

## REPRESENTING VICTIMS OF VIOLENCE: SAFELY DISCUSSING TRAUMATIC MEMORIES

*Overview: This document is intended to provide attorneys representing victims of violence with the tools necessary to safely discuss traumatic memories with their clients.*

### UNDERSTANDING TRAUMA

#### ***What is Trauma?***

The psychiatric definition of trauma refers to an experience that is emotionally painful, distressful, or shocking, which often results in lasting mental and physical effects. Psychiatric trauma is essentially a normal response to an extreme event; and it involves the creation of emotional memories about the distressful event. This response may happen during one event or over the course of long-term exposure to events that independently may not rise to the level of severity described above, but that cumulatively have the same effect (i.e. deprivation of basic needs, emotional neglect, verbal aggression, etc.). In either case, the nervous system may become deregulated, resulting in a profound sense of vulnerability and/or a loss of control.

#### ***How May Trauma Affect Your Client?***

One of the long-term effects of traumatic events is that the person may continue to re-experience trauma in one or more ways.

*Example: A survivor of rape by members of a military group, when trying to recall and discuss the event, becomes disassociated from the present and unable to listen or respond to questions or comments about what happened during the months surrounding the rape. She also becomes frightened after seeing a person in law enforcement uniform.*

**Baltimore**  
201 N. Charles St.  
Suite 920  
Baltimore, MD 21201  
Tel: 410-999-1900  
Fax: 410-630-7539  
baltimore@tahirih.org

**Greater DC | National**  
6402 Arlington Blvd.  
Suite 300  
Tel: 571-282-6161  
Fax: 571-282-6162  
TTY: 711  
Falls Church, VA 22042  
greaterdc@tahirih.org  
justice@tahirih.org

**Houston**  
1717 St. James Place  
Suite 450  
Houston, TX 77056  
Tel: 713-496-0100  
Fax: 713-481-1793  
houston@tahirih.org

[www.tahirih.org](http://www.tahirih.org)

The chart below provides a brief overview of how traumatic experiences may affect your client’s behavior during the course of your work together on her legal case:

SYMPTOMS	BEHAVIOR
<ul style="list-style-type: none"> <li>• Difficulty sleeping</li> <li>• Difficulty concentrating</li> <li>• Irritability or outbursts of anger</li> <li>• Is constantly on guard or easily startled</li> </ul>	<ul style="list-style-type: none"> <li>• Has trouble thinking in the abstract; tends to see things in black/white</li> <li>• Overreacts or is irritable or impatient</li> <li>• Fatigue</li> </ul>
<ul style="list-style-type: none"> <li>• Intrusive, upsetting memories or dreams of the traumatic event</li> <li>• Flashbacks: feels like the trauma is happening now</li> <li>• reactions or psychological distress at exposure to triggers that resemble an aspect of the traumatic event</li> </ul>	<ul style="list-style-type: none"> <li>• Has sudden, intense reactions to the offender, court officials, and direct questions, as well as to less obvious triggers and reminders, such as a smell</li> <li>• Feels pain or is jumpy, nauseated, sweaty, fearful, agitated</li> <li>• Avoids activities or conversations that provoke thoughts or feelings they associate with the trauma</li> </ul>
<ul style="list-style-type: none"> <li>• Tries to avoid any thoughts, feelings, or emotions about the trauma</li> </ul>	<ul style="list-style-type: none"> <li>• Difficulty answering questions</li> <li>• Unable to remember</li> <li>• Seems evasive</li> <li>• Appears shut-down or indifferent</li> <li>• Gives up or is hopeless</li> <li>• Expresses or exhibits feeling detached, or cut off from others</li> <li>• Shows limited emotional reaction</li> </ul>

**PREPARING TO DISCUSS TRAUMATIC EVENTS:  
DEVELOPING A RELATIONSHIP WITH YOUR CLIENT**

***Clarify for Your Client What Your Role is as the Attorney***

Try to make a conscious effort to be aware of the messages you communicate to your client through your words and your actions:

- *“I am your legal counselor:”* In this role, one of your main goals is to empower your client. Therefore, it is important that she feels comfortable being an active participant in the preparation of her case. Let her know you are there to help her, but that she is ultimately responsible for the decisions you make together. Make sure you ask about the client’s goals and concerns, and check back with her about these periodically so she remains engaged in her case. Checking back will help you understand when she has conflicting goals that impact her expectations, or when she has worries or fears that may affect your work together.
- *“I am your ally:”* Articulate out loud for your client that you are on her side, that you believe her, and that she can trust you. Explain to her that you may ask questions about difficult, hurtful or embarrassing events because they are important to her case, but that she should feel comfortable letting you know if she does not want to talk about something for any reason. Let her know you will move along at her pace to the extent you can. Be visibly empathic toward her feelings and let her know that you do not judge her.

