. Often their abusers have the sole access to a vehicle.<sup>22</sup> Abusers quite frequently forbid their victims from working outside the home, which further isolates them and provides the abusers with more financial control.<sup>23</sup> Thus, these women are unable to leave by car unless their abusers are home or they receive assistance from an outside party (a friend, community member, or family member). However, as noted above, many individuals in rural areas have no helpful neighbors, and about half of them have no local family members. Thus, rural victims of abuse can either flee on foot (which seems foolhardy given the distance between rural communities and sources of help—especially if children are involved) or try to leave when their abusers are home (which seems even less plausible to accomplish in a safe manner).

### Lack of Community Services

¶8 Rural areas also tend to be impoverished areas. And because they have lower population levels, they have fewer community resources available. For instance, many rural areas have no bus routes available, stranding those without access to a car. Additionally, at least in Illinois, when one “county lacks a public transportation system, it is very likely that adjacent counties lack one also.”<sup>24</sup> Further, although

16. Pruitt, *supra* note 1, at 373–74.

17. LESLIE MORGAN STEINER, *CRAZY LOVE* (2010).

18. Leslie Morgan Steiner, *Why Domestic Violence Victims Don't Leave*, TEDxRAINER (Nov. 2012), [http://www.ted.com/talks/leslie\\_morgan\\_steiner\\_why\\_domestic\\_violence\\_victims\\_don\\_t\\_leave?language=en#t-456880](http://www.ted.com/talks/leslie_morgan_steiner_why_domestic_violence_victims_don_t_leave?language=en#t-456880) [<https://perma.cc/U284-LN8S>].

19. *Id.*

20. That case, sadly, is not an anomaly. See Pruitt, *supra* note 1, at 361 (noting that “batterers may choose to live in the country because it aggravates their victim’s isolation and helplessness.”).

21. Wendy Boka, Note, *Domestic Violence in Farming Communities: Overcoming the Unique Problems Posed by the Rural Setting*, 9 DRAKE J. AGRIC. L. 389, 392 (2004).

22. *Id.* at 396.

23. JODY RAPHAEL, *SAVING BERNICE: BATTERED WOMEN, WELFARE, & POVERTY* 38–39 (2000).

24. SOC. IMPACT RES. CTR., 2004 REPORT ON ILLINOIS POVERTY: AN ANALYSIS OF RURAL POVERTY 20 (2003), [http://socialimpactresearchcenter.issuelab.org/resource/2004\\_report\\_on\\_illinois\\_poverty\\_an\\_analysis\\_of\\_rural\\_poverty\\_1](http://socialimpactresearchcenter.issuelab.org/resource/2004_report_on_illinois_poverty_an_analysis_of_rural_poverty_1) [<https://perma.cc/UK3K-FT62>].

police officers are technically available, they may not be willing to help domestic violence victims for a variety of reasons, including knowing abusers personally or not knowing the legal requirements in place.<sup>25</sup>

¶9 Often no local domestic violence shelters exist. According to the National Network to End Domestic Violence, the “largest unmet need” for domestic violence victims from 2014 was “for shelter and housing.”<sup>26</sup> It is crucial for victims of domestic violence to have access to a domestic violence shelter.<sup>27</sup> To demonstrate, in just one day in 2014, 67,464 victims were served by domestic violence providers nationally. Of those, 36,608 served received some form of emergency or transitional shelter.<sup>28</sup> That means that about half of all of those receiving services did so from within a shelter. Sadly, due to low population and funding issues, these shelters are often absent from rural communities. In Illinois, for instance, a state where 74 out of the 102 counties are rural,<sup>29</sup> fewer than half of the counties have designated domestic violence shelters.<sup>30</sup>

¶10 Not only do domestic violence shelters provide necessary safe transitional housing for domestic violence victims, but they often also provide on-site counseling, social work services, legal support services in the form of victim advocates, and sometimes even lawyers or the ability to connect potential clients with local representation.<sup>31</sup> Victim advocates, although nonlawyers, provide many necessary services to domestic violence victims, including explaining the legal process, engaging in safety planning, providing emotional support and referrals to necessary community services, and attending court hearings.<sup>32</sup>

¶11 Finally, lawyers in rural areas are scarce, and legal aid service providers are overwhelmed with potential clientele. Indeed, the American Bar Association has noted the “critical shortage” of lawyers practicing in rural areas.<sup>33</sup> Quite frequently, if a domestic violence victim in a rural area wishes to obtain a civil order of protection from a court, she must do so alone—without the help of a friend, family member, shelter advocate, or lawyer.

