

Trauma-Informed Lawyering

**Presented by
Kelly Stoner, TLPI Victim Advocacy Legal Specialist**

**Shelley Miller, Executive Director Native Alliance Against
Violence**

Materials drawn heavily from the ABA Commission on
Domestic And Sexual Violence, Trauma-Informed
Representation Institute (2025)



Disclaimer

This project was supported by Grant No.15JOVW-24-GK-03005-LEGA awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed on this site or in any materials on this site are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Presenters



Kelly Gaines Stoner
NAAV Consultant and
Victim Advocacy Legal Specialist
Tribal Law and Policy Institute



Shelley Miller
Executive Director
Native Alliance Against Violence

Learning Objectives

By the end of the presentation, participants will be able to:

1. List different types of trauma responses
2. Understand the impact of trauma on attorney-client relationship
3. Understand the benefits of trauma-informed legal practices
4. Discuss connections of privacy, confidentiality and privilege to victim safety
5. Discuss six principles for Trauma-Informed legal representation
6. Discuss strategies for implementing Trauma-Informed practices into your legal representation



Trauma Data

(Bonnie Schmidt, The Prevalence of Post Traumatic Stress Disorder Among Americans, March 15, 2025)

- 70% of U.S. adults have experienced a traumatic event at least once in their lifetime
- 1/3 of the population will experience severe trauma in their lives
- 6% of Americans have PTSD during their lifetime



Trauma-Informed Lawyering

Lawyering practices that requires a lawyer to put “the realities of the clients’ trauma experiences at the forefront” and adjust their approach to be “informed by the individual client’s trauma experience. [Pedagogy of Trauma-Informed Lawyering](#)



Trauma Responses

Fight

Flight

Freeze

Appease

Impact of Trauma on Legal Representation

Lack of trust in lawyers

Lack of engagement in the case

Inability to recount events; memory loss/gaps

Difficulty processing information

Challenges with communication

Increases time needed to meet with client and prepare for the case

Ability to participate in the case may be impacted



Trauma-Informed Legal Representation

Enhanced Safety

Increase trust and rapport

Avoids re-traumatization

Assists with obtaining the information necessary to help the client meet their goals



Knowledge Check



Attorney is meeting the Client for the first time. When attorney goes to meet the Client in the waiting room, the client has brought her Pastor with her. The Client and Pastor both stand up to go into the Attorney's office and the Attorney says: "Oh no, he can't come in here."

Discuss the Attorney's response.
What would you do in this situation?

Please place thoughts in chat

Privacy, Confidentiality, and Privilege

Privacy is the client's personal choice whether to disclose the information and to whom

Confidentiality is the attorney's responsibility to protect the client's choice about disclosing information. (an ethical duty)

Privilege is the attorney's legal duty to protect disclosure of the client's information. (usually statute driven)



Knowledge Check



Attorney is representing Client in a child support matter and there is a hearing schedule for tomorrow. Despite numerous requests and reminders, Client has still not produced the necessary documents. Attorney leaves Client a frustrated voice mail.

What would you do in this situation?

Please place thoughts in chat

Knowledge Check



Attorney arrives at the courthouse for a hearing on custody/child support involving domestic violence. Client informs attorney that client has dropped the protection order in the case and is considering reconciling with the defendant.

What would you do in this situation??

Please place thoughts in chat

Six Principles for Trauma-Informed Representation

- Transparency
- Predictability
- Client Control
- Reliability
- Proactive Support
- Patience

(Talia Kraemer and Eliza Patten, Establishing a Trauma-informed Lawyer-Client Relationship, ABA Child Law Practice, Oct. 2014)



Discussion: How might tribal customs, traditions affect trauma-informed lawyering?

1. If you are unfamiliar with the tribal community, how can you obtain that knowledge?
2. How might communication barriers present challenges for lawyers in this area?
3. How might trust issues create barriers in legal representation?
4. How might tribal kinship rules be important in legal representation?
5. How might customs/traditions of a tribal community create a need to adjust legal representation?
6. Other challenges in this area?

Tips for working with client who have experienced trauma. (Recall trauma affects each client differently)

- Proceed with empathy
- Ask open-ended questions
- Focus on physical and emotional safety
- Ensure accessibility
- Diminish power imbalance
- Offer clear explanations
- Follow the client's lead
- Explain next steps



More Tips for Trauma-informed Representation When Meeting With Client

- Increase natural lighting
- Eliminate ambient noise
- Decrease “visual complexity”
- Offer choice of seating
- Ensure other client files are secure
- Offer water, tea, snacks, fidget toys, coloring books
- Make sure client knows location of restrooms
- Ensure client has easy access to the door



More Tips for Trauma-informed Representation When Meeting With Client

- Ensure that the conversation cannot be overheard
- Consider:
 - How you will take notes
 - How you will dress
 - Whether another meeting spaces might be better
 - Ensure safety in virtual meeting spaces has been addressed.



More Tips for Trauma-informed Representation When Meeting With Client

- Give the client your full attention
- Recognize the humanity in your client
- Ask how they wish to be referred to
- Begin with a discussion of the attorney/client privilege as well as mandatory reporting
- Acknowledge the difficulty of the intake and ensure client know they have control of the pace



Interview Skills to Practice

Active Listening

Use open-ended questions

Avoid leading questions

Take the time to explain the process of the interview

Follow the client's cues

Adjust your approach when the client becomes activated



Knowledge Check



INTERVIEW SKILLS

How will you provide active listening interview skills?

