



# LAW & POLICY NEWS



## TRAINING SPOTLIGHT

Your legal resource for working with victims of Sexual and Domestic Violence and Stalking in Kansas

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### Survivor-Centered Lawyering: Improving Legal Experiences and Outcomes for Survivors and their Attorneys

Presented by a variety of Kansas subject matter experts in the legal and victim advocacy area

**June 4, 2021**

8:45 a.m. - 4:30 p.m. CST

6.0 KS CLE credit pending

This event is offered at no cost to LAV Network Attorneys and Allies.

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## University of Kansas Law School and Washburn University School of Law Add Trauma-Informed Lawyering in Clinic Curriculum: An Interview with the Law School Clinic Directors

By Genevieve Akins, Advocacy Coordinator

I recently spoke with Gillian Chadwick, Director of the Washburn School of Law Clinic, and Meredith Schnug, Associate Director of the University of Kansas School of Law Legal Aid Clinic about Trauma-Informed Lawyering curriculum and how it is relevant for today's legal professionals.

**Q1:** Can you tell me about your background?

**Gillian:** Before I came to Washburn, I was a teaching fellow at Georgetown University School of Law in the Domestic Violence Clinic for two years and before that I worked in legal aid/civil legal aid services in DC with survivors of gender-based violence working on all kinds of family, immigration, and other cases.

**Meredith:** I currently serve as a Clinical Associate Professor and Associate Director of the Legal Aid Clinic at the University of Kansas School of Law. We represent clients in juvenile and misdemeanor defense, expungement, and gender marker and name change cases. Before joining KU's faculty in 2015, I was a senior

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*Interview with Directors, continued from page 1*

attorney with the Legal Aid Society of Southwest Ohio, LLC. I represented survivors of intimate partner violence in protection order, divorce, custody, and immigration cases, and served as guardian ad litem for children in abuse, neglect, and dependency cases.

**Q2:** *Why do you feel that trauma-informed lawyering is important, not just for lawyers working with survivors of domestic or sexual violence but for lawyers practicing all areas of law?*

**Gillian:** I think that domestic and sexual violence are not the only kinds of trauma that people experience. They can experience trauma related to poverty, racism, and other forms of interpersonal violence. I think that lawyering is a helping profession so if we want to be able to help our clients properly, we need to be trauma informed. The other thing is that you do not have to do family law or specialize in gender-based violence to encounter people who have experienced gender-based violence. You may encounter that in any area of law.

**Meredith:** As attorneys, we may or may not know our clients' trauma histories. Research suggests that about one-third of the population will experience severe trauma in their lifetime. To best represent our clients, we need their input and engagement, which can be a challenge if trauma poses a barrier. By recognizing signs of trauma and understanding its effects, we can effectively advocate for our clients and avoid re-traumatizing them in the process.

**Q3:** *Why do you think so few law schools emphasize trauma-informed lawyering skills?*

**Gillian:** Law schools are slow to change so I think that there is a lot of traditionality in the curriculum. When something is outside of that tradition it takes a while to catch on. Additionally, at many law schools the professors have not done a ton of practicing so they may not exactly understand trauma-

informed lawyering or why it would be important. Luckily, that is not the case at Washburn, but that is the case at many schools.

**Meredith:** The good news is that more and more law schools are teaching trauma-informed lawyering, particularly in law school clinics. Clinics are an ideal setting for students to learn and practice how to identify trauma and then adjust their attorney-client relationship and litigation strategy accordingly. For students who do not enroll in a live-client clinic in law school, though, it is still important that they have some exposure to these skills.

**Q4:** *How is trauma-informed lawyering education incorporated into the law schools at which you teach?*

**Gillian:** It is a huge part of our clinical program. Trauma-informed lawyering is something we specifically teach in the clinic and is a part of the counseling model that we teach. We have specific classes on trauma-informed lawyering and that is also just how we teach students how to be lawyers. We also have specific readings about trauma. I often recommend different books and articles for students. It is a multifaceted topic, so it is more about thinking about trauma in all aspects of the attorney-client relationship. Specifically, how the experience of trauma might affect how a client answers questions, acts in an interview, how they feel about going to court. So how do you create a situation that empowers a client. We emphasize using a client-centered, collaborative lawyering model, not a top-down model. For instance, students listen to podcast episodes focusing on and featuring survivors of sexual violence. Then we discuss how we can be mindful in client interactions and not take things personally, while remaining professional, compassionate, and understanding.