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25. Sara R. Benson, *Failure to Arrest: A Pilot Study of Police Response to Domestic Violence in Rural Illinois*, 17 AM. U. J. GENDER SOC. POL'Y & L. 685, 699–700 (2009).

26. Nat'l Network to End Domestic Violence, *Domestic Violence Counts 2014: A 24-Hour Census of Domestic Violence Shelters and Services*, [http://nnedv.org/downloads/Census/DVCounts2014/DVCounts14\\_NatlReport\\_web.pdf](http://nnedv.org/downloads/Census/DVCounts2014/DVCounts14_NatlReport_web.pdf).

27. *Id.*

28. Nat'l Network to End Domestic Violence, '14 *Domestic Violence Counts National Summary* (2015), [http://nnedv.org/downloads/Census/DVCounts2014/DVCounts14\\_NatlSummary\\_Color-2.pdf](http://nnedv.org/downloads/Census/DVCounts2014/DVCounts14_NatlSummary_Color-2.pdf) [<https://perma.cc/9SJM-4NJ7>].

29. SOC. IMPACT RES. CTR., *supra* note 24, at 4.

30. ICADV's *Membership*, ILL. COAL. AGAINST DOMESTIC VIOLENCE, [http://www.ilcadv.org/about\\_icadv/board\\_membership.html](http://www.ilcadv.org/about_icadv/board_membership.html) [<https://perma.cc/7S3E-SRQ2>] (containing a map of the Illinois counties as well as locations of domestic violence program providers within each county).

31. ELEANOR LYON, SHANNON LANE & ANNE MENARD, *MEETING SURVIVORS' NEEDS: A MULTI-STATE STUDY OF DOMESTIC VIOLENCE SHELTER EXPERIENCES* (Oct. 2008), [http://www.vawnet.org/Assoc\\_Files\\_VAWnet/MeetingSurvivorsNeeds-FullReport.pdf](http://www.vawnet.org/Assoc_Files_VAWnet/MeetingSurvivorsNeeds-FullReport.pdf) [<https://perma.cc/ALQ7-7ZW8>].

32. Margaret F. Brown, Note, *Domestic Violence Advocates' Exposure to Liability for Engaging in the Unauthorized Practice of Law*, 34 COLUM. J.L. & SOC. PROBS. 279, 281–82 (2001).

33. AM. BAR ASS'N STANDING COMM. ON PRO BONO & PUBLIC SERVICE & THE CTR. FOR PRO BONO, *RURAL PRO BONO DELIVERY: A GUIDE TO PRO BONO LEGAL SERVICES IN RURAL AREAS* 12 (2003), [http://www.americanbar.org/content/dam/aba/migrated/legalservices/probono/aba\\_rural\\_book.pdf](http://www.americanbar.org/content/dam/aba/migrated/legalservices/probono/aba_rural_book.pdf) [<https://perma.cc/GEG6-JHNT>].

¶12 In summary, the issues faced by any domestic violence victim are huge—ranging from mental and physical health issues to economic security issues to legal issues. In rural America, these issues are compounded by the isolation of living in a population-sparse area and a lack of community resources.

### The Purpose and Limitations of Unauthorized Practice of Law Rules

¶13 Lawyers work hard to get into law school, graduate from law school, and pass the bar exam. And it is clear that the training provided to lawyers is not learned overnight. Lawyers understand unique relationships between relevant and irrelevant legal research, hierarchy of authority, persuasive techniques, and stylistic skills like legal citation. In an era when more and more one-stop-shop legal websites are emerging (like LegalZoom) and law jobs are fewer and less economically viable than in the past, it seems even more critical for the legal profession to safely guard the rules prohibiting nonlawyers from engaging in the practice of law.

¶14 And yet, there may be some room for nonlawyers, such as librarians, to engage in some amount of legal work for the right reasons, such as a lack of resources for domestic violence victims.

