

Practice Recommendations for Trauma-Informed Legal Services

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Relationship

- Trauma can and should inform how a lawyer acts *in relationship* with the client.
- Every positive relationship can be restorative, allowing the youth to change his/her beliefs about his/herself, relationships, and the world.
- The cognitive/developmental/psychological impacts of trauma affect how the youth views and interacts with the attorney
 - *must inform how we undertake even the most basic tasks of the attorney-client relationship.*
- Challenge: to help client and others understand the client's behaviors as adaptive responses to difficult challenges, not indicators that something is “wrong” with the youth.
- “Trauma informed” lawyering as a way of thinking, not a formula.

Adopting a Trauma-Informed Stance: A Universal Precaution

- Transparency
- Client Control / Empowerment
- Predictability
- Reliability

Building the Attorney-Client Relationship

- Be reliable.
- Repair disrupted relationships. Recognize that missteps are inevitable, and accept responsibility.
- Pass the push-away test.
- Flatten the hierarchy, while respecting the attorney's and client's unique domains of expertise.
- Communication, scaffolding, and disclosure

Talking to Clients About Trauma

- Pursue vs. avoid.
 - Avoidance may be avoidance of your own distress.
 - Avoidance may lead clients to believe you can't handle it or confirm their belief that others are indifferent or they are too badly "damaged."
- Remember that the cost of avoiding our clients' trauma may be as great or greater than approaching it with clarity and compassion.
- Preview the need to talk about trauma.
- Respect the client's choice of whether to talk about trauma, while explaining how it might help you help them to achieve their stated goals.

Talking to clients about trauma, cont.

- At the beginning of a meeting, know where your client is coming from.
- During the meeting: Check in. Name distress when you see it. Retreat when appropriate. Take breaks.
- At the end of the meeting: Debrief. Ask the client how the conversation went. What should you do differently next time?

Challenges

Many of the demands of lawyering can stand in tension with these practice recommendations.

Examples? Strategies?

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