- “*I am NOT law enforcement:*” Make sure she knows she can trust you without fear that she or a family member may be arrested or forced to go back home. Also, try to carefully craft questions when interviewing her. Do not interrogate her, but rather be empathic in how you approach difficult questions.

Example:

- **DO NOT ASK:** “Why did you lie to the officer about your true identity?”
  - **ASK:** “What were the concerns that made you not want to give your real name to the officer?”
- “*I am NOT a social worker:*” If your client has social service needs, please let your Tahirih co-counsel know so that our social services staff can be made aware. Your client should understand that you are there only to assist her in her legal matter(s). Clarifying this distinction for the client is also important because different rules of confidentiality may apply to attorneys and social worker. Your client should know that it is safe for her to fully disclose information to you.
  - “*I am NOT a therapist:*” Your meetings with your client have a specific purpose. You may want to explain that, as an attorney, part of your job is to discuss intimately personal things with her, but that you are not equipped to help her process emotions resulting from past traumatic experiences, to heal and overcome her feelings of depression, fear, anxiety, etc. Therefore, there is no need to discuss painful details unless relevant to the legal case overall and the specific discussion at hand. Assure your client that you will only ask her to discuss painful details to the extent that it is necessary to prove her case. Let her know that she can trust you to keep the discussion on track and that you may interrupt her or change the subject in order to do this.

*Note on Boundaries:*

You may find your client pushing boundaries and asking you to do more than is appropriate of your role as her lawyer (you may be one of the few people she knows in this country). Therefore, it is important that you help establish the limitations of your relationship. We recommend that you avoid giving your client your personal contact information. Always maintain a professional relationship.

## **CLIENT INTERVIEWING: HOW TO APPROACH DEVELOPMENT OF YOUR CLIENT’S STORY**

Although the process outlined below is only one way to approach client interviewing, the techniques described are widely applicable and should be helpful to you in whatever approach you choose to employ to interview your client about her story.

### ***Phase One: Gain Broad Understanding of Story***

You may think of the process of obtaining your client’s complete story as two phases of information gathering. During the first phase, your goal is simply to obtain your client’s overarching story in order to make sure that you generally understand the overview of what happened. This is best done by asking the

client broad, open-ended questions that can be used to guide the client through her story and enable you to identify the most important information.

This information will help you identify what crucial events in your client's story need to be fleshed out in more detail during a follow-up meeting. But you should try to avoid discussing too many details during this first phase of client interviewing, especially those related to the trauma. The goal, instead, should be to create a timeline, so that you may identify any conflicts or gaps in the chronology because your client may very likely not organize her own story in this fashion. Establishing and sticking to a schedule for your meeting can be a good way of helping you and your client stay on track.

You will want to ask open-ended questions that allow the client to freely express herself without selecting specific information she believes you are trying to elicit. You may want to guide the client forward from event to event: “*What happened next?*” or “*What occurred after event X?*” Or, you may try to move a client back in time to search for possibly omitted events: “*What happened between event X and event Y?*” or “*Did anything else occur after X but before Y?*”

Finally, this initial meeting (or meetings) should also be used to assess your client's emotional state and her capacity for stressful or painful conversations about what happened. You may then use that assessment to prepare for the second phase of information gathering, where you will ask your client for those details regarding particularly painful or traumatic events.

### ***Phase Two: Honing in on the Details***

It is during this phase that you should focus on the important sections of the client's story where you need to flesh out additional detail. Obtaining such details primarily involves the art of asking questions. This phase of information gathering is in many ways similar to the direct examination of a witness in court. You should try to ask specific, closed questions designed to elicit all necessary details.

The guidelines below are primarily designed to help you through this second phase of client interviewing when working with a client who has experienced trauma. Understanding, establishing, and respecting certain boundaries will thus be very important.

A Phase Two meeting should be limited to approximately two hours, with only 60 to 90 minutes spent discussing traumatic or painful events. The best way to stay on schedule is to design a meeting agenda in advance and to actually use the agenda and a clock to help you to move forward and stay on track.

