

Working with Survivors of Abuse: A Trauma Informed Approach

Many pro bono attorneys represent clients who have suffered severe and/or repeated trauma—intimate partner violence, persecution, assault, torture, trafficking. Clients who have experienced trauma may react in ways you don't always understand, or they may have difficulty trusting and opening up. These pro bono matters may feel challenging at times. They are also extraordinarily meaningful and rewarding. Understanding how to provide trauma-informed lawyering can build effective attorney-client relationships and help you support clients during the difficult process of telling their stories.

To that end, we hope this overview of trauma-informed lawyering provides a solid foundation for you to begin your pro bono work with survivors. The overview includes an introduction to trauma and how some of its common manifestations can affect client interactions, and provides recommendations and best practices for developing rapport and trust with clients.

Remember that you can always reach out to the referring public interest organization for help anytime you need additional guidance on working with survivors of trauma. Your organization can provide advice and/or help you find additional resources and training.

1. A Brief Introduction to Trauma

Trauma refers to experiences that have caused intense physical and/or psychological stress reactions. The experience could be a single event, multiple events, and/or a set of circumstances.

Traumatic memories, unlike most other memories, are not stored in the “thinking” part of the brain (frontal lobe); they are stored in the part of the brain responsible for non-verbal emotion, or “gut” reactions (limbic system). This means that it is difficult to recall traumatic events in an organized, linear, and easily articulable way. Instead, survivors more often recall their *reactions* to the traumatic event—images, sensations, fear, emotions.

Trauma-informed lawyering places the realities of your client's trauma at the forefront of how you engage with your client, and requires you to adjust your typical practice approach so it is informed by your client's specific trauma experiences and individual reactions to those experiences. It also focuses on minimizing re-traumatization as much as possible. Understanding the **manifestations of trauma** can help you engage with your client in a more trauma-informed way. If you understand why your client reacts a certain way, you will be able to tailor your approach to fit your client's needs.

2. An Overview of How Primary Manifestations of Trauma May Affect Client Interactions

Everyone reacts to trauma differently, but here are some of the more common manifestations:

Flooding: Because the brain stores all traumatic memories in the limbic system—the part not responsible for “thinking”—it can be difficult for survivors to logically sort through each traumatic memory. Traumatic memories can become conflated, meaning that remembering one traumatic event may bring up all related traumatic events. This is why when you ask a client about an incident that occurred last year, they may begin telling you about an incident that occurred in their childhood. This is also why your client may not be able to tell you a linear story or determine where in the timeline certain events happened: they are not remembering a chronology of events, but rather a flood of traumatic incidents that have been stored away in no particular order. Flooding is especially prevalent where there has been repeated and on-going trauma.

Minimization: Survivors may minimize the importance and intensity of their traumatic experiences in an attempt to minimize the emotional impact. This might include minimizing the harm, providing justification for the situation, making social comparisons to others who are worse off (“not as bad as it could be”), etc. It may seem strange to you when your client acts unaffected by the horrible stories they are telling you—this is simply the brain’s way of separating the emotional response from the details of the memory. It is a survival mechanism to get through the day, the interview, etc.

Dissociation: This occurs when clients compartmentalize traumatic events. It is another survival mechanism to get them through the day without having to constantly face the emotional response of their traumatic memories. It may take several meetings to bring out certain events and details that clients have locked away. Do not be surprised if you learn something important in your third or fourth meeting—it does not mean your client was hiding something on purpose. Instead, it may have been a memory that took time to unlock.

Physical Reactions: Common physical reactions include sweating, nightmares, anxiety attacks, headaches, jaw pain, backaches, and nervous ticks. Clients often experience these physical reactions after meetings where they had to discuss or think about traumatic experiences. This is one reason why **grounding**—bringing clients back to the present— at the end of the meeting and checking in after the meeting are important.

Other Common Reactions: Memory loss, difficulty concentrating, difficulty trusting others, anger, irritability, defensiveness, aggressiveness, difficulty completing tasks, sleep and eating issues.

