



Becoming a Better Lawyer

Using trauma-informed principles to improve client relationships

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2024

BECOMING A BETTER LAWYER

Using Trauma -Informed Principles
to Improve Client Relationships



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WHAT ARE
WE
DOING?

01 What is trauma informed
practice?

What is it & why should
lawyers care about it

02 Trauma responses
How does trauma present in
our work?

03³ Frameworks &
Practices

How to use trauma informed
principles to build better
client relationships

WHAT IS TRAUMA INFORMED PRACTICE?

When practitioners:

- Recognise
Are attuned to, respect and validate a person's experience - ask: what happened to you, rather than what is wrong with you
- Realise
Recognise and understand the nature and impact of trauma on people's lives and engagement with the world, including our legal systems.
- Resist
Retraumatization
Focus on how we deliver legal services, shifting from a solely transactional practice to a relational practice to minimise unnecessary harm.
- Respond

WHAT IS TRAUMA?

A response to a perceived threat which overwhelms

The trauma is not the event, it is our response to it

physical: changes the brain and body

Proportionality determined by life experiences

5

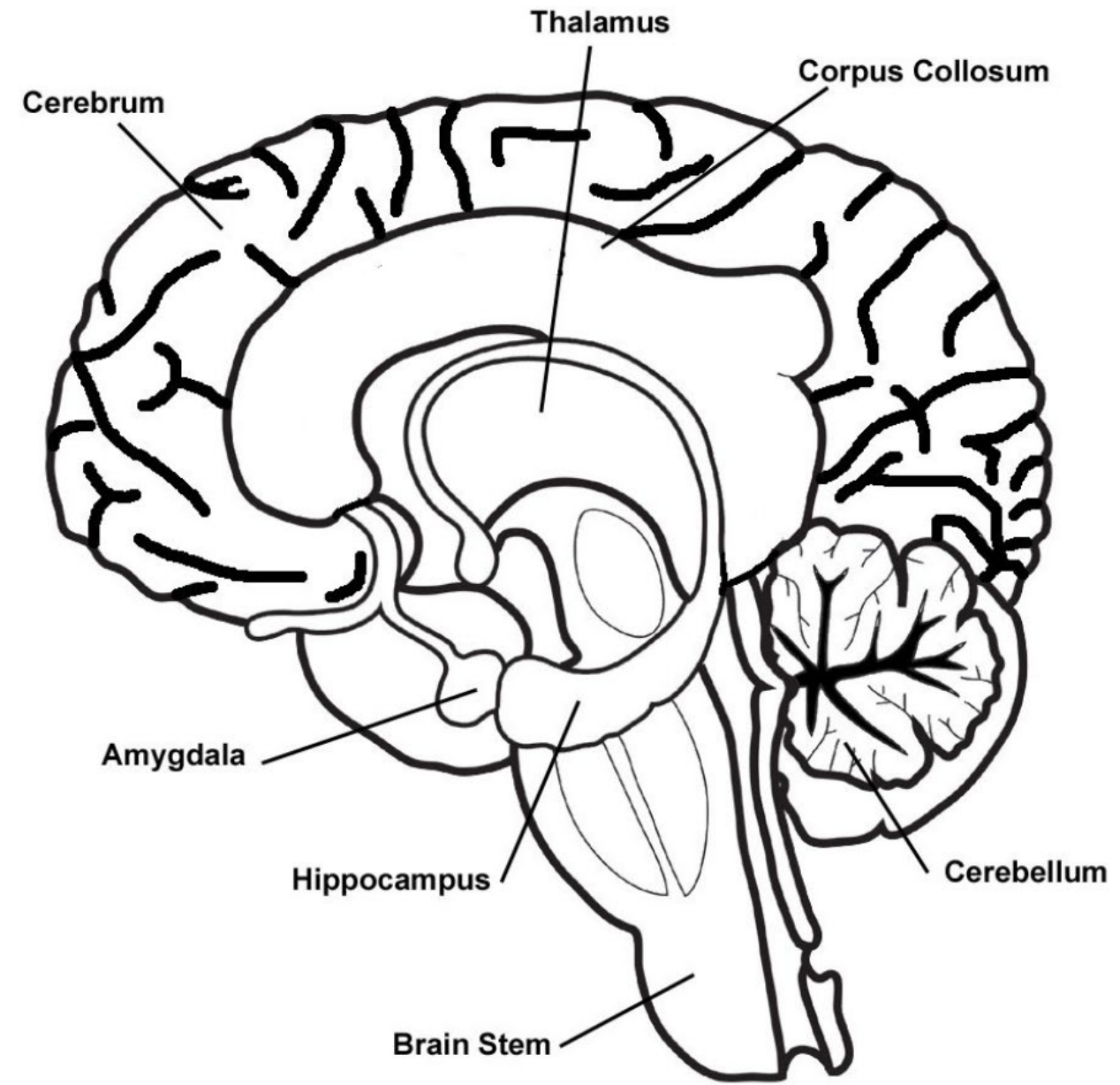
Extremely common: 62% of Australians have been abused, neglected or exposed to domestic violence as children (Australian Child Maltreatment Study, <https://www.acms.au/>)

