

## Trauma-Informed Legal Advocacy: Practice Scenarios Series

The Trauma-Informed Legal Advocacy (TILA) Project is designed to offer guidance to legal advocates and lawyers on applying trauma-informed principles to doing legal advocacy with survivors of domestic violence.

This document is part of a series: *Trauma-Informed Legal Advocacy (TILA): Practice Scenarios Series*.<sup>1</sup> Within each scenario in this series, we practice a two-step analysis of (1) what is happening from the perspective of the person we are working with, and (2) what strategies we can try to best support or represent them.

### Scenario: Preparing for Court—Sobriety

Someone you are working with comes to a court hearing under the influence of alcohol or other drugs. It is clearly affecting their ability to participate in their case and you are worried that the judge will notice.

#### **Step 1. What happened from their perspective?<sup>2</sup>**

Many people use alcohol or other drugs to cope with ongoing violence and abuse or the traumatic effects of violence and abuse. For survivors of domestic violence, experiences of abuse may be connected to substance use in other ways as well. Abusers may have forced or coerced their partners to use or they may have sabotaged their partner's efforts to get clean and sober. Research shows that between 25% and 50% of the women receiving domestic violence services have substance abuse conditions.<sup>3</sup> Furthermore, between 67% and 80% of women in substance abuse treatment are survivors of domestic violence.<sup>4</sup>

People who abuse alcohol or other drugs to cope are at risk of doing so when they are under stress. Of course, court proceedings can be extremely stressful. If someone does not have alternative coping mechanisms or if they don't have social

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<sup>1</sup> The *TILA: Practice Scenarios Series* was created by Rachel White-Domain, JD, NCDVTMH. Find more TILA resources on our the NCDVTMH website: <http://www.nationalcenterdvtraumamh.org/trainingta/trauma-informed-legal-advocacy-tila-project/>

<sup>2</sup> This scenario draws heavily from the work of Patricia Bland, M.A., CDP, Substance Abuse Training Director, NCDVTMH.

<sup>3</sup> Patricia Bland, *In Harm's Way: Substance Abuse and Safety Issues in the Context of Violence Against Women* (citing studies by Bennett & Lawson, 1994; Downs, 2001; Ogle & Baer, 2003).

<sup>4</sup> *Id.* (citing studies by Cohen, et al., 2003; Downs, 2001).

support for abstaining, their risk of using will be higher. The stress of going to court can also create risk for some people who are in recovery from alcoholism or addiction.

## Step 2. What could you have done differently?<sup>5</sup>

Asking about substance use in a way that destigmatizes drinking and using can reduce the risk that someone will abuse substances during legal proceedings. If you are a lawyer representing someone in their case, you may also need to prepare for the possibility that someone's use of substances could be used against them at trial. If you have a confidential relationship with the person you are working with, you can let them know that if they want to talk about substance use, the conversation will be privileged.

*"So many people I work with tell me that they drink alcohol, pop pills, or use something else when they are stressed out. Having to go to court can be really stressful. That's why I ask everyone I work with whether they want help making a plan for staying clean and sober before going to court. And since I'm your lawyer, anything you tell me is confidential."*

If someone discloses substance abuse to you, work together to develop a brief emergency relapse prevention plan. Making a plan can be as simple as writing on a slip of paper:

*If I feel like using alcohol or other substances before court:*

*I will*

\_\_\_\_\_

*I want my advocate, lawyer, sponsor, or friend to*

\_\_\_\_\_

Because abusers often use stigma related to substance abuse against their partners, such as by telling them that no one will believe them due to their alcohol or drug use, countering stigma can help to facilitate someone's healing beyond their immediate case.

If you are serving as someone's lawyer, disclosure of information about substance abuse history can also give you an opportunity to plan for how to respond if this information is used against your client in their case. Finding out more about how substance abuse was connected to the relationship could be helpful. For example,

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<sup>5</sup> The suggestions in this section are taken from Patti Bland, Substance Abuse Training Director at NCDVTMH.

you may want to know if the abuser forced your client to use or sabotaged her recovery. You may also want to know if your client's use has decreased since leaving their abusive partner or if there is other evidence that their substance use was part of your client's coping strategy. This information will help you develop your strategy for responding if this information comes up in the case.

*"I'm really glad that you told me about that. A lot of people struggle with that, even though people don't talk about it because it's so stigmatized. I'd like to ask some more questions about your history of using so that we can be prepared in case your ex brings it up in court."*

For more plans that you can fill out, see [Preparing for Court Proceedings: An Info & Work Sheet for Survivors, Legal Advocates & Lawyers](#). If you need help locating support resources for someone, see our resource, [Locating Mental Health and Substance Abuse Supports for Survivors: A Reference Sheet for Domestic Violence Advocates](#).

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