### Brief History of the Unauthorized Practice of Law Rules

¶15 Interestingly, the enforcement of UPL rules began around the time of the Great Depression.<sup>34</sup> The ABA gives the reason underlying the prohibition as the safety of the public, as otherwise they might unwittingly receive “legal services by unqualified persons.”<sup>35</sup> Yet, unsurprisingly, as the job market shrank, lawyers were more interested in protecting their interests in the profession from outsiders.<sup>36</sup> While UPL rules are governed by each state individually,<sup>37</sup> “lawyer discipline [has become] more uniform as state courts adopted versions of the *Model Rules of Professional Conduct* (‘*Model Rules*’), promulgated by the American Bar Association.”<sup>38</sup> Even so, because each jurisdiction has its own definition for the practice of law, enforcement remains problematic.<sup>39</sup> While most UPL cases are prosecuted by state bars (which are then enforceable in state courts)<sup>40</sup> or as misdemeanor crimes,<sup>41</sup> more recently, a private cause of action has been recognized in some states.<sup>42</sup>

¶16 As noted above, with the current state of dwindling job prospects for graduating law students,<sup>43</sup> bar associations may be more motivated than ever to

34. Brown, *supra* note 32, at 288–89.

35. *Id.* at 290.

36. *Id.* at 288–89.

37. Susan D. Hoppock, *Enforcing Unauthorized Practice of Law Prohibitions: The Emergence of the Private Cause of Action and Its Impact on Effective Enforcement*, 20 GEO. J. LEGAL ETHICS 719, 723 (2007).

38. *Id.* at 722.

39. *Id.* at 722–23.

40. Brown, *supra* note 32, at 290.

41. *Id.* at 289.

42. Hoppock, *supra* note 37, at 719.

43. 2014 Law Graduate Employment Data, AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR (2015), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/statistics/2014\\_law\\_graduate\\_employment\\_data\\_042915.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2014_law_graduate_employment_data_042915.authcheckdam.pdf) [<https://perma.cc/XX4L-ABER>] (noting that ten months after graduation, 59.9% of the class of 2014 had full-time jobs requiring passage of the bar exam).



enforce the UPL rules. The tight job market is also combining with cheap online law websites, like LegalZoom, where clients can obtain a variety of legal services at a much lower cost than hiring a personal attorney.<sup>44</sup> In this atmosphere, it is understandable that any plea to lessen the UPL rules might be unwelcome; however, rules have already been relaxed for various reasons in some jurisdictions as explained below.

### Unauthorized Practice of Law Issues Specific to Librarians

¶17 Law librarians, who often have law degrees, comprise the library group most likely to be accused of the UPL.<sup>45</sup> Although law librarians generally work with lawyers, who understand the law and do not request legal services from librarians, some law librarians work with the general public.<sup>46</sup> In this capacity, law librarians worry about going too far in assisting pro se patrons such that they might be charged with the UPL.<sup>47</sup> Although this fear is often unfounded for a variety of reasons, including the fact that no known cases of prosecution of or suits against law librarians exist, some practitioners cite ethics in their advice against providing excessive assistance to patrons.<sup>48</sup>

### Relaxed Rules for Unauthorized Practice of Law

¶18 UPL rules have been criticized on many grounds, including the fact that they were drafted to protect lawyers and not clients, that only a few cases involving such charges include “specific allegations of harm,” and that they are less necessary where aggrieved clients have other causes of action they can bring against laypersons acting as attorneys.<sup>49</sup> For these reasons and others, many advocate for the limited licensing of nonattorneys to permit them to practice some aspects of law.<sup>50</sup> Indeed, as early as 1995 the ABA recognized the significant number of pro se petitioners and recommended that individual states “take action to resolve the inherent conflict of relying upon nonlawyers to increase the availability of legal assistance.”<sup>51</sup> Pro se petitioners often represent themselves because they cannot afford or have no access to legal representation; put another way, lawyers cannot meet the practical needs of these low- to middle-income clients.<sup>52</sup>

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44. Cody Blades, *Crying Over Spilt Milk: Why the Legal Community Is Ethically Obligated to Ensure LegalZoom's Survival in the Legal Services Marketplace*, 38 HAMLIN L. REV. 31, 33–34, 39 (2015).

