

Teaching Trauma-Informed Lawyering Through Family Law Clinics - Abstract

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“Trauma-informed practice” is an increasingly prevalent approach in the delivery of therapeutic services, social and human services, and now legal practice. Put simply, the hallmarks of trauma-informed practice are when the practitioner, puts the realities of the clients’ trauma experiences at the forefront in engaging with clients, and adjusts the practice approach informed by the individual client’s trauma experience. Trauma-informed practice also encompasses the practitioner employing modes of self-care to counterbalance the effect the client’s trauma experience may have on the practitioner.

The practice of family law, by necessity, often results in clients sharing some of the most intimate and/or painful details of their lives. Clients frequently seek legal assistance at a time when they are highly vulnerable and emotional. As Clinical professors who each supervise a family law clinic, we of course teach our students how to connect with their clients, while drawing the appropriate boundaries of the attorney-client relationship. Equally challenging and important is helping our students cultivate insight into identifying and addressing trauma and its effects. Many of our Clinics’ clients are domestic violence survivors or have experienced other significant traumatic events (such as witnessing their children being abused, or their own childhood abuse experiences) that are relevant to their family court matters. Law students should learn to recognize the effects these traumatic experiences may have on their clients’ actions and behaviors. Further, law students should learn to recognize the effect that their clients’ stories and hardships are having on their own advocacy and lives as a whole. It is particularly crucial that we educate our law students about the effects of vicarious trauma and help them develop tools to manage its’ effects as they move through their clinical work, and ultimately into legal practice.

This article argues that there are four key characteristics of trauma-informed lawyering: identifying trauma, adjusting the attorney-client relationship, adapting litigation strategy, and preventing vicarious trauma. Specifically, the article discusses how to teach trauma-informed lawyering through direct examples of pedagogical approaches. Although these pedagogical methods have been developed in the context of our clinical teaching, they hold direct relevance for doctrinal family law classes as well.