## **DISCUSSING TRAUMATIC EVENTS WITH YOUR CLIENT**

### ***Advance Preparation***

- *Anticipate the client's needs:* Explain the purpose of the meeting to her, expected length, etc.; verify travel arrangements with her, especially if you are meeting in the evening; and ask her if there is anything that would help her feel safe and comfortable for this meeting (i.e., something she might like to bring with her). Be aware of and sensitive to different cultural gender dynamics.
- *Coordinate with the client's therapist if necessary,* so that the therapist is aware of the trauma that will be re-visited, and able to meet with the client soon after your meeting to help with her emotional or psychological needs.
- *Prepare an agenda to share with the client at the beginning of the meeting.* In order to help you and the client stay within the necessary scope of what can be a complicated discussion, remember that the

goal is to prove a legal element. Therefore, design an agenda that specifically identifies the topics to be covered during your meeting and the time to be spent. Allot time for an introductory explanation about the meeting, questions from your client and time to discuss the plan for your next meeting.

- *Craft questions carefully to guide the client* and help her identify the information she needs to share.

### **Day of the Meeting: Preparing the Client for the Discussion**

In your agenda, allow for 15-20 minutes to get settled, hear your client's questions and concerns, review the agenda and prepare the client for the discussion.

- *Establish safety and rapport:* When the client arrives for the meeting, make her feel comfortable through small talk (ask about her children, the weather, etc.). Ask her about her travel to the meeting, her plans for after the meeting, and if she needs anything, such as something to drink or a chance to use the restroom.
- *Use the opportunity to assess how much small talk is appropriate based on your client's level of distress or wellbeing.* If she is not yet ready to continue on with the meeting, try to tailor additional chitchat to address the distress the client is feeling. Ask her how she feels; and if she is nervous about the meeting, review the agenda with her.
- *Review the agenda:* Let the client know what to expect, and ask for her input so that she has an opportunity to ask questions or express concerns. Explain what topics you need to cover and what topics you do not (including the scope of the topic, i.e., "I will ask you to talk about the night of the rape and how you feel about it, but you do not need to explain or describe how it happened" or "Today, I will only ask you to discuss your arrest and imprisonment in June of 2009. We will not be talking about the rape.").
- *Remind your client of the purpose of the meeting:* This will help give purpose and meaning to the discussion, remind your client of her role, and engage her in the preparation of her case.
- *Explain why the client needs to discuss these traumatic events and painful feelings:* Review the elements of the case and make sure she understands what she is required to prove.
- *Explain why it is important for her to make her best efforts to try to remember and explain the facts of her case as accurately and completely as possible:* Discuss the importance of credibility.
- *Explain why it is important for her to try to articulate her feelings:* Let her know that her written statement is her opportunity to tell her story and to speak in her own voice so that she may win the sympathies of the adjudicator.
- *Inform the client that it is okay to express fears or concerns, cry, stop and take moments of silence:* Make a box of tissues available.
- *Let her know that she does not need to feel pressure to be strong or professional in the office:* She should feel that she is in a private, personal space where she can feel comfortable to experience deep emotions.
- *Acknowledge the difficulty of discussing traumatic material:* Reassure her that she can stop at any time during the discussion and should never feel pressured by you to discuss something if she does not

feel she is able to do so safely.

- *Give her a chance to ask questions and express concerns:* Ask the client what she thinks of this plan. If she expresses concerns, try to address and validate them by ensuring her you will keep them in mind.

### ***Discussing Traumatic Experiences***

In your agenda, try to limit this part of your meeting to 90 minutes or so, allowing time for breaks if necessary.

### ***Conducting the Conversation:***

- Begin by reminding the client of the point in her story that she should focus on.
  - “Let’s talk now about what happened before the rally the day you were arrested.”
- Ask open questions first: “Why were you scared?” and “What were you afraid would happen to you?” (no “yes” or “no” questions). If she cannot respond, help her by asking closed questions, but keep them simple and concrete:
  - **ASK:** “Were you afraid they would try to hurt your husband?” or “Were they trying to kidnap him?”
  - **DO NOT ASK:** “Did you think they were trying to do something like kidnap your husband so they could take him to the jail to interrogate him?”
- Once she begins to talk, and if she is proceeding in the direction you need her to go, support her by being attentive and let her know you are listening. Try to avoid making facial expressions reflecting pity, horror, disgust, etc. Instead, show empathy by nodding or saying “I understand.”
- If she becomes visibly upset but she keeps her composure and continues to talk, move your gaze down to your notes as you write and give her space. Continue to bring your attention directly back to her, with empathy.
- If your client apologizes or seems ashamed, encourage her by letting her know she is doing really well and everything is okay.
- Allow room for silence.
  - Periodically ask if she needs to take a break. Don’t let your client become re-traumatized – crying deeply and uncontrollably, mentally disengaging by gazing out into space with no affect, etc. Stop her if she seems to be doing this. Offer her a tissue; tell her to take a deep breath. Do some grounding exercises: “You are okay. We are just here in my office talking and everything is okay.”