45. Mary Whisner, *Law Librarian, J.D. or Not J.D.?*, 100 LAW LIBR. J. 185, 186, 2008 LAW LIBR. J. 8, ¶ 5.

46. Paul D. Healey, *In Search of the Delicate Balance: Legal and Ethical Questions in Assisting the Pro Se Patron*, 90 LAW LIBR. J. 129, 130–33 (1998).

47. *Id.* at 133–34.

48. *Id.* at 138–39, 143–44.

49. Hoppock, *supra* note 37, at 725–27.

50. Blades, *supra* note 44, at 52–53.

51. Brown, *supra* note 32, at 294 (citing COMM'N ON NONLAWYER PRACTICE, AM. BAR ASS'N, NONLAWYER ACTIVITY IN LAW-RELATED SITUATIONS 77, 161 (1995)).

52. Blades, *supra* note 44, at 47–49.

¶19 One jurisdiction has already established two new limited licenses for legal practice,<sup>53</sup> while others are still researching the possibility of such an outcome.<sup>54</sup> In Washington State, nonlawyers may now register with the state bar as either legal technicians or limited practice officers.<sup>55</sup> These limited licenses were responses to the growing need for legal representation in Washington, where a 2003 study demonstrated that “more than 80 percent of people . . . with low- or moderate-income experienced a legal need and went without help because they couldn’t afford it or didn’t know where to turn.”<sup>56</sup> The “limited practice officer” designation is meant “to authorize certain lay persons to select, prepare and complete legal documents incident to the closing of real estate and personal property transactions and to prescribe the conditions of and limitations upon such activities.”<sup>57</sup> The legal technician rules are a bit more complicated, but generally permit a layperson, with adequate training as defined by the bar, to draft documents and assist a client in a specific area of law—most commonly family law.<sup>58</sup> However, legal technicians are not permitted to represent clients in court or negotiate on clients’ behalf.<sup>59</sup>

¶20 For similar reasons, some jurisdictions have relaxed rules for domestic violence lay victim advocates due to the lack of available resources for victims of abuse.<sup>60</sup> Although advocates are not lawyers, they do receive a significant amount of training about domestic abuse, confidentiality, court procedures, and legal and emotional issues relating to domestic abuse.<sup>61</sup> Advocates are instructed to advise their clients that they are not lawyers.<sup>62</sup> In Illinois, for instance, the legislature passed a law permitting advocates to help prepare paperwork for orders of protection and “attend and sit at counsel table and confer with the victim” during domestic violence proceedings (civil and criminal) without being charged with the UPL.<sup>63</sup> The law in Illinois permits communications between a victim and an advocate to remain privileged, as they do between an attorney and a client.<sup>64</sup> Similarly, in Wisconsin, state law permits advocates to attend court hearings and address the court if the judge permits it.<sup>65</sup> In North Dakota, advocates are permitted to do the

53. *Limited Licenses*, WASH. STATE BAR ASS’N, <http://www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses> [https://perma.cc/VK7C-4BQT].

54. See, e.g., *Limited License Working Group*, STATE BAR OF CALIF. (2013), <http://www.calbar.ca.gov/AboutUs/BoardofTrustees/LimitedLicenseWorkingGroup.aspx> [https://perma.cc/LGL6-NUFX].

55. *Limited Licenses*, *supra* note 53.

56. *Legal Technician FAQs*, WASH. STATE BAR ASS’N, <http://www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians/Legal-Technician-FAQs> [https://perma.cc/2TCP-43D9].

57. *Admission to Practice Rules, Rule 12(a). Limited Practice Rule for Limited Practice Officers*, WASH. STATE BAR ASS’N (eff. date Jan. 1, 2009), [http://www.wsba.org/~media/Files/Licensing\\_Lawyer%20Conduct/LPO/Part%201%20-%20APR%2012.ashx](http://www.wsba.org/~media/Files/Licensing_Lawyer%20Conduct/LPO/Part%201%20-%20APR%2012.ashx) [https://perma.cc/CK6L-87P8].

58. *Admission to Practice Rules, Rule 28*, WASH. STATE BAR ASS’N (2013), [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=APR&ruleid=gaapr28](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr28) [https://perma.cc/22RB-NYFT].

59. *Id.*

60. Brown, *supra* note 32, at 294–95.

61. *Id.* at 291.