3. Building Trust With Your Client

It is critical to build trust with your client. **Collaboration** is often a critical element of trust-building. Be sure you’re making decisions *with* clients, not for clients. Clients will often feel like their attorneys hold all the power. **Minimize the power differential** as much possible through collaboration. Ask the client what they want and ensure them that you will all work towards that goal together. Listed below are a few

important trust-building principles to always keep in mind during your representation. The remaining sections of this document provide practical tips on how to implement these principles.

- Transparency, honesty, and open communication
- Sensitivity to your client’s story and their triggers
- Safety - physical, emotional, and psychological
- Respect, dignity, and shared humanity

4. Create A Comfortable Environment

The physical environment can contribute significantly to client stress or comfort. Think about ways you can create a safe space for your client. A few small steps can go a long way:

- **Tell Your Client What to Expect.** Your office may feel intimidating to clients, so make sure they are prepared. Tell them in advance about the security process and make sure they have a contact number to call if they get lost. Meet them in the lobby to help them through security and escort them upstairs, especially if they speak limited English or are undocumented.
- **Discuss Childcare.** Talk with clients in advance about their childcare options on the day of the appointment. Children, no matter how young, should never be in the room when discussing traumatic events. It is also unlikely that clients will open up in front of their children. Many firms will provide a second room with a TV and a volunteer to watch the child if clients cannot organize/afford childcare.
- **Use a Private Space.** Reserve a meeting room that does not have transparent walls (*e.g.*, fishbowl conference rooms) that allow passersby to see inside so that your client maintains a sense of privacy. If that’s not possible consider meeting in an empty office, although the bigger the office the better so the client does not feel trapped.
- **Be Consistent.** Use the same room every time so your client is familiar/comfortable with their surroundings.
- **Prepare the Room.** Make sure there are tissues in the room, as well as water and tea. Sipping water or tea can be calming. Setting out beverages or food can also create opportunities to take breaks during discussions about difficult experiences.
- **Limit the Audience.** Include in the meeting only those people on the team who are necessary. Remember that your client is being asked to open up about deeply personal experiences. This might mean excluding paralegals, interns, or attorneys not heavily involved in the case. Smaller groups will make your client feel safer. Be thoughtful about the gender of the team members in the room, especially if you are working with survivors of sexual violence. You can talk about this with the referring agency, or ask the client what they’re comfortable with.
- **Restrict Remote Participation.** There should be no “dial-in” team members. Having an open line and a faceless voice will make opening up very difficult for clients.

- **Dress.** Try to avoid wearing a business suit when you first meet with your client so that they don't feel underdressed or intimidated. Also, scents can sometimes be a trigger for trauma survivors, so try to avoid perfume or cologne during your meetings.
- **Pay Attention to Positioning.** Be mindful of positioning in the room, especially in relationship to the door. Let clients choose their seats. For example, some clients may not feel safe with their backs to the door. Avoid "cross-examination" style seating—your client should not be seated on one side of the table facing several attorneys on the other side. Finally, be cognizant of your client's personal space and boundaries.
- **Explain Note-Taking.** Try to choose in advance only one note-taker for the meetings. The person leading the interview should be focused on the client as much as possible. Explain that XX will be taking notes because it's necessary for the case and all notes will remain confidential. It sometimes puts clients at ease to let them know that they are welcome to look at the notes—it reduces the fear that you are writing something "bad" about them.

5. Best Practices For The First Meeting

Remember that open communication, transparency, and collaboration are key to building trust. Understand the power imbalance inherent in your relationship and work to diminish that imbalance by arming your client with information. Knowledge is power, after all. Accordingly, spend time in your first meeting sharing information and providing ample opportunity for your client to interject and ask questions. You may not even want to get to the client's story in that first meeting.

