



AMPERSAND

ADVOCATES

The trauma-informed lawyer: improving awareness of the impact of trauma on lawyers and clients

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Thursday 3rd October 2024



What is trauma and where does it come from?

UK Office of Health Improvement and Disparities

“Trauma results from an event, series of events, or set of circumstances that is experienced by an individual as harmful or life threatening. While unique to the individual, generally the experience of trauma can cause lasting adverse effects, limiting the ability to function and achieve mental, physical, social, emotional or spiritual well-being.”



Why does it matter?

Trauma can:

- impact your client's ability to share and disclose information
- impact on your client's ability to give evidence, attend appointments and otherwise comply with the requirements of litigation
- impact your ability to ingather evidence
- Impact your ability to process information
- Impact your ability to progress a case
- Have a lasting and long reaching impact on those affected.



How to spot trauma in others

- an inability to regulate emotions
- Suspicion and paranoia
- withdrawal and excessive self-sufficiency
- neediness and dependency, separation anxiety
- Avoidance
- Fight or flight
- Struggling to maintain positive outlook



How to spot early signs of trauma in yourself

British Medical Association:

- experiencing lingering feelings of anger, rage and sadness about patient's victimisation
- becoming overly involved emotionally with the patient
- experiencing bystander guilt, shame, feelings of self-doubt
- being preoccupied with thoughts of patients outside of the work situation
- over identification with the patient
- loss of hope, pessimism, cynicism
- distancing, numbing, detachment, cutting patients off, staying busy.
- Avoiding listening to client's story of traumatic experiences
- difficulty in maintaining professional boundaries with the client, such as overextending self (trying to do more than is in the role to help the patient).



What is trauma informed practice?

Trauma informed practice requires consideration of the following:

- trauma can affect individuals, groups and communities
- the signs, symptoms and widespread impact of trauma
- Preventing re-traumatization
 - Safety
 - Trustworthiness
 - Choice
 - Collaboration
 - Empowerment
- Cultural consideration



Other ways to prevent or reduce vicarious trauma

- Increase your self-observation - recognise and chart your signs of stress, vicarious trauma and burnout.
- Take care of yourself emotionally - engage in relaxing and self-soothing activities, nurture self-care.
- Look after your physical and mental wellbeing.
- Be realistic about what you can accomplish - avoid wishful thinking.
- Don't take on responsibility for your client's wellbeing but supply them with tools to look after themselves.
- Balance your caseload - mix of more and less traumatised clients, victims and non-victims.
- Take regular breaks, take time off when you need to.
- Seek social support from colleagues, family members.
- Use a buddy system or peer support and opportunities to debrief.
- If you need it, take up time-limited group or individual therapy.



Vulnerable witnesses

Can be any witness, pursuer, physician under attack, bystander etc. who meets the criteria:

- “- under 18 on the date of commencement of the proceedings
- where the person is not a child witness, there is a significant risk that the quality of the evidence to be given by the person will be diminished by reason of—
 - (i) mental disorder (within the meaning of section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)), or
 - (ii) fear or distress in connection with giving evidence in the proceedings

The court will consider:

- (a) the nature and circumstances of the alleged matter to which the proceedings relate,
- (b) the nature of the evidence which the person is likely to give,
- (d) the person’s age and maturity,
- (f) such other matters, including—
 - (i) the social and cultural background and ethnic origins of the person,
 - (ii) the person’s sexual orientation,
 - (iii) the domestic and employment circumstances of the person,
 - (iv) any religious beliefs or political opinions of the person, and
 - (v) any physical disability or other physical impairment which the person has,



Vulnerable witnesses cont'd

Measures under section 18 are:

- (a) taking of evidence by a commissioner ,
- (b) use of a live television link ,
- (c) use of screen
- (d) use of a supporter, and
- (e) such other measures as the Scottish Ministers may, by order made by statutory instrument, prescribe.

Other things that might assist:

- (1) virtual court visit: <https://victimsupport.scot/information-support/going-to-court/virtual-tours-of-scottish-courts/>
- (2) Dispensing with wigs and gowns
- (3) Request to have evidence given at the start of. A day to avoid them sitting in court waiting.
- (4) Arranging transport for court attendance



Key takeaways

Do:

- Manage expectations
- Acknowledge strengths
- Acknowledge non-verbal communication as well as verbal communication
- Clarify anything you do not understand or are confused by
- Be careful about labels e.g. victim, abuser etc.

Avoid:

- Telling people to calm down
- Telling people to feel grateful
- Minimising experiences
- Being reactive to anger
- Making assumptions
- Internalising feelings or thoughts



Further resources

<https://www.lawcare.org.uk/contact-us/>
Emotional support helpline 0800 279 6888
Monday-Friday 9.00am–5.00pm

<https://www.lawscot.org.uk/members/wellbeing/member-resources/>

<https://ehrac.org.uk/wp-content/uploads/2022/03/Trauma-Informed-Legal-Practice-Toolkit-2022.pdf>

<https://www.traumainformedlaw.org/>

<https://www.scottishwomensrightscentre.org.uk/news/training/trauma-informed-practice---cpd-training-video-for-solicitors/>