62. *Id.* at 292.

63. 750 ILL. COMP. STAT. ANN. § 60/205(b)(1)–(4) (West 2003).

64. *Id.* § 60/227.

65. WIS. STAT. § 895.73(2) (2003).



same by the court rules,<sup>66</sup> and Minnesota permits this representation by case law interpretation.<sup>67</sup> Other states may permit advocates to assist in more limited capacities, such as by helping to provide “clerical assistance” to victims when preparing court forms.<sup>68</sup> And in Georgia, the state’s statute specifically provides that such assistance with forms and pleadings by advocates “shall not constitute the practice of law.”<sup>69</sup> Alternatively, the court may allow a victim advocate or any other person desired by the victim to accompany her to court, as long as he or she is not disruptive to the court proceedings, which presumably includes them remaining silent.<sup>70</sup>

¶21 Finally, due to the scarcity of lawyers and the immense importance of assisting domestic violence victims with obtaining orders of protection, some states even mandate that court clerks assist victims with the preparation of court documents.<sup>71</sup> Due to this mandate, some states requiring clerks to assist victims of domestic violence specifically exempt participating clerks from UPL rules when they comply with this requirement.<sup>72</sup>

¶22 Thus, in many states, rural librarians who are trained as lay domestic violence advocates would not violate the UPL rules when they assist victims of domestic abuse in their communities.

### Librarians Serving the Domestic Violence Community: Policy and Examples

¶23 As noted above, services for domestic violence victims in rural America are sparse and sorely needed. However, what makes public librarians a particularly useful ally? And when libraries in rural areas are already underfunded and understaffed,<sup>73</sup> is it beneficial to add another responsibility to the duties of the rural librarian? I think the answer is yes, and I hope the remainder of this article will convince you that serving this particular community in rural libraries is a worthwhile and achievable goal. This section first discusses the fit between rural libraries and domestic violence, along with specific services that could be provided to victims of domestic violence along with possibilities for funding such programs. Then, I describe some specific case studies on how rural libraries have helped domestic violence victims.

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66. N.D. SUP. CT. ADMIN. R. 34(5) (2003).

67. *In re Domestic Violence Advocates*, No. C2-87-1089, 1991 Minn. LEXIS 34 (Minn. Feb. 5, 1991).

68. *See, e.g.*, HAW. REV. STAT. § 586(d) (2004); LA. REV. STAT. ANN. § 2138 (2015); NEB. REV. STAT. § 42-905(5) (2015); OKLA. STAT. tit. 22, § 60.2(D) (2013).

69. GA. CODE ANN. § 19-13-3(d) (2015) (Westlaw, through the Regular Session of the 2015 Legislative Session).

70. *See, e.g.*, CAL. FAM. CODE § 6303(a)–(b) (2012); OHIO REV. CODE ANN. § 3113.31(A)(5), (M) (Westlaw through Files 1 to 50 of the 131st General Assembly (2015–2016) and 2015 State Issues 1 and 2) (permitting a victim advocate to accompany the victim “[i]n all stages of [the domestic violence] proceeding); W. VA. CODE § 48-27-307 (2001).

71. IND. CODE § 34-26-5-3(d) (2009); TENN. CODE ANN. § 36-3-604(a)(2) (Westlaw, through laws from the 2016 Second Reg. Sess., eff. through Feb. 1, 2016); UTAH CODE ANN. § 78B-7-105(2) (Westlaw, through 2015 First Special Session).

72. IND. CODE § 34-26-5-3(d) (2009); UTAH CODE ANN. § 78B-7-105(3) (Westlaw, through 2015 First Special Session).

73. Susan Hildreth, *Rural Libraries: The Heart of Our Communities*, PUB. LIBR., Mar./Apr. 2007, at 7, 8.

The section concludes with a call for additional rural librarians to use the resources of the library to assist domestic violence victims and their children.

