

Trauma Informed Lawyering

Presented by Natasha Prince
Staff Attorney



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Agenda

- About Tahirih Justice Center
- Identifying Trauma
- What is Trauma Informed Lawyering
- What consideration to keep in mind while working with Vulnerable Populations
- Partnering with therapists, social workers, and advocates
- Vicarious Trauma and Self Care



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About Tahirih Justice Center



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What is Trauma?

- Traumatic events can “involve threats to life or bodily integrity, or a close personal encounter with violence and death.”
- The word “trauma” can be used to describe experiences or situations that are emotionally painful and distressing, and that overwhelm people’s ability to cope, leaving them powerless.



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**Source: SAMHSA, <https://www.samhsa.gov/trauma-violence>

What is Trauma?...contin.

- In psychological terms, “traumatic events” have traditionally been considered those that harm the psychological integrity of an individual. Traumatic events are marked by a sense of horror, helplessness, serious injury, or the threat of serious injury or death.
- Trauma and traumatic events include personal and private experiences and public experiences.



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***Source: Carlson, Eve B., and Constance J. Dalenberg. “A Conceptual Framework for the Impact of Traumatic Experiences.” *Trauma, Violence & Abuse* 1, no. 1 (2000): 4–28.
<http://www.jstor.org/stable/26636344>.*

Examples of Trauma

Personal and Private Events

- Sexual assault
- Sexual abuse
- Domestic violence / witnessing domestic violence
- Child abuse
- Unexpected death of a loved one
- Life threatening Illness

Public Trauma/Traumatic Events

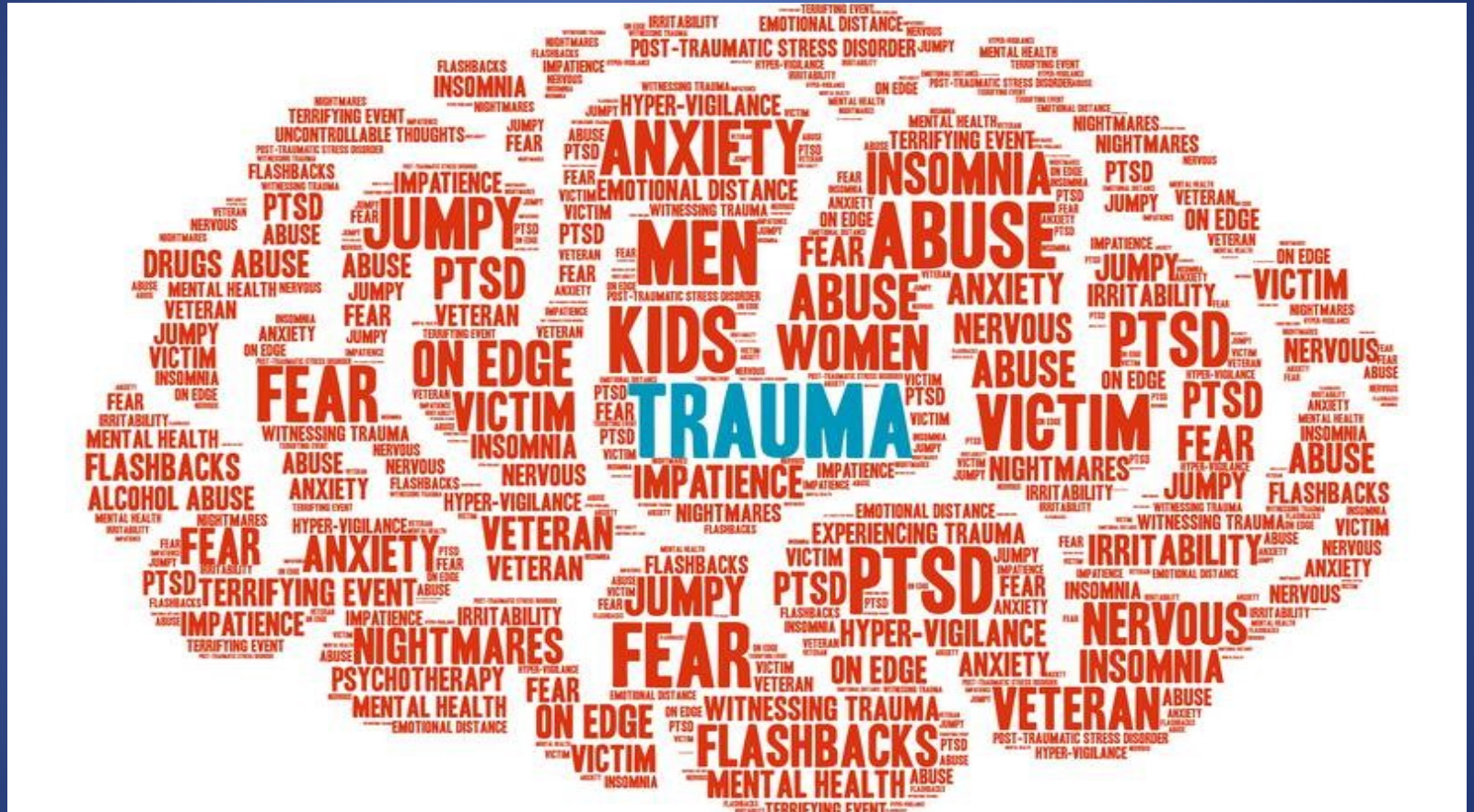
- War
- Terrorism
- Natural Disasters
- Community Violence
- Dislocation
- Racism
- Public Health Crisis



