

# TRAUMA INFORMED LAWYERING IN DV CASES

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# What We'll Cover Today

- ↪ What is a trauma informed approach?
- ↪ Client counseling
- ↪ Case Planning
- ↪ Additional Tips

# WHAT IS TRAUMA INFORMED LAWYERING?

“The Hallmarks of a Trauma Informed Practice are when the practitioner puts the realities of the client’s trauma experiences at the forefront of engaging with the client, and adjusts the practice approach informed by the individual client’s trauma experience”.

-“The Pedagogy of Trauma Informed Lawyering” a law review article from “The Clinical Law Review” by Katz and Haldar

**TRAUMA**

# DEFINITION OF TRAUMA

- Merriam Webster Dictionary defines Trauma as “a disordered psychic or behavioral state resulting from severe mental or emotional stress or physical injury”.
- Survivors of Domestic Violence often experience the effects of trauma.
- Domestic violence can take many forms: physical abuse, sexual abuse, threats of violence, emotional abuse and financial abuse.
- The Office of Violence Against Women “OVW” defines domestic violence as a “pattern of abusive behavior that is used by one partner to gain or maintain power and control over another intimate partner”.



# How Trauma Manifests Itself

**The National Center on Domestic Violence, Trauma and Mental Health states the way trauma manifests itself in individuals is very personal.**

**The symptoms are often complex or layered and can include:**

- *flashbacks*
- *emotional distress*
- *physical reactions to upsetting memories*
- *forgetting key parts of traumatic events*
- *emotional numbness and trouble focusing, etc...*

# WORKING WITH CLIENTS



# WORKING WITH DV SURVIVORS

- **CLIENTS MAY COME TO YOU OFTEN WITH A LACK OF TRUST**
- **FEAR OF SYSTEM**
- **IMPAIRED SENSE OF SAFETY**
- **FEAR OF ENGAGING ADVERSE IN AN OFTEN ADVERSIAL SYSTEM**
- **IMPAIRED SELF EXPRESSION**

# WORKING WITH DV SURVIVORS

- **DIFFICULTY SHARING TRAUMATIC EVENTS**
- **DIFFICULTY WITH DECISION MAKING**
- **CONFUSION OVER TIMELINES**
- **DIFFICULTY TRACKING**
- **EMOTIONAL REGULATION MAY BE HARD**

# INITIAL CLIENT MEETING

- Discussion of **safety concerns** and **client's goals** with case.
- Initial meeting **may take longer** than anticipated because of the factors we just discussed.
- **May take time** to develop trust.
- **Be cognizant** of how client is doing emotionally and physically at meeting.
- Timeline may not add up and may take time to put together.

# INITIAL CLIENT MEETING

- Discussion of other **support and services** for client is important (safety planning, dv programs, crime victim advocates, etc.).
- Find out **how your client wants to receive information** and how to best work with them.
- You may need to **break up initial meeting** into two meetings if too overwhelming for client.
- If needed send client home with for next meeting.  
**homework**

# CASE PLANNING

- **Safety** is paramount in these cases and important to consider at every aspect of the case.
- Weigh out the **goals of your client and remedies** to address these goals and concerns in the best way.
- **Revisit** safety concerns.
  - For example if client is concerned with even adverse knowing she is in Montana filing a TOP may not be the best course of action.

# CASE PLANNING AND LITIGATION PREP

**In a Trauma Informed Approach it is also important to:**

- Get weigh in from your client throughout the process (empowerment).
- Be sensitive to how your client is doing throughout the process.
- Keep your clients apprised of your next steps.
- Get releases signed and work with client and other professionals as needed to put timeline together.
- Work with client on potential exhibits and assist client in obtaining these exhibits.
- Work with client on potential witnesses both lay and expert and assist with screening and securing witnesses.

# OTHER LEGAL ISSUES

- Look at pending concurrent cases (i.e. criminal PFMA, DN or family law matters) to see how it will impact your case and vice versa.
- If a client and the adverse are married and/or have children together, consideration of a family law case is important.

# TIPS

- **Patience and compassion** are key when entering into the role of trauma informed lawyering.
- **Meeting your clients where they are** at and not being judgmental or placating is also important to a successful lawyer-client relationship in DV cases.
- Creating an **atmosphere of comfort and accessibility** is important.
- **Reading up further** on the impacts of Domestic Violence prior to your first OOP case is a great step in working towards practicing law with a trauma centered approach.



# KEEP IN MIND...

- **Safety** is paramount in family law cases involving domestic violence.
- **Consultation** with experts is often extremely helpful in these cases.
- In cases involving domestic violence, a trauma informed approach can often lead to a better working relationship with clients and ultimately better outcomes in their cases.
- Court is intimidating enough without the added factors of trauma and a survivor having to face their abuser and talk about some of the most horrific times in their lives.

# PRO-BONO IS KEY IN DV CASES

- No survivor should have to go into the courtroom without representation in these types of cases. Pro Bono representation is so beneficial and so needed.

QUESTIONS?