### Librarians as Appropriate Advocates for Domestic Violence Victims

¶24 It may seem like a stretch to ask libraries to provide resources specific to any particular social community, but it is actually more common for libraries to perform community outreach than it seems. For instance, the American Library Association (ALA) understands the unique contribution public libraries can make in their communities. In 2014, the ALA, in collaboration with the Gates Foundation, called for applications from public libraries to win one of ten “18-month, team-based professional development” programs including an \$8000 grant to “implement a plan for community engagement.”<sup>74</sup> One grant recipient, the Tuscaloosa Public Library, is focusing on literacy plans to transform their community in which twenty-three percent of the adult population is unable to read.<sup>75</sup> Another rural community library in Suffolk, Virginia, is reaching more people through a book mobile program.<sup>76</sup> Thus, providing outreach services to the community is not a new concept to libraries and librarians.

¶25 And while rural libraries may be struggling for funding, “[c]ontinual budget cuts have reduced legal aid, counseling, court accompaniment, and childcare services for IPV [intimate partner violence] survivors” as well.<sup>77</sup> Although a domestic violence abuser may forbid his victim from obtaining work outside the home,<sup>78</sup> he may be less restrictive about her decision to visit the local library with the children in tow. Thus, “librarians’ abilities to maximize local resources in the service of high need individuals are more essential than ever,”<sup>79</sup> and “[l]ibrarians can help bridge the information gaps faced by survivors, families, advocates, and domestic violence professionals.”<sup>80</sup> One of the major needs of victims of domestic violence is access to information about their situation, ways to leave their abusers, legal protections, and local resources available to them.<sup>81</sup> Obviously, libraries are an appropriate location to house this information both on computers and in print. Quite often, computers are the primary source of information for domestic violence victims because they have the most up-to-date information about local shelters and resources. Having access to a public computer is particularly important for rural victims because they may not have Internet access at home at all or, if they do, their need for confidentiality is best met at a public computer where cookies cannot be easily tracked by their abusers.

74. *ALA Announces Libraries Transforming Communities Public Innovator Cohort Grant Opportunity*, AM. LIBR. ASS’N NEWS (Jan. 22, 2014), <http://ala.org/news/press-releases/2014/01/ala-announces-libraries-transforming-communities-public-innovator-cohort> [<https://perma.cc/GR8E-LQZS>].

75. *Libraries Transforming Communities Public Innovators Cohort*, AM. LIBR. ASS’N, <http://www.ala.org/transforminglibraries/libraries-transforming-communities/cohort> [<https://perma.cc/ZS7G-QXEJ>].

76. *Id.*

77. Lynn Westbrook & Maria E. Gonzalez, *Information Support for Survivors of Intimate Partner Violence: Public Librarianship’s Role*, 30 PUB. LIBR. Q. 132, 137 (2011).

78. See RAPHAEL, *supra* note 23, and ¶ 7.

79. Westbrook & Gonzalez, *supra* note 77, at 151.

80. *Id.* at 137.

81. *Id.* at 139–41.

¶26 In addition, when librarians are trained in domestic abuse awareness, the service they provide to victims of domestic abuse is strengthened. For instance, a well-educated staff can better direct victims to the appropriate resources.<sup>82</sup> One of the key things for a library staff person to understand is the numerous barriers facing victims of domestic abuse, particularly the barriers faced by rural victims. If a librarian understands that this may be a victim's only chance to research her options for leaving an abuser, the librarian will also understand that time is of the essence.<sup>83</sup> The librarian could also coordinate resources with local police to drive the victim to a neighboring county where a domestic violence shelter exists.<sup>84</sup> The librarian could help further by telephoning the shelter to let its staff know that the victim is traveling to the shelter. If the victim is willing to share some of her details, the librarian can use library computers and printers to help fill out necessary paperwork for the shelter in advance of the victim's arrival.

¶27 Because many victims of domestic violence also have children, it would be very useful to have sufficient programming for children to engage them while the mother discusses her situation with the librarian and other library staff.<sup>85</sup>

### Case Studies: Domestic Violence Services in Libraries from America to England

¶28 Rural libraries have already begun providing domestic violence services to the community in a variety of ways. As of 2011, "there were 8,956 public libraries in the United States," and "almost half of all public libraries were rural libraries (46.8%)."<sup>86</sup> Thus, rural libraries, unlike rural domestic violence shelters, are relatively abundant. The services vary, as do the locations, everywhere from rural America to Southeastern England. The following selective case studies highlight the different programs that now exist as examples of how to expand rural domestic violence librarian services.