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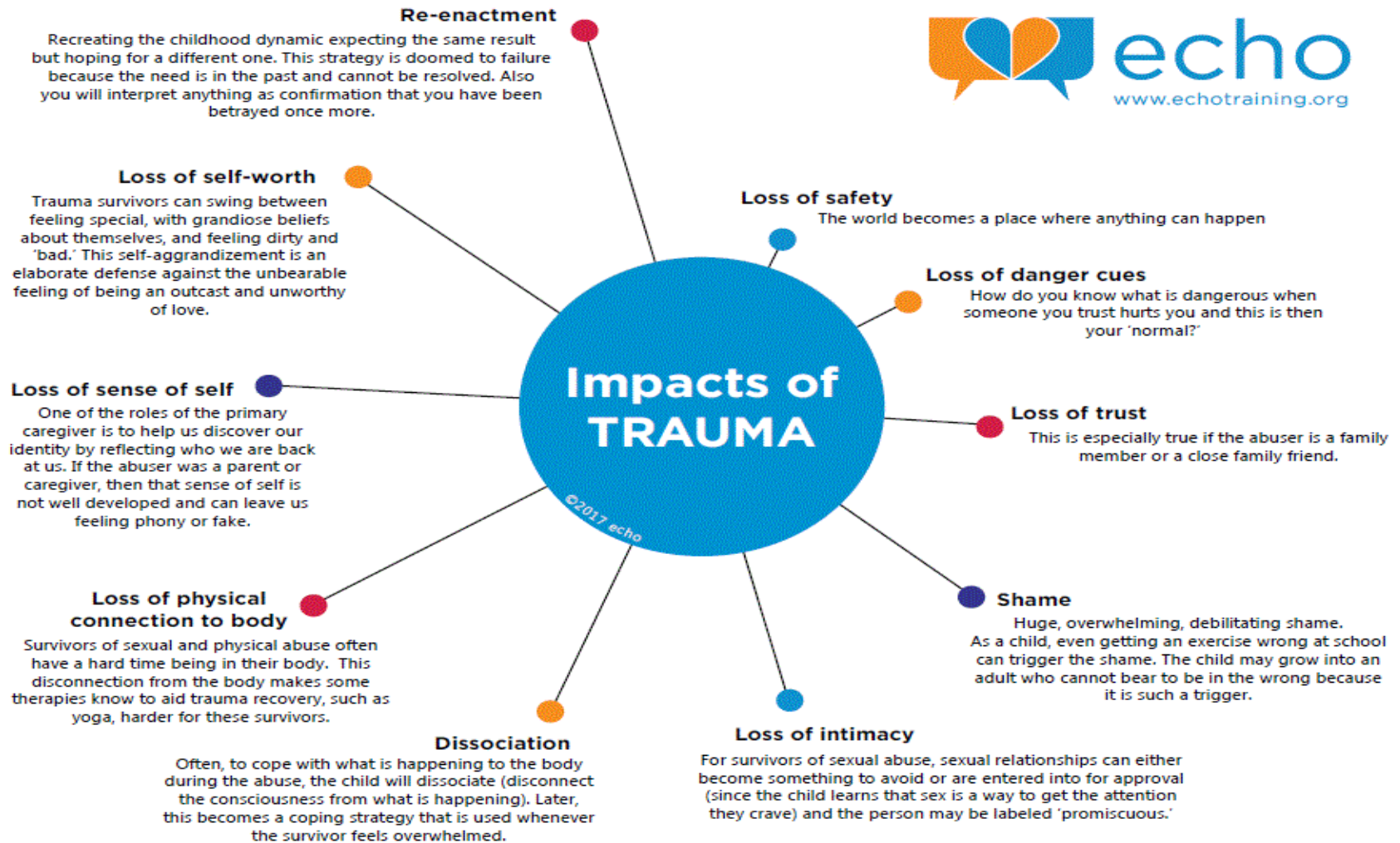
Impact of Trauma



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Impact of Trauma



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How Might Trauma Complicate the Client Interviewing Experience?

- Shutting down because of trauma
- Client re-lives trauma while discussing it
- Client may have “inappropriate” reactions when discussing trauma (i.e., laugh while talking about rape, complete lack of affect, which negatively effects credibility)
- Clients may suffer from panic attacks during interview
- Clients may hallucinate during interview
- Clients may be angry or defiant towards attorneys or be incapable of recognizing the consequences of their alleged conduct.



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Why is this Important to my Practice?

- Client trust and engagement.
- Attorney-client interactions.
- Modeling positive relationships.
- Better advocacy



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What is Trauma Informed Lawyering?