**Meredith:** At KU Law, the first-year lawyering curriculum lays the foundation for these skills by teaching students to recognize and

overcome various barriers to communication and to account for the client's point of view. Second-year students build on these concepts in Professional Responsibility. With that foundation of client-centered lawyering, we then directly incorporate trauma-informed practice into our clinical education. In the Legal Aid Clinic, for example, we devote a whole class to the topic, but more importantly, students have the opportunity to practice those skills with clients throughout the semester.

**Q5:** *From your perspective, what kind of student responses do you see towards trauma-informed education?*

**Gillian:** Primarily, students are very enthusiastic about it. I think they appreciate the different approaches to teaching it. Bringing in multimedia and personal stories is very helpful in making it more real for students. So, I think they are appreciative of the opportunities to build their skills in this area.

**Meredith:** Students value the opportunity to learn concrete strategies to help build client trust. Many students fear that clients will question their competency. I certainly felt that way when I started in practice. But generally, our students find that being prepared and reliable, and treating clients with respect and compassion, builds trust quickly.

**Q6:** *In educating students about trauma-informed practices, how do you help students build self-care practices, specifically related to vicarious trauma?*

**Gillian:** In the clinic we have a big focus on wellness and that encompasses vicarious trauma. I think it is important to be proactive about wellness and not necessarily teach wellness in response to trauma. So, wellness as a proactive practice. We have a lot of different modules on wellness and self-care. I also have some supplemental reading that we give to students that need additional support.

**Meredith:** There has been a growing emphasis on well-being in our profession, and the same is true at KU Law. We encourage students to incorporate self-care into their routines and to take time away from the demands of law school. Sometimes it is helpful for students to understand that preventing vicarious trauma is integral to trauma-informed lawyering – we simply can't serve our clients well when we are struggling ourselves. As attorneys, we need to model practices like setting professional boundaries. We can also make space to talk about stress and vicarious trauma. Sometimes just knowing that a colleague has been there before can make all the difference.

**Q7:** *For lawyers currently practicing, how would you suggest they educate themselves and implement trauma-informed practices into their work?*

**Gillian:** There are a lot of great trainings. I think the ABA Commission and the Coalition does great trainings. I think that the science has changed and continues to change. Even people who may have some understanding of trauma can always benefit from some training. Get in touch with organizations that have some expertise in these areas and look at their training and resources online.

**Meredith:** Just read! And listen, too. There are lots of bar journal articles on this topic. The American Bar Association has several resources online. The National Center on Domestic Violence, Trauma & Mental Health also provides helpful tip sheets and free webinars. Finally, listening to our clients is critical. While it is not our clients' responsibility to educate us about trauma, we should invite our clients to share with us how we can best meet their needs. Questions as simple as "how can I make you more comfortable?" go a long way to show a client that we care and that their voice matters. ♦

# Trauma-Informed Lawyering Tips

## Emotional Safety Planning for Court

Legal proceedings can be stressful events for participants, whether or not they are survivors of abuse and trauma. It is vital that lawyers take the time to prepare a survivor of abuse for their court proceeding. Attorneys may be in and out of court so frequently they overlook that their client is often feeling alone, afraid, anxious, and hesitant before a court proceeding. Attorneys should encourage a survivor of abuse to contact a victim's advocate for emotional support and resources. However, attorneys must recognize that their client will be able to be at their best if they are prepared for court.

### Situation:

During a court proceeding, your client, a survivor of abuse, does one or more of the following: becomes angry or visibly anxious, or begins to retreat, slow their speech, and looks like they are "checking out."

From a trauma-informed perspective the question is what is happening from the perspective of the survivor? Over the past year, courts, in response to the pandemic, have had virtual hearings where the abuser and survivor have not seen each other. As the pandemic eases, in-person court hearings will resume and in an in-person court hearing, traumatic reminders will come to survivors in many forms.

The survivor may not have seen the person who abused them in a long time, and they may be triggered by many things including being in the same room, a facial expression, a seemingly non-threatening comment by the abuser, or the color of the abuser's clothes.

Recognize that the abuser may intentionally do things or use the court process to try and make the survivor feel uneasy, afraid, or terrified.

Remember, in sexual assault and domestic violence situations, the abuser's goal is to control the survivor; what he or she does, says, thinks and feels. Seeking a legal remedy may be empowering to the survivor, but the adversarial nature of court proceedings requires the survivor coming forward in a public venue to address strangers with the intimate details of the relationship or abuse which can be intimidating and trigger memories of past incidents and retraumatize. In addition, the survivor may be experiencing the direct effects of recent or ongoing abuse such as increased anxiety, sleep deprivation, and exhaustion.