### ***Your Role in the Discussion: What is Your Purpose?***

- Remember that this is phase 2 of the interviewing process, which should have a precise and narrowly focused fact-finding purpose. Therefore, although you will not be talking much, you should be aware that you are nevertheless playing an active role. You are there to guide and focus the discussion, and to make sure your client stays on track.
- Listen and take notes. If you choose to use your computer, check-in with your client and explain why you are doing so. Remember that it creates a barrier between you and your client during a very delicate discussion.

#### ***Note on bearing witness to your client's story:***

You may find that listening to/watching your client may make you uncomfortable at times. However, it is important that you do not dismiss what she is explaining or avoid obtaining useful or necessary information as a result. Therefore, be prepared with your own coping mechanisms for this scenario, such as bringing your gaze down and writing on your pad to give you space.

Help the client articulate her memories and feelings for her declaration. Repeat some things back to the client to make sure you understand them correctly. Make sure the client knows that she does not need to worry about how she expresses things, as you will articulate them back to her and give her a chance to clarify, to say “yes, that is right” or “no, that is not correct.”

Remember to be comfortable with silence. Know that listening to your client's story can have a powerful and positive impact in her ability to process and cope with those memories.

#### ***Note on interrupting clients:***

It can be difficult not to feel guilty or rude interrupting someone who is talking about something very personal. However, this is one of your responsibilities as your client's lawyer during this meeting. Try to remember the purpose you serve by interrupting your client and preventing her from suffering unnecessary recollections. She needs strength to otherwise complete the discussion and answer all your questions, and it can be counterproductive for her to waste her energy telling you more than you need to know. Remember that you can interrupt a discussion kindly and compassionately. Try to avoid being paternalistic or patronizing.

Be careful to help your client stay on track if she begins to deviate from the topic at hand. Let her know in advance that you may have to interrupt her throughout the discussion, in order to bring her back to the relevant points. One way to do this may be to say, “We can come back to Z later. But tell me more about X or Y now.”

Finally, this is an area where boundaries can get blurred and your client may feel a tendency to seek in you the support provided by a therapist. In this case, you should feel comfortable recommending that your client talk to somebody, and asking if she would like for you to put her in touch with someone with whom she can discuss these things (through Tahirih's social worker if necessary). Remind your client that everything is ok, that she is strong and will make it through this, that you support her and will help her with her immigration case. However, try to avoid playing the role of a therapist, as this is not your responsibility.

### ***Returning to the Present Moment***

In your meeting agenda, allow for approximately 15 to 20 minutes to wrap-up the discussion and end the meeting.

- Let the client know how successful and useful the conversation was and that it is now time to stop that part of the conversation and come back to a feeling of safety.
- Ask her if she has anything else she wants to add about these events before you help her come back to the present moment.
- Ask the client how she is doing, how she is feeling, or if she needs anything. If you feel she has been particularly drained or otherwise impacted by the discussion, you can help her get grounded again: “Okay, then, we can go ahead and end our discussion there and talk about our next meeting. How do you feel? Is the temperature comfortable? Would you like some more tea? It looks like it might rain outside.”
- If pertinent, remind your client of the help a therapist can offer.

### ***Closing the Meeting***

- Give your client hopeful words. Tell her that you believe in her case, that she did a great job and that you are proud of what you have accomplished together.
- Discuss how she is taking care of herself. Talk about her plans for after the meeting.
- Provide written instructions for the client to prepare for your next meeting (e.g., time of meeting, what evidence she needs to prepare and bring for next time, whether you want her to work on something, such as writing a part of her declaration).



## ADDITIONAL CONSIDERATIONS

There are several special considerations to be aware of as they may affect your ability to lead the discussion or your client's ability to participate in the discussion safely.

- **Disassociation:** If your client becomes disengaged or disassociated, you may need to do some grounding exercises to help her. Say her name and try to bring her back to present. Remind her where she is and that she is safe. Stop the meeting and offer her something to drink. Tell the client to touch something, such as bringing her hands together or to her knees. Stand up and take a walk around the office.
- **Suicidal Clients:** If you are concerned a client is suicidal, a licensed clinician or psychiatrist should immediately assess her. Call the National Suicide Hotline at 1-800-273-TALK (8255) (1-888-628-9454 in Spanish), or an ambulance for assistance.
- **Vicarious/Secondary Trauma:** Doing this work may affect you; it is a sign that you care. Take care of yourself, talk to co-workers. Know your limits – you are the client's attorney, not her therapist, friend or social worker. Remember that it is important for you to help yourself in order to be effective at helping someone else.