Melting Polar Icebergs, Part 3: Teaching Empathy & Self-Care As Core Skills in Asylum Advocacy

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Skills Taught with Goal of Increasing Empathy

1. Cross-Cultural Lawyering Skills:
   - Knowing what’s at stake for our clients enhances understanding and improves communication

2. Trauma-Informed Client Interviewing Skills
   - Understand how trauma impacts memory
   - How to Plan for Trauma-Informed Affidavit Writing Sessions
   - Skills to elicit a more complete and credible narrative

3. Self-Care Skills to Mitigate Secondary Trauma
   - Self compassion is a prerequisite to compassion and empathy
   - Self care reduces secondary trauma, compassion fatigue, and burnout
CROSS-CULTURAL LAWYERING AS A FOUNDATION

Reading: “Five Habits for Cross-Cultural Lawyering,” Sue Bryant & Jean Koh Peters

• Learn about clients’ values and goals
• Understand what is at stake for clients
• Leads to more accurate understanding of what client is communicating
  • “attribute to action and communication that which the actor or speaker intends.”
• Aids in preparing client for interactions within the legal system
CROSS-CULTURAL LAWYERING: UNDERSTANDING WHAT’S AT STAKE FOR OUR CLIENTS

Immigration status determines:

- How long can remain in the U.S.
- Risk of deportation
- Permission to work & attend college
- Eligibility for public benefits & drivers’ license
- Ability to travel
- Whether family can come to U.S.
- Safety and freedom from harm

Undocumented Immigrants and Poverty

<table>
<thead>
<tr>
<th>Percent Who Are Poor</th>
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<tr>
<td>37%</td>
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<tr>
<td>17%</td>
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<tr>
<td>27%</td>
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<tr>
<td>13%</td>
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Source: Pew Hispanic Center.
**WHY IMMIGRATION STATUS MATTERS**

<table>
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<tr>
<th>Uncertainty About Status Causes:</th>
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<tr>
<td>• Fear of deportation</td>
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<tr>
<td>• Prolonged separation from family</td>
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<tr>
<td>• Feelings of helplessness, depression, anxiety</td>
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<td>• Exacerbation of mental health symptoms</td>
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<th>Stressors During Legal Process:</th>
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<td>• Preparing the necessary documents requires re-traumatizing clients</td>
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<td>• Maintaining “victim” status</td>
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<td>• Practical barriers to income, benefits, etc.</td>
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<td>• Stress, anxiety, uncertainty</td>
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TRAUMA INFORMED INTERVIEWING TECHNIQUES: UNDERSTANDING HOW TRAUMA IMPACTS MEMORY

- Reading: “Unpacking Pandora’s Box: Innovative Techniques for Effectively Counseling Asylum Applicants Suffering from PTSD,” Carol M. Suzuki

- What is Trauma v. PTSD (Tahiri Justice Center PowerPoint slides)

- Trauma increases discrepancies, especially in recalling “central details”

- Discuss how traumatic memories are stored as sensory fragments (peripheral details)
  - sound, smell, feel, taste, see
  - Not stored as chronological events
TRAUMA INFORMED INTERVIEWING TECHNIQUES: TRAUMA-INFORMED AFFIDAVIT WRITING SESSIONS

• Reading: “Increasing Law Students’ Effectiveness when Representing Traumatized Clients: A Case Study of the Katharine & George Alexander Community Law Center,” Lynette M. Parker

• Discuss importance of building a trust relationship:
  • “Empathetic engagement”: lawyer “in it” with the client

• Create a “client-centered” and “trauma-informed” environment
  • Patience, focus, compassion
  • “Do the least damage”: get information in least traumatic way
  • Warn client that today’s meeting may leave them feeling worse than when they arrived
  • Take breaks and check-in often!
TRAUMA INFORMED INTERVIEWING TECHNIQUES: SKILLS TO ELICIT CONSISTENT AND CREDIBLE ACCOUNTS

• Open-ended questions first.
• Chaining: what happened right before? Right after?
• Segmenting: ask about other senses: sight, sound, smell, taste, feel
• Ask client to keep a diary
• Address inconsistencies! Discuss the legal process and how the adjudicator will respond
  • Always show on the same team!
SELF-CARE SKILLS & SECONDARY TRAUMA

• What does “your” emotional health have to do with empathy? EVERYTHING!

• What is resiliency? What is self-care?
  • Reading: Am.Psych.Assn article “The Road to Resilience.”

• Take ProQOL self-test. Can use to check-in throughout semester.

• “Your Life Well” Exercise
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