Some things to cover:

- ☑ Make sure they know the roles/responsibilities of everyone in the room—attorney, paralegal, interpreter. Identify the client's primary contact and provide a business card.
- ☑ Explain attorney/client privilege and stress that you will not reveal anything unless your client directs you to. This will help your client feel emotionally safe.
- ☑ Walk the client through the engagement letter, explaining each section and pausing to allow time for questions. Make sure your client knows they can take it home and review it before signing so they don't feel pressured. Note that the engagement letter should never be mailed to the client before it is first presented in person—most clients will be unfamiliar with a firm engagement letter and receiving it without explanation may cause pre-meeting anxiety.
- ☑ Explain the process ahead of you. Set realistic expectations. Make this collaborative by asking your client what their goals are and discussing how you will try to achieve those goals together.
- ☑ Encourage questions and feedback. You can ask things like: "Does that sound ok to you?" "Can I explain that better?" "Am I being clear?" Avoid asking "Do you understand?" Clients often fear they *should* understand and may be too ashamed to say "no."

- ☑ Acknowledge that you will be discussing some difficult topics and ask your client what you can do to make them feel more comfortable. Encourage them to tell you when they feel overwhelmed or need a break.

6. Discussing Sensitive Topics and/or Traumatic Events

Always approach potential trauma triggers gently. Clients may avoid themes or topics that cause them to re-experience their trauma. They are not being uncooperative; it is simply a defense mechanism. Before broaching a sensitive topic and/or digging deeper into a traumatic experience, give a warning about where you intend to go. Assure them that you don't want to be invasive, but you need to gather this information for the case. Explain why the information is important to the case. Allow clients to tell their stories in the way they experience or recall them. Use open-ended questions and be patient—resist the urge to interrupt your client's narrative to ask clarifying questions or establish dates. Instead, record your questions and find a time to gently go back later to ask them.

Here are some additional things to keep in mind:

- **Check In.** Monitor your clients' reactions and take breaks when they appear overwhelmed. Even if clients aren't showing physical signs of discomfort, pause after a difficult story and offer to take a break—some clients have become very good at hiding their anxiety/fear. Some clients may even smile or laugh when discussing trauma. This can be jarring at first, but remember that it is simply another coping mechanism.
- **Interrupt Flooding.** If clients begin to flood or start experiencing other manifestations of trauma, stop the interview and ground your client by bringing them back to the present: Get them water or tea; go outside for fresh air; encourage them to focus on breathing; and/or start talking about something neutral and in the present day (e.g., plans for the evening; the weather). Very rarely should you engage in physical contact such as hugging or taking a client's hand, and only if you already have a trusting relationship and you get affirmative consent first.
- **Monitor Your Own Reactions.** Do not express feelings (or facial expressions) of disgust or horror. Although you may be horrified at the *situation*, your client may internalize it as being horrified at *them*. You also don't want to convey a sense that you can't handle the hard parts of their story. That might lead clients to hold back certain facts, or worry that *they* need to take care of *you*. (Of course it is normal to feel upset by the stories you will hear. Make sure to take a break if you feel like you need it.)
- **Use a Strength-Based Perspective.** Remind clients that they survived and found help for themselves, which took strength and courage. Say things like, "I admire your strength" and "that must have taken incredible courage." Be compassionate (e.g., "I'm so sorry that happened"), but avoid treating the client like they are damaged or fragile (e.g., avoid phrases like "you poor thing," "I don't know how you made it through that," or "I've never heard something so horrible").
- **Avoid Judgmental Phrasing.** Be careful not to use judgmental or victim blaming language in your questions; that is, don't ask questions that presume a right or wrong way of doing things. For example,

don't ask "Why did you wait so long to come forward?" Instead, say, "Tell me about your decision to seek help from the police."

- **Build Contextual Timelines.** Understand that your client may not be able to put together a precise timeline because their traumatic memories are mixed up together. You can help establish time periods by asking about surrounding neutral facts; for example, "How old was your son?"; "What was the weather like?"; "Was it near a holiday?" But understand that it may not be possible for your client to be precise. Assure them that it's ok that they can't recall.
- **Be Careful with Labels.** Understand that your client may not be able to label what happened to them. Very few clients will say "I was trafficked" or "I was raped." You will need to patiently gather the facts in order to

understand the severity of what happened. While you're gathering the facts be sure to mirror the client's language. You may ultimately need to get the client comfortable with "labeling" what happened to them for purposes of the legal case, but that should be a slow and compassionate process.