- The hallmarks of trauma-informed practice are when the practitioner, puts the realities of the clients' trauma experiences at the forefront in engaging with clients, and adjusts their practice approach accordingly.
- Trauma-informed practice also encompasses the practitioner employing modes of self-care to counterbalance the effect the client's trauma experience may have on the practitioner.



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***Source: Sarah Katz, Deeya Halder, The Pedagogy of Trauma-Informed Lawyering, 22 Clinical L. Rev. 359 (Spring 2016).*

https://www.law.nyu.edu/sites/default/files/upload_documents/Katz%20-%20Halder%20Pedagogy%20of%20Trauma-Informed%20Lawyering.pdf

Hallmarks of Trauma Informed Lawyering

- Identifying Trauma
- Patience
- Role Definition and Boundaries
- Preparing for and Responding to triggers
- Adapting Legal Strategies
- Honesty & Transparency
- Preventing Vicarious Trauma



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***Source: Sarah Katz, Deeya Halder, The Pedagogy of Trauma-Informed Lawyering, 22 Clinical L. Rev. 359 (Spring 2016).*

https://www.law.nyu.edu/sites/default/files/upload_documents/Katz%20-%20Halder%20Pedagogy%20of%20Trauma-Informed%20Lawyering.pdf

How to assist clients now?

- Be Predictable
- Give Them Space
- Be Cognizant of the Language You Use
- Provide Reciprocity
- Be Kind, Empathetic and Patient... But Set Limits and Boundaries



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***Source: National Center on Domestic Violence, Trauma & Mental Health <http://www.nationalcenterdvtraumamb.org/trainingta/resources-for-advocates-trauma-informed-dv-advocacy/>*

How to Work with Vulnerable Populations

- Client may still be in danger - Create safety plans with your clients: What is Safety Planning?
- Familiarize yourself with the Power & Control Wheels
- Remember, Client may still be with their abuser
 - Make sure your office has procedures in place if an abuser contacts the office
 - Client may have seriously restricted ability to travel and or communicate; establish a safe method of communication



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Linguistic and Cultural Considerations

Language

- What is your client's first language?
- The client's dominant language base will have a limit.
- Is a translator needed?
- Who are you using a translator?

Culture and "Lost in Translation"

- Many terms not easily explained: Court, hearing, judge, NTA, the specifics of any form of relief, etc.
- Accounting for regional differences in language
- What about the client's culture?



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Partnering & Collaboration

- Crisis Centers & Shelters
- Case Workers/ Advocates
- Social Workers & Therapist
- Law Enforcement Officials
- Understanding the support systems that your client has.



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Challenges of Doing Empathic Work

- Burnout- including exhaustion, cynicism, and ineffectiveness
- Counter-transference- refers to the feelings, thoughts, and physical responses that we might have in response to a person we are working with, and our defenses and responses to the uncomfortable feelings brought up by that person
- Vicarious (Secondary) Trauma- refers to the effects of working empathically with and feeling responsibility toward people who have survived the trauma of abuse, violation, and discrimination.



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*** Source: Carole Warshaw, MD, Director, and Terri Pease, PhD, Senior Training Consultant, at NCDV TMH, Trauma-Informed Legal Advocacy: Practice Scenarios Series (March 2015). http://www.nationalcenterdvtraumamh.org/wp-content/uploads/2013/08/TILA_ReflectivePractice_Apr22.pdf*

Vicarious Trauma Examples

Examples

- Alterations to one's sense of self
- Changes in world views about issues like safety, trust and control
- Changes in spiritual beliefs

How This Plays Out in Real Life

- Feeling a range of emotions
- Overly extending yourself
- Avoiding your client
- Expressing an unusual amount of pessimism and cynicism
- Feeling higher levels of Stress



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***Source: McCann, I. L. & Pearlman, L. A., (1990) Vicarious Traumatization: A Framework for Understanding the Psychological Effects of Working with Victims. Journal of Traumatic Stress, 3, 131-149; LAFLA.. https://halo-group.org/uploads/1/2/8/1/128108661/vicarious_traumatization_a_framework_for_understanding_psychological_effects_of_working_with_victims.pdf*

How can we reduce the effects of Vicarious Trauma- Strategies

- Reflective Practice Approach
- Therapeutic Self-Awareness
- Connection
- Healthy Habits
- Coping Skills
- Work-Life Balance
- Education and Training



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Options for Lawyers

Lawyer Assistance Program (LAP)

- Mission: is to support law students, State Bar applicants, inactive, active, and former/disbarred attorneys in their rehabilitation and competent practice of the law while enhancing public protection and helping to maintain the integrity of the profession.. Substance abuse, Mental health concerns, Stress, burnout
- **Participation is confidential as mandated by Business and Professions Code §6234.**
- Call (877) LAP-4-HELP or go to <http://www.calbar.ca.gov/Attorneys/MemberServices/LawyerAssistanceProgram.aspx> for more information



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Thank you!

For information on Tahirih Justice Center
and our Events and Pro Bono
opportunities in the Bay Area go to:
[https://www.tahirih.org/locations/san-
francisco-bay-area/](https://www.tahirih.org/locations/san-francisco-bay-area/)



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