



**Vermont Bar Association
Seminar Materials**

62nd Mid-Year Meeting

Us Too

**March 22, 2019
Lake Morey Resort
Fairlee, VT**

Speakers:

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Trauma-Informed Client Counseling: Basics for Vermont Lawyers

THE BIG SECRET

- **Trauma informed practice starts with you.** Learn about vicarious trauma and compassion fatigue and develop strategies to mitigate the psychological and emotional toll of lawyering. Effective trauma-informed client counseling requires calm, focused, and balanced practitioners.
- Promote a trauma-informed workplace and a trauma-informed legal system. When lawyers don't make conscious efforts to address their own stress and trauma responses, they can intentionally or unintentionally pass their trauma on to others.

WHEN TRAUMA IS REVEALED IN INTAKE OR INTERVIEW

- Train your frontline staff on the basics of trauma to ensure a positive first connection with your firm or agency
- Especially early on, make sure your client has no reason to doubt whether you believe them. Save the tough questions, counter-arguments, and deposition prep for later meetings. Believing is essential.
- Empower your client or witness by letting them take the lead in early meetings – allow them to tell the whole story through in their own way at least once, without interruptions. Even a simple clarifying question can derail their thoughts or leave the sense that you don't believe them. Allow for awkward or uncomfortable pauses.
- Consider ways to make your physical space and personal presence neutral and power-balancing—for example, sitting behind your desk instead of sharing a conference room table may only reinforce a sense of hierarchy and can be intimidating
- Offer compassion not overreaction – sometimes “I'm sorry that happened to you” or “thank you for sharing that with me” is all you need to say; offering a tissue and saying nothing at all can work, too.
- Don't underestimate or minimize the trauma of “insignificant” crimes or events, especially if you don't know the full trauma history of the client or witness.

RESPRESENTATION STRATEGIES

- **Try to embody compassionate, active listening rather than sympathy.** Paraphrase what you hear the client or witness say. Emphasize the client or witness's strengths and agency – “It sounds like you were really brave when you...” or “It sounds like that was really hard, but you did it.” Also, know that sharing your own story or trying to relate your own experience doesn't necessarily demonstrate that you listened or understood.
- **Empower rather than “save” or “help.”** Trauma is an experience of losing power, control, and certainty. Find meaningful ways for your client or witness to stay engaged and participate in the process. Continue to point out ways that your client is creating their own positive outcomes, legal outcomes or otherwise.

- **Save time in the long run by taking your time.** Pace your meetings to avoid overload. Make sure that the agenda for your meetings is realistic and make room for the possibility that you'll need to return to issues or decisions during a subsequent meeting.
- **Don't make promises you can't keep; keep every tiny promise.** Trust can be difficult for people who have experienced trauma, so if you say you'll call on Wednesday, either make it happen or make a more realistic promise.
- **Establish boundaries.** Stay focused on your role and abilities and help direct the client to other resources that can meet their needs.

UNDERSTAND VICTIM RIGHTS AND REMEDIES AVAILABLE TO YOUR CLIENT/WITNESS

- The Vermont Center for Crime Victim Services (CCVS) maintains a resource page for attorneys, including statutory summaries of victim rights laws and easy-to-understand materials for victim/survivors. <http://www.ccvs.vermont.gov/support-for-professionals/attorneys>
- Victims of reported crimes may be eligible for limited financial assistance through the Vermont Victims Compensation Program. You can call in advance with eligibility questions: <http://www.ccvs.vermont.gov/support-for-victims/victims-compensation-program>

OTHER RESOURCES FOR CLIENT/WITNESSES

- The Vermont Network Against Domestic and Sexual Violence brings together local programs serving the entire state of Vermont to support survivors of domestic and sexual violence and stalking. Their website provides information about all of the member programs and the areas they serve, as well as hotline information and resource materials: <https://vtnetwork.org>
- The Sexual Assault Program of CCVS ensures that no survivor of sexual violence in Vermont is responsible for paying for their own SANE exam ("rape kit"): <http://www.ccvs.vermont.gov/support-for-victims/sexual-assault-program>
- Specialized victim advocacy services are available throughout state to Vermonters who are living with a disability, LGBTQ, refugees or new Americans, deaf or hard of hearing, etc. CCVS can help make referrals: www.ccvs.vermont.gov

RESOURCES FOR PRACTITIONERS

- Reach out to local victim advocates, both in the prosecutor's offices and within community programs, for assistance navigating client resources or to build positive relationships in charged criminal cases. The Attorney General's Office also has a part-time domestic violence attorney (currently Carolyn Hanson) who can provide legal technical assistance and expert witness recommendations.
- Trauma Stewardship by Laura van Dernoot Lipsky and Connie Burk
- The Body Keeps the Score by Bessel van der Kolk, M.D.