Furthermore, many people and their communities (e.g., communities of color, LGBTQI communities) have been and continue to be targeted and deeply affected by legal and administrative systems, including the criminal justice, immigration, and child protective services systems. For these reasons, distrust of the legal system may be another significant factor for your client.

### What Can You Do?

1. Talk to the survivor about what to expect at court. You or your administrative staff could offer them a virtual tour. Let them know who will be there, where will they sit, how long will they be there, where are the restrooms. Balance how much information to share with the survivor and how much information could be overwhelming. Let the survivor guide you.
2. Encourage the survivor to bring someone to court with them if they can, a friend or family member, a court advocate or victim's advocate.
3. Suggest making a "night before" plan. Encourage the survivor to try to get some

- sleep, eat something before court and plan for self-care.
4. Offer to help make a “what if” plan. Ask the survivor if she thinks the court proceedings may be a trigger or cause stress or worry, and help them plan how to respond.
  5. Encourage the survivor to practice self-calming techniques prior to the day of court so that they are automatic or easier to access when stress or trauma make it hard to think.
  6. Ask the court for a recess when the survivor feels she needs one or when you notice a trauma response. While on break, validate their feelings. Acknowledge what is occurring may be upsetting and that they are doing a great job. ◆

**Source:**

[http://www.nationalcenterdvtraumamh.org/wp-content/uploads/2013/08/TILA\\_PreparingforCourt\\_MH\\_Apr22doc.pdf](http://www.nationalcenterdvtraumamh.org/wp-content/uploads/2013/08/TILA_PreparingforCourt_MH_Apr22doc.pdf)

**For more information on Trauma-Informed Lawyering and Advocacy see:**

National Center on Domestic Violence, Trauma and Mental Health  
<http://www.nationalcenterdvtraumamh.org/trainingta/trauma-informed-legal-advocacy-tila-project/>  
 Victim Rights Legal Center  
<https://victimrights.org/>  
 American Bar Association on Domestic and Sexual Violence  
<https://www.bwjp.org/resource-center/resource-results/aba-commission-on-domestic-sexual-violence.html>

# LEGISLATIVE UPDATE

164<sup>th</sup> Session of the Kansas Legislature



## Bills Made Law

### House Bill 2008

Provides that, in consultation with Native American Indian tribes, the Kansas Bureau of Investigation, the Kansas law enforcement training center and other appropriate state agencies, the attorney general may coordinate training regarding missing and murdered indigenous persons for law enforcement agencies throughout Kansas.

## To Governor for Signature

### House Bill 2071

Increases the criminal penalties for stalking a minor.

### House Bill 2085

Creates the students’ “right to know act” to provide information on postsecondary education options.

## Scheduled for Conference Committee

### House Bill 2114

Establishes the Kansas senior care task force, a Kansas elder and dependent adult abuse multidisciplinary team coordinator and elder and dependent adult abuse multidisciplinary teams.

### House Bill 2079

Transfers duties concerning address confidentiality program (Safe at Home) from the secretary of state to the attorney general.

### House Bill 2077

Extends the Kansas criminal justice reform commission, limits the commission’s scope of study and adds a public defender.

Karen Ebmeier works as a LAV attorney with KCSDV to fill a critical need in the justice system. Karen has worked as a public defender, a domestic violence prosecutor, and a family law attorney since her admission to the Kansas bar in 2007. She was able to be part of a Family Safety Center in Tulsa, Oklahoma as part of her work as a protection order attorney at Domestic Violence Intervention Services (DVIS). As part of that team, she witnessed the impact of holistic care for domestic violence survivors and it made a strong impression on her about how important it is to provide family services for survivors. Karen strives to do that in her legal practice, and believes it is important to work with LAV to ensure that all survivors have access to quality resources and services. Karen is grateful to her law firm, Thompson-Hall, PA, and her husband, Carl Folsom, for recognizing this important work and fully supporting her work with LAV.

*This section is the home for information on Kansas attorneys who are doing stellar work for victims of sexual assault, domestic violence and stalking. We want to feature all of the network attorneys who do the hard work of representing and working with victims. Please feel free to send nominations for Who's Who in DV/SA Law to Genevieve Akins at [gakins@kcsdv.org](mailto:gakins@kcsdv.org).*

*Photo by Earl Richardson*

## WHO'S WHO IN KANSAS DV/SV LAW



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