- **Ask Only What You Need to Know.** Be thoughtful about how much information you really need to successfully complete your case. Clients have often experienced multiple forms of trauma and in many cases you don't need to know the full trauma history. Don't try to elicit every instance of harm if 5-6 incidents would more than meet the burden.
- **Make Adjustments.** Be sensitive to your clients' needs and be prepared to make adjustments.

7. Best Practices For Ending the Interview

Never end the interview right after a re-telling of a traumatic event. Bring the client back to the present by asking neutral or positive questions. This can be as simple as asking about their children, or what they plan to do for the rest of the day.

After your client leaves your office they will likely start to have anxiety about what happened in the meeting and about what's going to happen at the next meeting. Do as much as you can to try to minimize their anxiety. Thank the client for sharing their experience with you and remind them that you will keep everything they disclosed confidential. Give them a clear understanding of what the next steps are. It will help to reduce anxiety if you can preview what they can expect to cover at your next meeting. When scheduling the next meeting let your client take the lead by asking what days and times of the week are best for them. If you offer a specific day/time some clients may feel that they need to say yes because you are an attorney offering free services—even when the time is difficult for them. Provide them with a roundtrip metro card for the next meeting so that they don't experience anxiety about how they will get to your office next time. Be sure the client knows who to contact if they have questions.

8. On-going Communication

Stay in contact with your client and provide **at least monthly updates**—even when there’s not much to report. Clients, especially those who have difficulty trusting, will become anxious if they haven’t heard from you in a long time. This could negatively affect the progress you’ve made building trust. Conversely, a quick check-in will help build trust.

You also may experience some turnover on your team. This is normal, but it’s important to be transparent with your client about team changes. If you are the team member leaving, it is best to tell the client in person and introduce your replacement in person. The transition will be difficult for your client and could be a trigger. Handle the transition thoughtfully and ensure your client that it will not cause delays.

9. Experiencing Vicarious Trauma

Hearing your client’s traumatic, and often heartbreaking, experiences can sometimes cause you secondary trauma, or may trigger your own personal past traumatic experience. It is important to check in with yourself after client meetings and be honest about what you are feeling. You cannot take care of your clients if you do not take care of yourself. A few tips:

- **Take Time to Decompress.** Identify what helps your mind and body relax and incorporate it into your routine. It could be anything from meditation, to running, to doing a puzzle.
- **Establish Clear Boundaries.** Don’t be afraid to set appropriate boundaries with your client. Most of us are not trained social workers and you should not take on that responsibility. If you believe your client needs counseling, contact the referring public interest agency to help your client get a clinical referral.
- **Self-Care Is Critical.** Make sure you get enough sleep, food, and exercise. Pay attention to your sleep habits—if you aren’t sleeping well think about whether it’s related to your trauma work and talk to someone about it.
- **Reach Out.** Check in with yourself in the days following your client meetings. If you start to feel overwhelmed, share your experience with someone—a counselor, friend, family member, or fellow pro bono attorney. Do not try to manage trauma on your own.

Who We Are

PIPBA is an association of pro bono professionals overseeing pro bono programs at nonprofit and public interest law organizations in the New York City metropolitan area. We are committed to supporting a range of pro bono legal services that promote civil rights, human rights and access to justice, strengthen the nonprofit sector, and otherwise improve life for low-income and disadvantaged communities and populations. Our goal is to foster a supportive community where resources are shared, best practices are established, and standards are set to ensure the highest quality pro bono legal services. If you would like a copy of PIPBA’s other tip sheet, entitled “**Troubleshooting Pro Bono Relationships with Low-Income Clients**” please visit our web site, www.pipba.org.