

INCREASING ACCESS TO JUSTICE  
THROUGH TRAUMA INFORMED  
LAWYERING

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**Chapter 17**  
**INCREASING ACCESS TO JUSTICE**  
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To view these chapter materials and the additional resources below on or before October 30, 2019, go to [www.osbplf.org](http://www.osbplf.org), select Upcoming CLE, select Learning The Ropes, and click on program materials, under Quick Links. After October 30, 2019, select Past CLE, Learning The Ropes, and click on program materials, under Quick Links.

Additional Resources

*Trauma Informed Structured Interview Questionnaires for Immigration Cases*, National Immigrant Women’s Advocacy Project  
*Trauma Informed Legal Advocacy Practice Scenarios Series*, National Center on Domestic Violence, Trauma and Mental Health  
*SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach*, Substance Abuse and Mental Health Services Administration

## Access to Justice Through Trauma Informed Lawyering

Ali Schneider, Meadowlark Immigration PC

## Defining Trauma

Individual Trauma results from an **event**, series of events, or set of circumstances that is **experienced** by an individual as physically or emotionally harmful or life threatening and that has lasting adverse **effects** on the individual's functioning and mental, physical, social, emotional, or spiritual well-being.

- Trauma experiences are highly individualized
- Influenced by culture

Substance Abuse and Mental Health Services Administration, SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach, HHS Publication No. (SMA) 14-4884, Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014.

## Examples of Traumatic Experiences

- Sexual abuse/assault
- Physical abuse/assault
- Neglect
- Traumatic Loss
- Being injured
- Industrial or transportation accident
- Imprisonment/torture
- Medical Trauma
- Emotional abuse
- Secondary trauma
- Racial trauma
- Gender based trauma
- Systemic trauma
- War related- combat or refugee
- Natural disaster
- Other

## Trauma Informed Defined: The 4 R's

According to SAMHSA's concept of a trauma-informed approach, A program, organization, or system that is trauma-informed:

- **Realize** the widespread impact of trauma and understand potential paths for recovery;
- **Recognize** the signs and symptoms of trauma in clients, families, staff, and others involved with the system;
- **Respond** by creating policies, procedures, and practices for all areas of the organization
- Seek to **resist Re-traumatization**-

Substance Abuse and Mental Health Services Administration, SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach, HHS Publication No. (SMA) 14-4884, Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014.

## SAMHSA's Six Key Principles of a Trauma-Informed Approach

- Safety
- Trustworthiness and transparency
- Peer support
- Collaboration and mutuality
- Empowerment, voice, and choice
- Cultural, historical, and gender Issues

Substance Abuse and Mental Health Services Administration, SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach, HHS Publication No. (SMA) 14-4884, Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014.

## Barriers

### Economic

- Legal fees
- Transportation
- child care
- Extenuating costs

### Cultural

- White Supremacy
- Prejudice
- Systemic oppression

### Communication

- Literacy
- Language
- Legal jargon
- Systemic processes

### Trauma

- Retelling of events
- Memory
- Document Gathering
- Safety

## Creating a Trauma Informed Space

- ▶ Parking/Transportation accessibility
- ▶ Greeting/Reception
- ▶ Family friendly
- ▶ Comfortable environment
- ▶ Safety
- ▶ Health

## Consultation/Intake

- Introduce the Process-
  - ▶ what is the goal of the meeting
  - ▶ what kinds of questions you will ask
  - ▶ confidentiality
  - ▶ potentially traumatic questions
- Explain why you need to ask questions
  - ▶ No judgment
  - ▶ develop trust
- Remind the client of their power
- Legal Advice
  - ▶ keep it simple
  - ▶ explain the steps
  - ▶ check-in for understanding

## Case Process and Gathering Evidence

- Set expectations and boundaries
- Explain confidentiality, especially if representing multiple people
- Set check-ins, if a case is going to be pending for a long time
- Respond to phone calls in a timely fashion
- Creating protocols and templates to streamline your processes

Gathering documentation and information can be especially difficult for survivors of trauma, including:

- Recalling dates, addresses, work history, details of events
- Gathering documents, support letters
- Testifying- preparation

## Declarations

- Take breaks. May take multiple sessions
- Interpretation- if you need an interpreter, make sure the client feels safe with them
- Do not have other family members in the room if discussing sensitive information
- Provide a comfortable seat
- Is there a case worker that the client wants to have involved?

## Stay in your lane! And Practice Self-Care

Remember what you are an expert at, and what you are not. Connect to resources for yourself, staff, and clients.

## Resources

- ▶ Oregon Coalition Against Domestic and Sexual Violence- <https://www.ocadsv.org/>
- ▶ Substance Abuse and Mental Health Services Administration- <https://www.samhsa.gov/>
- ▶ National Center on Domestic Violence, Trauma, & Mental Health- Trauma Informed Legal Advocacy Project- <http://www.nationalcenterdvtraumamh.org/trainingta/trauma-informed-legal-advocacy-tlia-project/>
- ▶ Multnomah County Family Violence Coordinating Council- email Shannon Rose for information on local news and trainings [shannon.rose@multco.us](mailto:shannon.rose@multco.us)
- ▶ YWCA- <https://www.ywcapdx.org/events/social-justice-trainings/>