

## TRAUMA-RESPONSIVE PRACTICES

### ATTORNEYS

Adapted from:

Establishing a Trauma-Informed Lawyer-Client Relationship by Talia Kraemer and Eliza Patten, ABA Child Law Practice, October 2014

Using Trauma-Informed Practices to Enhance Safety and Security in Women's Correctional Facilities by Alyssa Benedict, National Resource Center on Justice Involved Women

Essential Components of Trauma-Informed Judicial Practice, Substance Abuse and Mental Health Services Administration

Safeguards Against Bias, National Court Appointed Special Advocate Association

Pasco County Circuit Court Trauma Audit, National Council of Juvenile and Family Court Judges

Prior to meeting with your clients, review the case file and circle trauma events/adverse childhood experiences.

Take time at the beginning of the case to establish rapport with your clients.

Determine if there are other open or closed family court cases involving the family. File a notice of related cases and attempt to have one judge hear all matters. Follow the local administrative orders regarding the coordination of related cases.

Clearly define, in non-technical terms what your role is – what services you provide and do not provide, what you can and cannot accomplish for the client.

Clearly explain confidentiality.

Be fully transparent with the client about her legal case, in age-appropriate terms for child clients and lay-person terms for adult clients.

Repeatedly review with the client what is to come, both in the attorney-client relationship and in the broader legal process. Discuss upcoming case milestones, decisions the client will have to make, and events the client will need to attend, such as court hearings or meetings.

Make clear to the client that missing hearings will have adverse consequences.

Create routines with the client. Hold meetings on the same day or in the same place. Explain your availability and how you can be contacted.

Explain to the client the decisions that are in his or her control. Strive to give clients a voice in decisions that affect them, in a way that is purposeful.

Be reliable, always following through on responsibilities, commitments, and appointments. Never make a promise that you might break.

Return phone calls in a timely fashion.

Anticipate issues that may arise during your representation and in the legal case that may be distressing or destabilizing for your client.

Remain calm, even if your client is "triggered." Remind the client that he or she is safe and that you will wait for him or her until she is ready.

Work with local social service partners and multidisciplinary groups to expand capacity for evidence-based trauma screening, assessment, and treatment.

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| <b>COMMUNICATION</b>   | What hurts?   | What helps?  |
|  | Interactions that are humiliating, harsh, impersonal, disrespectful, critical, demanding and judgmental.  | <p><b>SHOW RESPECT.</b> Interactions that express respect, kindness, patience, reassurance, and acceptance.</p> <ul style="list-style-type: none"> <li>• Instead of talking at the person by saying “Let me give you some advice,” talk with the person by saying “What do you think?” or “What can we do to solve the problem?”</li> <li>• Use “please” and “thank you” frequently.</li> <li>• Use the name of the people before you, addressing them by their surnames preceded by “Mr.” or “Ms.”</li> <li>• Ask the person before you if he or she has any questions.</li> <li>• Use short encouraging statements such as: “Your commitment really shows;” “It’s clear you are trying to change;” “Despite what happened in court last time, you have been able to...”</li> <li>• Provide praise that is concrete, specific and delivered with a neutral tone. “I heard that you earned a one month token in AA. I know you worked hard for that.” “I read in the court report that you followed last month’s visitation schedule without any problems. This will help your child.”</li> <li>• Instead of “I’m sending you for a mental health evaluation,” try “I’d like to refer you to a doctor who can help us better understand how to support you.”</li> <li>• Instead of “You are going to a commitment program; we are done with you. There is nothing more we can do,” try “Maybe what we’ve been doing isn’t the best way for use to support you. I’m going to ask you not to give up. We’re not going to give up on you.”</li> </ul> |
|  | Distracted listening.   | <p><b>LISTEN.</b> Use active listening.</p> <ul style="list-style-type: none"> <li>• Maintain eye contact.</li> <li>• Listen without judgment.</li> <li>• Examine your body language. Are you conveying attention?</li> <li>• Also, pay attention to the speaker’s body language. This is a facet of true listening.</li> <li>• While listening, do not plan what you will say next. Think only about what the person is saying.</li> <li>• Provide regular feedback by reflecting and paraphrasing the content. For example, “I can see you are confused” or “Sounds like you are saying...”</li> <li>• Refrain from looking at the computer or reading the case file while the person is speaking.</li> </ul>  |
|  | Thinking and/or asking “what’s wrong with you?”   | <p><b>UNDERSTAND.</b> Think and ask “What has happened to you?”</p> <ul style="list-style-type: none"> <li>• Recognize that some behaviors (hypervigilance, dissociation, avoidance) can be self-protective coping strategies; the trauma “symptoms” may be adaptations.</li> <li>• Instead of discussing sensitive issues related to trauma in open court ask the attorneys and parties to approach the bench and conduct a sidebar conversation. Or, if rule and statute permits, and the attorneys agree, clear the courtroom.</li> </ul>   |
| Becoming aggressive and hostile when confronted with aggression and hostility. | <p><b>REMAIN CALM.</b> Use a quiet tone of voice and a slow pace of speaking that encourages stability and physiological regulation.</p> <ul style="list-style-type: none"> <li>• Recognize that the displayed anger could be increased activation of the arousal systems associated with survival, that the behavior could be self-protective, and that victims of trauma can often overexaggerate the “threat.” This doesn’t justify the behavior but it can provide insight; insight leads to compassion and problem-solving.</li> <li>• Gently name the person’s behavior in a nonjudgmental way. For example, say “I can hear how upset you are.”</li> <li>• Ask questions to clarify the issue. This shows a willingness to understand. However, avoid “why” questions and use “what” or “how.” Use active listening as mentioned above.</li> </ul> |  |

