

## ABA Commission on Domestic Violence Quarterly E-Newsletter

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### **Practice Tips for Attorneys Representing Victims of Domestic Violence and Trafficking by Charles Song, Esq. and Robin Thompson, Esq.**

1. Be aware that Survivors of domestic violence may also be Survivors of trafficking.
2. Ensure the safety of Survivors, their families, yourself, and your staff.
3. Clearly establish attorney-client relationship and who is the boss.
4. Make the time to thoroughly discuss civil litigation with Survivors, in particular, the possibility of losing, discovery, and trial.
5. If necessary, carefully screen and use interpreters and translators.
6. Be aware of the risk of Survivors being removed from the United States.
7. Law enforcement support is not necessary to apply for and be granted a T visa.
8. Be aware of Survivors' criminal liability and Fifth Amendment rights.
9. Protect Survivors' civil claims against the relevant federal and state statutes of limitations.
10. Co-counsel or refer to other attorneys if appropriate to ensure Survivors have competent representation for all their legal needs.
11. Work closely with social service professionals as enforcing their legal rights can be extremely traumatic for Survivors.
12. Protect Survivors involved in criminal and civil litigation by, among other things, using pseudonyms, maintaining confidentiality of sensitive information, and filing discovery protective orders.
13. Be aware of the actual or potential impact Survivors' numerous legal matters may have on each other.
14. Claiming intentional and negligent infliction of emotional distress may waive Survivors' psychotherapist privilege and provide traffickers and/or their attorneys access to Survivors' counseling and case management records.
15. Where applicable, carefully review traffickers' insurance policies to determine whether insurance companies may also be liable for Survivors' injuries.

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