

Navigating Trauma in Clinical Legal Education:

An Interdisciplinary Approach to Teaching Trauma
Stewardship and Trauma-Informed Lawyering as Practical
Legal Skills

Cheryl Bader, Associate Clinical Professor of Law, Fordham University

Kaela Economos, Social Work Clinical Supervisor, Fordham University

Mindy Phillips, Clinical Supervisor, East Bay Community Law Center, Berkeley Law

Introductions

What is: Trauma

Trauma-Informed Lawyering

Vicarious Trauma

Definitions

Trauma & Trauma-Informed Lawyering

- Trauma is the response to a deeply distressing or disturbing event that overwhelms an individual's ability to cope, causes feelings of helplessness, diminishes their sense of self and their ability to feel a full range of emotions and experiences. (Integrated Listening Systems).
- Trauma-Informed Lawyering aims to reduce re-traumatization and recognize the role trauma plays in lawyer-client relationships and provides lawyers with opportunities to increase connections to their clients and improve advocacy. (National Center on Law and Elder Rights).

Vicarious Trauma

- Short Definition: Impact on advocate of cumulative exposure to other people's stories and experiences of trauma
- Refers to changes in the inner experience of the advocate resulting from empathic engagement with a traumatized client. It is a theoretical term that focuses less on trauma symptoms and more on the covert cognitive changes that occur following cumulative exposure to another person's traumatic material. (Pearlman, L.A., & Saakvitne, K.W. (1995)).

Why teach about trauma in clinic?

- Client Representation
 - Impact on lawyer-client relationship
 - Trust
 - Control
 - Boundaries
 - Impact on memory and communication -- with lawyer and decision makers (judge, parole boards etc.)
 - Interviewing
 - Counseling
 - Testimony
 - Interaction with tribunals
 - Advocacy

Why teach about trauma in clinic?

- **Client Wellbeing**
 - Trauma is highly prevalent among the population of clients we represent
 - Reduce risk of retraumatizing clients
 - Engage clients with empathy and compassion
- **Racial and Social Justice Objectives**
 - Address misattribution of trauma responses in clients with marginalized identities (e.g. labeling client as “combative, uncooperative, lying”)
 - Push back against racial and other bias in legal systems

Trauma-Informed Lawyering

Incorporating Trauma-Informed Lawyering Skills

- Guest lecturers and/or interdisciplinary partners conduct seminar presentations on basic concepts and vocabulary (Handouts, PowerPoints, reading assignments)
- Supervision in team meetings -- raising issues around trauma
- Interdisciplinary partners take active role in casework and team meetings
- Case round presentations and mooting exercises that address impact of trauma on lawyer-client relationship or trauma education in advocacy role

Vicarious Trauma

Incorporating Vicarious Trauma Knowledge and Awareness into Clinical Program

- Individual supervision
- Case rounds
- Seminar

Individual Supervision

- **Introductory supervision meeting**
 - Brief conversation about what vicarious trauma is, how it can manifest in the clinic setting, and options for responding if the student experiences vicarious trauma
- **Ongoing supervision meetings**
 - Regular check-ins about student's wellness and stress levels and how student might be impacted by clinic work, debriefs of particularly intense client appointments

Case Rounds

- Small group discussion depending on trust and rapport of group
- Integration of social workers and social work students for facilitating conversation and participating in case review
- Quick-write reflections with prompts for students to consider their personal clinic experience and potential vicarious trauma symptoms, or stress generally; opportunity to identify self-care practices and bring awareness to how much practices are actually practiced

Seminar

- Seminar class dedicated to Vicarious Trauma and Self-Care
- Co-taught by clinical supervisor and social worker
- Topics covered:
 - Basic definitions
 - Symptoms of vicarious trauma (see Laura Van Dernoot Lipsky's Trauma Response Wheel)
 - Identity/intersectionality in relation to self-care/mental health
 - Generational trauma
 - Organizational and institutional responsibility for wellness
 - Strategies for addressing stress
 - Self-care practices

Contact Information

- Cheryl Bader, Associate Clinical Professor of Law, Fordham University:
cbader@fordham.edu
- Kaela Economos, Social Work Clinical Supervisor, Fordham University:
keconomos@fordham.edu
- Mindy Phillips, Clinical Supervisor, East Bay Community Law Center,
Berkeley Law: mphilips@ebclc.org