#### *The Library Liaison Project in Rural Eastern Michigan*

¶29 In 2003, the ABA Standing Committee on Pro Bono and Public Service, along with the Center for Pro Bono, published a *Guide to Pro Bono Legal Services in Rural Areas*.<sup>87</sup> In that guide, a program developed by Legal Services of Eastern Michigan (LSEM) devoted to outreach for domestic violence programming through eighty-five public libraries in ten rural counties is described.<sup>88</sup>

82. *Id.* at 152.

83. *Id.*

84. Benson, *supra* note 25, at 696–97 (noting that the 2007 Illinois Domestic Violence Protocol for Law Enforcement, Prosecution, and the Judiciary encourages police officers "to drive survivors to the county line, where necessary, and seek assistance from neighboring county police in order to transport survivors to domestic violence shelters").

85. Westbrook & Gonzalez, *supra* note 77, at 152–53.

86. DEANNE W. SWAN, JUSTIN GRIMES & TIMOTHY OWENS, INST. MUSEUM & LIBR. SERVS., THE STATE OF SMALL AND RURAL LIBRARIES IN THE UNITED STATES (Research Brief No. 5, Sept. 2013), [http://www.ims.gov/assets/1/AssetManager/Brief2013\\_05.pdf](http://www.ims.gov/assets/1/AssetManager/Brief2013_05.pdf) [<https://perma.cc/4HTR-NRU2>].

87. AM. BAR ASS'N STANDING COMM. ON PRO BONO & PUBLIC SERVICE & CTR. FOR PRO BONO, *supra* note 33.

88. *Id.* at 46–47.

LSEM recruited pro bono lawyers from participating areas to train local library staff in what client services LSEM offers and how those services can be accessed via the web site. . . . LSEM also began recruiting pro bono lawyers to conduct community legal education presentations at the local libraries and staff help desks. Finally, LSEM (again, with assistance from . . . pro bono advocates) developed information kiosks at each library site, with informational brochures, pro se materials and forms, and informational materials on recurring legal problems.<sup>89</sup>

¶30 The libraries also provide on-site pro bono lawyers to help with document preparation and free faxing for all patrons from a \$50 stipend per library per year provided by LSEM.<sup>90</sup> Although this program is not limited to domestic violence services, it does serve as a model on which a domestic violence-specific program could be developed.

### *The Surrey County Council Libraries in England*

¶31 Surrey, in southeastern England, “is the most heavily wooded county in England and 70 per cent of its area is Green Belt.”<sup>91</sup> Although I am not familiar enough with Surrey to directly compare it to rural states in the United States, the preceding description suggests that the two share some elements. I include the Surrey project in an article about rural U.S. libraries because its public libraries have done some extraordinary work for survivors of domestic abuse.

¶32 In 2013, the Surrey County Council Libraries won the prestigious Libraries Change Lives Award for providing outstanding resources and support to women suffering from domestic abuse.<sup>92</sup> The services provided to victims of abuse include

[i]nformation through specialised book stock, covering all aspects of domestic abuse, dispersed across the county for discretion as well as ease of reservation, and dedicated web pages and signposting to other local and national services. Events for residents experiencing domestic abuse, including self-esteem workshops, poetry sessions run with a local survivors support group, and a poetry and art session run with the local youth support group service. A domestic abuse survivors reading group. [E]-book readers and e-book downloading training for refuge residents. Awareness of the services offered to those experiencing or who have experienced domestic abuse and the professionals working with them, forging links between the library service with the police, borough and district councils, Crimestoppers and the Surrey and Sussex Probation Service. Increasing awareness of domestic abuse amongst County Council staff.<sup>93</sup>

¶33 In an interview, Holly Case, Senior Team Officer for Surrey County Council Libraries, describes her idea to create the domestic abuse program.<sup>94</sup> She notes that when she began working at the library in 2011, she was unaware of the extent of the problem with domestic violence, but the more she read, the more she

89. *Id.* at 46.

90. *Id.* at 46–47.

91. SURREY BRANCH OF THE CAMPAIGN TO PROTECT RURAL ENGLAND, <http://www.cpresurrey.org.uk/> [https://perma.cc/TNU6-AXGF].