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|                       |  | <ul style="list-style-type: none"> <li>• If necessary, call a recess to allow the person an opportunity to self-regulate.</li> <li>• Do not threaten; inform of consequences.</li> </ul>  |
|                       | Allowing court processes to be unknown and unexpected. | <p>BE TRANSPARENT. Use clear, simple language to let people know what is happening and why.</p> <ul style="list-style-type: none"> <li>• Explain the purpose of each hearing and who is in the courtroom.</li> <li>• Use non-technical language.</li> <li>• For example, instead of conducting sidebar conversations without explanation, tell the person that a sidebar conversation will occur and why – saying “We have to discuss some issues related to your case. We just need a minute to do it on the side.”</li> </ul>   |
| <b>SELF-AWARENESS</b> | Personal bias.   | <p>Be vigilant in your awareness of your own personal biases as it can alter your perception of the impact of trauma.</p> <ul style="list-style-type: none"> <li>• Take note of any “baggage” you hold from your own traumatic experiences or trauma events experienced by loved ones.</li> <li>• Identify your potential biases and how they might color your interpretations without your even being aware of it.</li> <li>• Understand and appreciate the culture, race, ethnicity, economic situation, religion, and place of residence of court-involved families.</li> <li>• Ask whether proposed case plans/probation sanctions/visitation orders are reasonably tailored to the specific needs of the child and family. Research has shown that many parents need practical help, but this kind of assistance is not always a priority.</li> <li>• Be open to and encourage appropriate connections to religious, community, and cultural institutions.</li> <li>• If you are working with a youth or adults whose sexual orientation differs from yours, get training to understand their needs and how the system might affect them.</li> </ul> |

### Communicating in a trauma-informed tone and manner: a quick refresher

“What has happened to you?”

“What do you think?”

“What can we do to solve the problem?”

“Please.”

“Thank you.”

“Your commitment really shows.”

“It’s clear you are trying to change.”

“Despite what happened in court last time, you have been able to...”

“I heard that you earned a one month token in AA. I know you worked hard for that.”

“I read in the court report that you followed last month’s visitation schedule without any problems. This will help your child.”

“I’d like to refer you to a doctor who can help us better understand how to support you.”

“Maybe what we’ve been doing isn’t the best way for us to support you. I’m going to ask you not to give up on recovery. We’re not going to give up on you.”

“I can see you are confused”

“I can hear you are frustrated.”

“Sounds like you are saying...”

*“Sometimes bad things happen to children when they’re younger. Those are crimes. That shouldn’t have happened. It’s not your fault. There is nothing you could have done to stop it. You deserve to be happy. You can heal from bad things in the past. I can get you someone to talk to who could help. Do you think that might help?”*