The biggest mitigating factor against being traumatised is who is there for you at the time. The biggest exacerbating feature is when our foundation of safety is destroyed (e.g. trauma at the hands of a parent/ caregiver, institution (incl. schools, police, legal systems)).

<https://www.youtube.com/watch?v=BJfmfkDQb1>

4

TRAUMA RESPONSES & THE BRAIN



Freeze

Fight

Flight

Fawn

Flock

Flag

Flop

TRAUMA INFORMED PRINCIPLES

Blue Knot Foundation
<https://blueknot.org.au/resources/building-a-trauma-informed-world/>

Safety

Physical & Psychological, Cultural humility
(for Client and Practitioner), Mirroring Functional Relationships
Inquiry over assumption. Non-judgment. Give sense of control.

Trust

Do what you say,
boundaries,
Stay in your lane,
Transparency

8

Collaboration

Share the power,
share the
responsibility,
Support

Choice

Give & Respect
Choices, Respecting
Autonomy

Empowerment

Doing with, Not for. Post-Traumatic Growth. Advocacy &
Systems Change. Being a Coach.



<https://youtu.be/GQIMQeKzIk0?si=h6yd4iRCpJXbyGlu>

CALIBRATED QUESTIONS

- Open questions which encourage reflection to diffuse conflict
- Avoid why questions, ask what & how questions - don't make requests
- Start with the accusation audit
- Ask for HELP
- Active listening
- Power of a pause
- Mixing calibrated questions with labelling to shift gears into the positive

THE CASE STUDY - LIN

Lin has had some adhoc advice over the last couple of months. Her matter is in court at the end of next week. She is the Respondent and hasn't filed her documents.

She is reluctant to give many details of the matter and dips in and out for advice.

CLIENT COMMUNICATION

Framework from: Porterfield, Dr K, Trauma Informed Client Communication Strategies for Lawyers, Trauma Informed Law; A Primer for Lawyer Resilience and Healing, American Bar Association 2023

Safety

- Is now a good time?
- Is there anything I can do to make this appointment easier for you?
- Reiterate Confidentiality and time frames
- Agenda - is there anything you would be disappointed we didn't get to today?

Control

- I'm going to ask some direct questions is that ok?
- Can you help me understand X?
- Calibrated questions

Reflection

- Design action plan
- Affirm positive behaviour
- Land safely - check in about supports

12

- Is my understanding of X correct?
- What do you want to achieve?
- What are your biggest concerns?

Closure

RESOURCES

Trauma Informed Law Collective

<https://www.facebook.com/groups/329279046141232/>

Trauma Informed Lawyer Podcast - Myrna McCallum

<https://www.myrnaccallum.co/podcast>

Blue Knot Foundation

<https://blueknot.org.au/>

With You Community of Practice

<https://www.nationallegalid.org/withyou/>

Trauma Informed Organisational Toolkit

<https://mhcc.org.au/resource/ticpot-stage-1-2-3/>

Maki et. al, Trauma Informed Law: A Primer for Lawyer Resilience and Healing, American Bar Association 2023

Mate, G, The Myth of Normal, Vermilion London 2022

Van der Kolk, B, The Body Keeps Score, Penguin 2014

Voss, C, Never Split the Difference, Penguin 2016

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THE CASE STUDY - THE SHARK

You've been working with Mal for about a month. He says that he is getting frustrated because you are not being aggressive enough and he wants matters to progress.

You are his third lawyer. He does not want to attend mediation and wants you to commence proceedings.

The logo for actlaw society is displayed on a dark blue rounded rectangular background. The word 'actlaw' is in a bold, lowercase, sans-serif font, with 'act' in orange and 'law' in white. Below it, the word 'society' is in a smaller, lowercase, sans-serif font, entirely in white.

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