

Trauma-Informed Lawyering

BY ROBIN OAKS

June is Post-Traumatic Stress Disorder (PTSD)¹ Awareness Month, and June 27 is designated PTSD Awareness Day. These observances raise awareness about PTSD and trauma—and aim to reduce the stigma surrounding both. In the ABA Law Practice Division book, *Trauma Informed Law, A Primer for Lawyer Resilience and Healing*, the authors explain that trauma (or traumatic stress) is “a person’s response to a situation, whether acute or chronic, that overwhelms or limits a person’s capacity to freely [and effectively] respond at the physical, mental, emotional, and... spiritual level.”

Sarah Katz and Deeya Haldar, both attorneys, have written about trauma-informed lawyering, defining it as when the practitioner puts the realities of the client’s trauma experiences at the forefront in engaging with the client, and adjusts the practice approach informed by the individual client’s trauma experience. Also, it involves “employing modes of self-care to counterbalance the effect the client’s trauma experience may have on the practitioner.”

Through my legal work conducting investigations of sexual harassment, abuse, bullying, and discrimination complaints, I’ve recognized how trauma-informed care applies to all aspects of successful legal practice. There is so much more to explore on this topic that cannot be covered in a brief article, but raising awareness helps us all to further a do-no-harm approach when serving clients and building communities of mutual-support, sustainability, and self-care.

Our Nervous Systems

Trauma is not a flawed or fixed state; at its core it is our nervous system (fight, flight, freeze, or fawn) responding to perceptions of threat. Feelings of overwhelm relating to one’s ability to cope might outwardly look like overtalking (“flooding”), explosive, agitated behaviors (“frenetic/furious”) or emotionless expressions (“flat” affect).

The Substance Abuse and Mental Health Services Administration (SAMHSA) identifies the following key principles of a trauma-informed approach: safety, trustworthiness,



Robin Oaks

transparency, collaboration, care, empowerment, voice, and understanding an individual’s unique body-mind-life experiences, and impacts of cultural, and systemic racial and gender issues.

Dr. Gabor Maté, who has written several books on trauma, addiction, and adverse child experience (ACE) explains how trauma reflects the body-mind connection. “It is not what happens to you; it is what happens *inside you* as a result of what happens to you.” “Trauma is a psychic wound... that leaves an imprint in your *nervous system*, in your *body*, in your *psyche*, and then shows up in multiple ways that are not helpful to you later on.”

Signs of nervous system dysregulation include dissociation, numbing, panic, people-pleasing appeasement, gastro-intestinal

distress, low or rapid heart rate, breathing difficulties, sleeping disturbances, and communication and memory issues. As legal practitioners we often lead with our heads, thinking and analyzing, but by recognizing the relationship of our nervous system, feelings, and physiology, which is

PRACTICE

Provide resources about PTSD and discuss with your team what trauma-informed care means. If you are a supervisor, ask associates, paralegals, and staff if the nature of their work (or caseload) needs to be adjusted or managed to prevent vicarious trauma.

Think of a client’s situation through a trauma-informed lens. Try practicing one new mind-body technique for your own emotional self-regulation and ability to co-regulate others.

Share contact numbers of therapists and support professionals (trauma-informed) and emergency care numbers, such as 1-800-273-TALK, 988 – Suicide Prevention Hotline. Empower those you serve and yourself by building communities of mutual care, compassion, and trauma-informed competence.

how emotions express themselves—and creating cues of safety for others, we can help both our clients’ and our own nervous systems co-regulate and self-regulate for optimal functioning.

Client-Centered Approach

Although legal professionals are not medical experts or therapists, becoming trauma-informed can support clients mentally, emotionally, and physically—and reduce re-traumatization. As part of my well-being witness preparation services, I coached a plaintiff petrified of being deposed for a personal injury lawsuit. This party’s nervous system was overwhelmed and dysregulated by the car accident, and there was a history of traumatizing events in childhood. Not only was the uncertainty about the deposition process itself triggering a stress response, but also the strident and agitated behaviors of both the opposing—and their own counsel—contributing to the client’s nervous system “freezing” and immobilizing speech and thinking capacities.

The following trauma-informed interventions helped the client move from frazzled to functional: learning (and modeling) simple nervous system and mindfulness self-regulation grounding techniques, using voice intonations and communications (slow, simple, and soothing), mindfully listening, validating emotions, addressing and normalizing behaviors (heart racing, feeling distracted and disorientated) as nervous system responses instead of character flaws, visualizations and role playing about the legal proceeding to maximize predictability and feeling empowered.

Vicarious Trauma

Vicarious trauma is when harmful changes occur in a professional’s view of themselves, others, and the world as a result of empathetically or repeatedly being exposed to graphic or traumatic experiences of clients. As legal professionals, we are particularly susceptible because of the nature of the conflicts we handle, heavy workloads, disconnection from what our bodies need, and the emotions we navigate daily—but often fail to process well.

Symptoms of vicarious trauma might appear as work overcommitment and social withdrawal, despair, hopelessness, sensitivity to violence, angry outbursts, cynicism, and changes in identity. Important preventive measures include managing the amount and nature of one’s workload, building psychologically safe workspaces and supportive relationships, therapy, mind-body practices, and work cultures that recognize and address the potential for vicarious trauma. ■

Robin Oaks has been an attorney for nearly forty years, and for twenty-five years has provided legal services focused on independent workplace investigations and mediation. She is certified in and has studied a wide range of healing, emotional intelligence, cognitive fitness, and mind-body practices. She is a well-being consultant and offers confidential professional life coaching sessions for legal professionals seeking to optimize potential, restore balance, and thrive during stressful life changes and challenges. Contact: Robin@RobinOaks.com or 805-685-6773.

ENDNOTE

1 <https://www.ptsd.va.gov/>