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WORKING WITH CLIENTS WITH PAST TRAUMA

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The Advocates for Human Rights

“History, despite its wrenching pain, cannot be unlived, but if faced with courage, need not be lived again.”

-Maya Angelou

Triple Trauma Paradigm

Pre-Flight

- Threats
- Torture
- Lack of medical care
- Repeated relocation

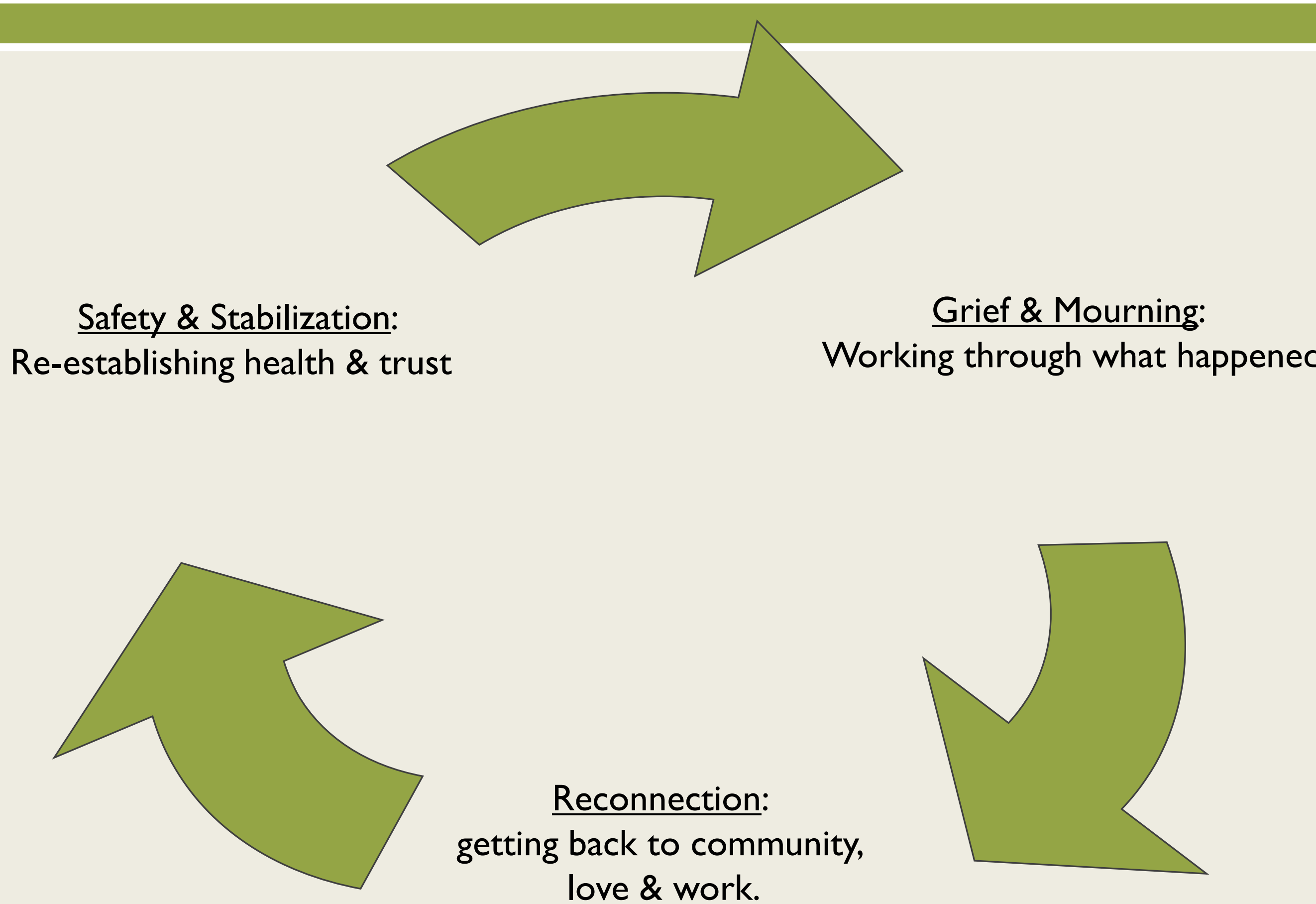
Flight

- Fear of being caught or returned
- Illness
- Separation from family

Post-flight

- Lack of legal status
- Low socio-economic status
- News from home
- Isolation
- Unemployment

Torture Survivors – Healing Process



Non-Legal Challenges for Asylum Seekers

- Health Care
- Family
- Food
- Transportation
- Housing

Building the Client/Attorney Relationship

- Spend time with your client
- Discuss the "system" and how it might differ from the home country's legal system
- Discuss your role as attorney
- Discuss the client's role in representation

Logistical Considerations

- Schedule regular appointments when possible - coordinated care
- Ask about barriers to keeping appointments
  - Transportation, bus fare, missed meals in shelters, childcare responsibilities
- Use best practices with interpreters
  - Speak directly to client not “tell him …”
  - Interpreter cannot interject opinions or be a “cultural broker”
  - Pause frequently to allow for interpreting
  - Avoid legalese & acronyms
  - Take breaks for interpreter
- Check for understanding
  - Ask client to repeat back for understanding
  - Confirm how client wants to access case information

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Interview Preparation

- Loose outline.
- Organize questions so that client only must go over persecution in detail once and craft them according to client's sophistication.
- Review country background ahead of time so client doesn't have to explain.
- Set a time frame for interview and keep it.
- Travel arrangements.
- Ascertain client's immediate needs (food, housing, clothing, health care, etc.).

Environment

- Who is in the room?
- Where are the doors?
- Are there windows?
- Availability of water, tissues, paper, pen.
- Explain role of attorney, process and that you will be asking about persecution.
- Explain confidentiality, privilege
- Be aware of external barriers to disclosure (e.g., safety of family members, other people in the room, social stigma, etc.)

Interviewing Techniques

- Cater Questions to Client's Level of Sophistication
- Use Chaining (what happened next, and next, and next)
- Use Segmenting (describe sensory details: sight, sound, smell, feel)
- Centralize Questions About Traumatic Incidents
- Confront Inconsistencies and Remind Client to Own the Unknown
- Validate Tangents and Acknowledge Client May Underestimate Significance of Key Event
- Use Follow-Up Interviews for Clarification and Review

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Addressing Client Emotions

- Triple Trauma Paradigm (Pre, flight, post)
- Take Breaks
- Allow for Pauses
- Mix up Emotionally Charged Topics with Neutral Topics
- Know When to Stop and When to Push Forward
- Bring Client Back to the Present Before Ending Interview

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Addressing Attorney Emotions

- Take Breaks
- Be Wary of Projecting Emotions
- Be Wary of Biases
- Acknowledge Vicarious Trauma

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Final Review with Client

- Client must review entire document in their own language.
- Make sure client has a copy. Can also ask to review at home.
- Understanding Consequences
- Willingness to agree to details.
- Remember: There WILL be inaccuracies.

Eliminating Bias in Our Practice

- Listen carefully to client's complaints (couldn't get drivers license, apartment, etc.) even if not directly related to the subject of your case
- Explain how legal system may address concerns
- Understand how past experiences can influence responses to government, authority figures
- Pay attention to the news and be sensitive to what is going on in the world. It may impact the experiences your client has here
- Be aware not only of your reactions, but also how other attorneys and staff in your office are responding to client

Conclusion

- Identify assumptions
- Ask questions & provide explanations
- Check for understanding
- Pay attention to the way you interact
- Respond sensitively
- Think creatively