

## **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: “Staying on Track”**

You are meeting with someone to provide support as they navigate a legal case, or to give legal advice. But they are talking about many other concerns that you cannot help with. You want to help them, but you are also worried that you won't have time to help someone else who is waiting.

In legal settings, the time we have to work with any one person may be strictly limited. There is a great need for legal advocacy and representation, which puts enormous demands on our time. Furthermore, many of the people whom we meet with may have needs beyond those that we are able to help with.

Because we are often working under intense time restrictions, it is easy to get frustrated when we feel like an interaction is taking too much time or not “staying on track.” Often we are frustrated because we want to feel helpful and something is getting in our way. What gets in the way of feeling helpful? It may be that the person is not talking about concerns that we can help with. We may want to end the interaction quickly so we can help someone else. It may also be the person is not providing the information we need to help them with something that we can and want to help with, such as an order of protection. Or they may simply be talking about other things that seem unrelated to what we are working on. In some cases, they may appear very anxious and scared of something or “checked out,” or they are nodding off, or sound like they are having confused thinking. And in some cases, this may be related to a mental health or substance use condition.

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<sup>1</sup> The *TILA: Practice Scenarios Series* was created by Rachel White-Domain, JD, National Center Domestic Violence, Trauma & Mental Health. Find more TILA resources here: <http://www.nationalcenterdvtraumamh.org/trainingta/trauma-informed-legal-advocacy-tila-project/>

## Step 1. What is happening from their perspective?<sup>2</sup>

At this point, it can be helpful to consider what might be happening for the person we are working with. When we do this, we realize that there are a number of reasons why it might be hard for someone to “stay on track.” They may be deeply afraid, with good reason. Or they may simply have a lot on their mind. Someone may also have trouble “staying on track” due to

- medication they are taking;
- being triggered by a reminder of past trauma;
- a cognitive or psychiatric disability;
- a Traumatic Brain Injury (common among survivors but often unrecognized);
- substance use or the impact of past substance use.

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- being afraid;
- being triggered;
- medication;
- a disability;
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- substance use.

On the other hand, the person we are working with may be discussing something that seems unrelated at first, but that later turns out to be entirely relevant to the danger or concern they are experiencing.

In our role as a legal advocate or lawyer, even when we don’t know why someone is having trouble “staying on track,” we can take an approach to our work that is grounded in an accessibility and trauma-informed perspective. From this perspective, we know that, while not always possible, the ideal solution when working with someone who needs more time is to take more time. Having more time to fill out forms, etc., may in fact be a necessary accommodation for a person with a disability. When possible, taking this extra time can have a significant impact, because people who are experiencing disabilities that interfere with their access to supports may also be at greater risk for violence.

Abusive partners understand and use accessibility barriers against their partners. Knowing this, we take the extra time with someone whenever we can. We may even advocate for changes within our organizations that accommodate our ability to do this, so that we can ultimately increase the accessibility of our agency’s services.

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<sup>2</sup> Taking on a trauma-informed lens is sometimes described as shifting from a perspective of “What’s wrong with you?” to “What happened to you?” Amy Judy, JD, Disability Rights Wisconsin, has offered this framing, which incorporates an accessibility approach as well: “What is happening from your perspective?”

Regardless of our efforts, there will always be times when we don't have as much time as we would like. In some cases, no matter how much extra time we take, it will never be enough. What might help us to make the best use of limited time and "refocus" conversations when we get "off track"?

## Step 2. What might help?

From a trauma-informed and survivor-centered perspective, the key to managing time well, especially when we don't have very much of it, is to collaborate on how the time is used. A good start is to simply acknowledge time limitations and state your intention to collaborate on how the time is used. If needed, briefly explain your role, including the types of issues you can (and cannot) help with, as well as any process requirements, such as the need to complete paperwork at the end of the meeting, and any limitations on confidentiality. These steps incorporate the trauma-informed principles of predictability, transparency, respect, and choice.

Next, you can ask the person you are working with how they want to use your time together. You want to come to consensus about what you will try to accomplish during the meeting, given the needs, resources, and limitations that you are both bringing to the table.

*"I know things here at the courthouse can feel very rushed, but I think we can work together and get some things done today. As an advocate, I can't help with everything, but I know a lot about helping people with orders of protection. Do you want to use our time together to work on that?"*

*"Our time today is going to go by very fast, so I want to make sure we decide together how to make the best use of it. The things I know about are issues related to divorce and custody. If there are other things you are worried about, I will try my best to give you other resources. Given that, what do you think are the most important things for the two of us to talk about today?"*

Most of the time, all of this should only take a few minutes. Sometimes, it can take longer—but in these cases, the time spent up front to decide together how time will be used can make the whole process go more smoothly.

**From a trauma-informed and survivor-centered perspective, the key to managing time well is to collaborate on how the time is used.**

Although setting the goal or intention for a conversation helps, we may sometimes find that our conversation gets “off track.” When this happens, there are some simple strategies that we can use to come back to our intentions and goals in a respectful and trauma-informed way.

**What to do if the conversation gets off track:**

1. Interrupt respectfully
2. Acknowledge fears and concerns
3. If needed, clarify what you can and cannot help with
4. Review original intentions and goals
5. Decide together how to spend the remaining time

It is acceptable to interrupt a conversation respectfully and transparently:

*May I interrupt you there? I want to check in and make sure we will meet the goals that we set for ourselves.*

*Lucinda, can I pause the conversation for a moment? Let's see where we are with our plans for today.*

Interrupting respectfully is an art form! Interrupting too soon or too often may be a barrier to building a sense of trust. On the other hand, if we don't interrupt until we are completely overwhelmed, we may find that we have drained our own resources to stay present for the rest of the conversation. When we interrupt, we do our part to show that we care about and respect the person we are working with, and we must also trust that the other person will be able to manage the disruption that interrupting may cause.

After interrupting, it can be helpful to acknowledge the concerns that they have raised, especially if someone has shared experiences of violence or fears about future violence.

If needed, clarify what you can and cannot help with. This may include concerns related to housing, for example, and it may include concerns that are related to a mental health condition. Say for example, the person you are working with is concerned that they are being stalked by members of a famous organized crime ring. You might simply say, “That is not something that I have experience with.” Offer resources and referrals whenever possible. At the same time, as domestic violence advocates and lawyers, we know that sometimes events that seem hard to believe are in fact true! Other times, elements of these experiences may be true, such as the experience of being stalked (for example, by an ex-partner).

After acknowledging concerns and clarifying, if needed, what you can and cannot help with, review your shared goals for the meeting and decide together whether you will still try to meet your original goals, or if you will change you plans.

*I can tell you're really worried about being evicted from your home. That is not something that I can help with. I can help with completing this petition for an order of protection. I know that there is a lot going on in your life, and I know this won't help you with everything. We are coming to end of the time that we can work together today. I think that finishing this petition is the best way that I can help you today. But I want to know what you think.*

*What you are describing sounds very frightening. That is not something that I have any experience with. I do know some good people that may know more about the situation you are describing. I can put you in touch with them if you want. Should we do that now, and get ready to finish up talking for the day? Or, do you want to try and finish what we started working on together? What do you think would help you most today?*

Keep in mind that, as with all TILA strategies, "staying on track" is an art form, not a math formula. In the wise words of Patti Bland, MA, CDP, "There are no answers here, only strategies and tools."

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