

# CENTERING CLIENT NEED: STRATEGIES FOR EFFECTIVE CLIENT COMMUNICATION

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Bailey Zydek, Office of Civil Legal Aid  
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# TRAUMA

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While it is safe to assume that most of our clients have a history of trauma (contact with the system is a trauma in itself!), not all clients will show symptoms of trauma or otherwise “act” traumatized

Some clients might not actually be experiencing the effects of historical trauma when you are meeting with them

BE THAT AS IT MAY, attorneys should err on the side of caution and utilize strategies for trauma-informed client communication in order to render effective representation that is responsive to the needs of our clients

# TRAUMA SYMPTOMS

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Physical and emotional symptoms of trauma include:

- Emotional dysregulation—hyperarousal or dissociation (“shutting down”)
- Unpredictable and/or impulsive behavior
- Intense reactions to reminders of a traumatic event:
  - Perceiving others as violating their personal space
  - Blowing up when corrected or given directions by an authority figure
  - Resisting change or transition

# TRAUMA EFFECTS

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Trauma can affect how a person **thinks**, **processes information**, and **communicates with others**.

Chronic exposure to traumatic events, especially during early childhood, can negatively impact:

- Attention, memory, and cognition
- Ability to focus, organize, and process information
- Ability to effectively problem solve or plan
- Ability to negotiate overwhelming feelings of frustration and anxiety

# WHY CONSIDER TRAUMA?

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Committing to a trauma-informed approach to client communication promotes a **secure attorney-client relationship**

Secure attorney-client relationships better **support client goals** and **minimizes hurt and frustration** on both sides of the attorney-client relationship

For children in particular, research indicates that forming safe, positive relationships with adults can be one of the best paths to **healing from trauma**

- Traumatized youth often approach new relationships as *fresh opportunities to be hurt or disappointed*.
- Relationships can reinforce negative ideas about adults (they're untrustworthy) or themselves ("I am not worthy.")

# WHY CONSIDER TRAUMA?

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The effects of trauma can **impact core functions** of the attorney-client relationship, including:

- Establishing trust
- Interviewing
- Ability to effectively explain case developments
- General counseling and advising
- Client engagement

# STRATEGIES FOR TRAUMA-RESPONSIVE REPRESENTATION

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Six key elements to being a trauma-responsive advocate:

1. PATIENCE
2. PREDICTABILITY
3. AGENCY
4. RELIABILITY
5. PROACTIVE SUPPORT
6. TRANSPARENCY

# PATIENCE

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Take your time and **don't rush!**

If your client appears to be in distress or is shutting down, gently address their distress and give them an opportunity to come back to baseline:

- “I can see this conversation is making you uncomfortable. Would you like to take a break?”
- “I want to remind you that you are safe talking with me. I am here for you whenever you are ready to talk.”
- “It seems like you might be getting uncomfortable. Is there something we could do to help you feel more at ease?”

People experiencing trauma can misinterpret facial expressions and vocal tones in negative or threatening ways. Attorneys should be mindful of their **tone**, **body language**, and **facial expressions**. Maintain a gentle, non-threatening demeanor even in the face of frustration.

# PREDICTABILITY

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Predictability and routine is “known” and therefore feels safe

Prepare clients for upcoming case milestones and provide ample opportunity to answer any questions they might have:

- “We have a permanency planning staffing coming up in a couple weeks. Let’s review some of the things that will be discussed.”
- “Our next hearing is a review hearing. Judges order these hearings so they can keep on top of how things are going. We will talk more about what to expect at the review hearing as the date gets closer.”

Emergent issues can and do arise. **Prepare your client for this possibility.** Provide assurance that you are there to handle the situation and to keep them informed.

# AGENCY

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Contact with the system is necessarily a loss of agency. A sense of control in chaotic and uncertain times can be a **grounding force** for people in crisis

Choices can give a sense of control, however small:

- “Where would you like us to meet?”
- “Why don’t you pick where we sit.”
- “Should I leave the door open or closed?”
- “Is it ok for me to come see you at school?”

Reinforce for the client that **they are the authority figure** in their case. Your representation is *client-directed* therefore their voice is essential to decision-making

# AGENCY

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Review with your client what you intend to discuss at a particular meeting or hearing, especially if you feel a discussion of their trauma history is necessary:

- Seek **permission** to vocalize sensitive information
- If you feel it is legally necessary to convey sensitive information, explain to your client why you think it is necessary and how it will help them achieve their stated goals

Be **sensitive to your clients needs** in hearings and at meetings:

- Is your client anxious about being in the same room as another party during a staffing? Can you position yourself as a buffer or arrange to have your client participate by phone?

# RELIABILITY

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People who have experienced trauma, especially children, often expect to be betrayed or disappointed by others. Don't confirm this bias!!

- Follow through on your responsibilities and commitments
- Attend all appointments
- Avoid last minute cancelations
- NEVER make a promise that you cannot keep

If your client is expecting you to be present at a hearing and you end up needing coverage, explain this to your client well in advance.

Notify your client of any planned time off and explain the mechanisms you have in place to ensure their case needs will continue to be met in your absence

Remember: **reliable** ≠ **available at all times**

# PROACTIVE SUPPORT

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Try to **anticipate events or episodes** that may be distressing to your client and work to ensure that **adequate supports** are in place.

- Ask your client if there any **support persons** that they would like to be present at hearings or staffings you know will be stressful or difficult to help them feel more secure or supported
- Discuss with your client **supports and interventions** that may be available to them as they navigate the system
- With your client's consent, enlist the assistance of third parties or client-identified trusted persons to help you **gather information** to give your client the support they may need but might not be able to articulate.

# TRANSPARENCY

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As a general rule, attorneys should be **open and transparent** about their client's case using language and terms that meet the client's developmental or cognitive needs

Transparency promotes trust and **strengthens the attorney-client relationship**. It lays the groundwork for the client to be a fully-informed, active participant in their own case

For youth, transparency **distinguishes** your relationship with the client from other relationships in the youth's life that may be marked by secrecy or even deceit

For parents and youth, transparency in communication **reinforces your role** as a trusted advocate who works for *them*

# LIMITS ON TRANSPARENCY

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Attorneys must balance their ethical obligation to communicate case information to clients with their duty to avoid unnecessary (re)traumatization of the client in throughout the course of representation

RPCs do allow for the withholding or delayed transmittal of information in some circumstances where children are involved. This exception to delayed communication or withheld information is expressly related to potential harm to a client.

# RPC 1.4 Communication

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(a) A lawyer shall:

- (1) Promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0A(e), is required by these Rules;
- (2) Reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) Keep the client reasonably informed about the status of the matter;
- (4) Promptly comply with reasonable requests for information; and
- (5) Consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation

*Comment [7]: "In some circumstances, a lawyer may be justified in delaying transmission of information when the client would be likely to react imprudently to an immediate communication. Thus, a lawyer might withhold a psychiatric diagnosis of a client when the examining psychiatrist indicates that disclosure would harm the client. A lawyer may not withhold information to serve the lawyer's own interest or convenience or the interests or convenience of another person..."*

# PANEL DISCUSSION

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[Names of panelists goes here]

# THANK YOU!

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Bailey Zydek  
Office of Civil Legal Aid  
[bailey.zydek@ocla.wa.gov](mailto:bailey.zydek@ocla.wa.gov)