92. *Libraries Change Lives Award Past Winners & Finalists*, CHARTERED INST. OF LIBR. & INFO. PROF. (Mar. 14, 2013), <http://www.cilip.org.uk/cilip/advocacy-awards-and-projects/awards-and-medals/libraries-change-lives-award/past-libraries> [https://perma.cc/QW7Y-ZFBY].

93. *Id.*

94. Sarah Stern, *How Libraries Can Support Survivors of Domestic Abuse*, INNOVATORS (Jan. 10, 2014), <http://beyondaccess.net/2014/01/10/library-domestic-abuse/> [https://perma.cc/3R36-EZC6].

learned about its pervasive nature.<sup>95</sup> She then checked the catalog of the library and noticed a lack of information about “female genital mutilation, abuse in lesbian, gay, bisexual and transgender relationships, forced marriage,” and more.<sup>96</sup> She restocked the book catalog and publicized the contents of the collection by distributing posters and leaflets.<sup>97</sup> She “also wanted to promote the use of the library computers as a free and safe way for survivors to find help, as so many perpetrators monitor online activity.”<sup>98</sup> The work expanded from there, and the library began “outreach programs specifically for survivors,” including “self-esteem workshops, poetry writing sessions, . . . a reading group and multiple information and advice drop in sessions.”<sup>99</sup>

¶34 The coalition with local service providers and the police is an incredibly important step. And the Surrey County Council Libraries continue to develop their services today.

### Recommendations

¶35 In an ideal world, the programs described above would be combined into one larger domestic violence–focused rural library initiative. While the Surrey library program focuses exclusively on the domestic violence community and provides outreach, support services, and community collaboration, the program does not include legal services for victims. And while the Eastern Michigan program includes pro bono attorney services and help with faxing forms to court, its very broad focus is not limited to domestic abuse issues. If the two programs were combined, with educational programming, legal services, and community outreach at rural American libraries, it would be an ideal service for domestic violence victims in those areas.

¶36 Funding for all public libraries is tight. However, domestic violence–focused providers may be able to harness Violence Against Women Act<sup>100</sup> federal funding to support this kind of unique programming.

¶37 One issue that neither program addresses sufficiently is outreach. It is not as simple as trying to publicize library services for domestic abuse to the entire community. Ideally, the program would wish to reach victims of domestic abuse without necessarily targeting abusers. Otherwise, victims of domestic abuse may have a hard time going to the library with their children to escape. In my view, the best way to publicize the program to victims is through word of mouth via other care providers such as daycare services, schools, OB/GYN offices, psychologists and social workers, and emergency room personnel. When disseminating information about the program, however, it is important to note that the publicity should be discreet and aimed at the abuse victim herself (ideally not in the presence of her spouse, boyfriend, or others). In this manner, victims could be notified of the assistance available at the public library and access it relatively incognito.

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95. *Id.*

96. *Id.*

97. *Id.*

98. *Id.*

99. *Id.*

100. Pub. L. No. 103-322, §§ 40001–03, 108 Stat. 1796, 1902–55 (1994) (codified as amended in scattered sections of 8, 16, 18, and 42 U.S.C.).

## Conclusion

¶38 Domestic violence is a serious issue. Victims of abuse in rural America face even more barriers to leaving their abusers, including a lack of economic stability, lack of transportation, isolation, and fewer legal and social resources. Thus, it is important to utilize all available resources, including local public libraries, to assist victims of abuse in rural America. I completely understand that librarians are not generally trained to serve as domestic violence liaisons and might be a bit reluctant to serve in this role. It is also entirely appropriate for public libraries in rural areas to take small steps in the direction of providing greater services to the domestic violence community, such as by holding public information sessions and outreach events.

¶39 However, with a bit of training, extra Violence Against Women Act grant funding, and guidance about why the issue is so very important in their communities, perhaps librarians could lead the way in innovating services to victims in rural areas. I hope that the case studies and recommendations described in this article will provide a useful starting point for trailblazing programs and librarians wishing to learn and do more. I recognize that taking on such a program is no small endeavor. But, as Casey Gwinn would say, I will continue to “Dream Big,”<sup>101</sup> and I hope you will, too.

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101. CASEY GWINN, DREAM BIG: A SIMPLE, COMPLICATED IDEA TO STOP FAMILY VIOLENCE (2010).