How will you take note of client cues?

How will you adjust your approach when client becomes activated

Please place thoughts in chat

Resources

American Bar Association Commission On Domestic and Sexual Violence Page

[Domestic & Sexual Violence](#) (under ‘Our Projects’ on the site see Trauma-Informed Legal Representation)

Articles for Continued Learning

[Implementing and Supporting Trauma Informed Legal Systems](#) (Tribal Law and Policy Institute video)

Native Hope. “Understanding Historical Trauma and Native Americans.” Native Hope Blog. Native Hope, September 16, 2020. [Understanding Historical Trauma and Native Americans](#).

[CJI Factsheet TraumaInformed TJI 06142024.pdf](#) (fact sheet on Trauma-Informed Tribal Justice System Practices)

[Pedagogy of Trauma-Informed Lawyering](#) (article on trauma-informed lawyering)



Questions?

Discussion?



THANK YOU!

Please complete the webinar evaluation using the link or QR code below, thanks!

<https://www.surveymonkey.com/r/TLAPS-July152026>



TLAPS Contact Information

Bonnie Clairmont

Victim Advocacy Program Specialist

Email: Bonnie@TLPI.org

Cell: 651-216-2209

Kelly Stoner

Victim Advocacy Legal Specialist

Email: Kelly@tlpi.org

Team email to all: TLAPS@tlpi.org

Suzanne M. Garcia

Legal Specialist

Email: Suzanne@tlpi.org

Marlon Footracer

Program Support Specialist

Marlon@tlpi.org

TLAPS website: TribalLegalServices.org

TLPI website www.Home.TLPI.org



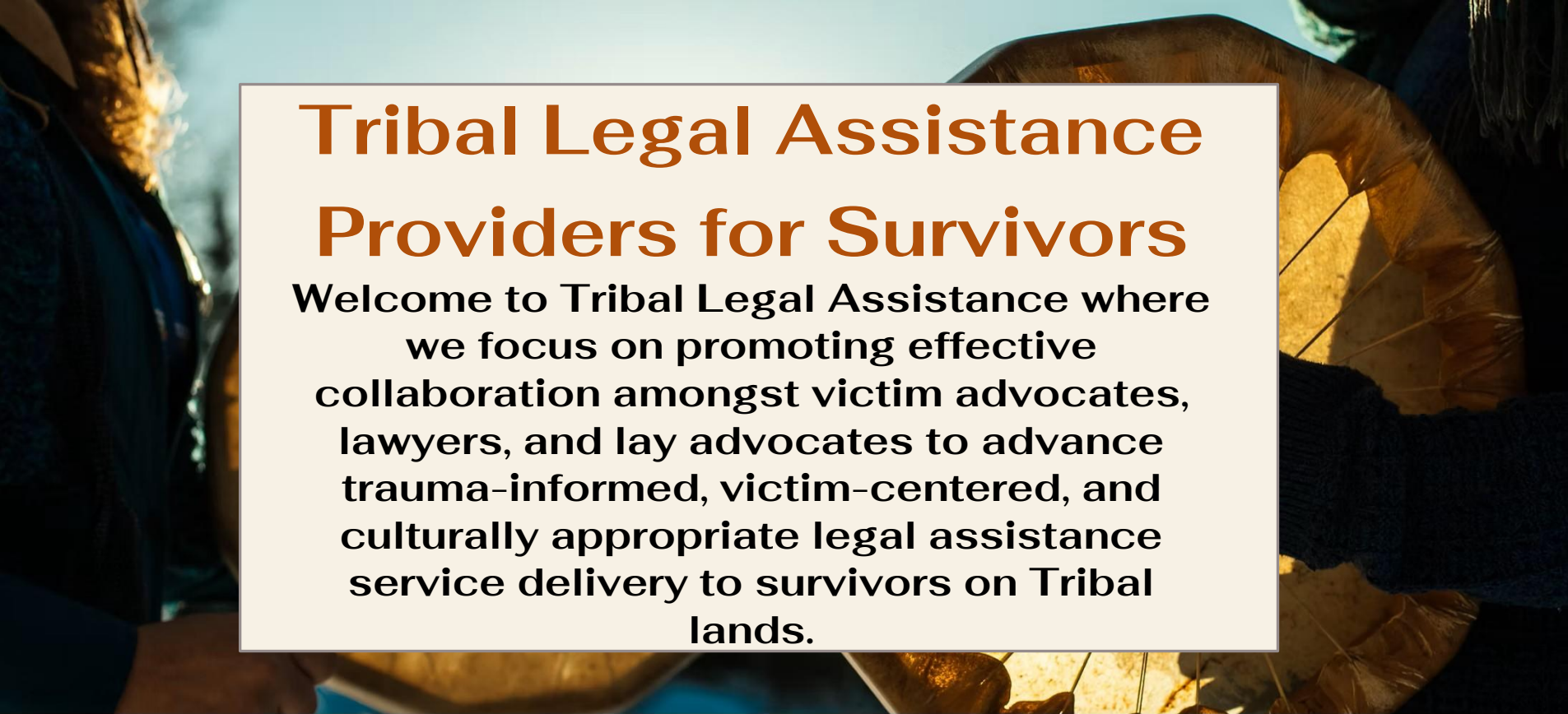
Please Join Us for Upcoming Webinars!

August 19, 2026 Victim's Rights

In this webinar, participants will receive information on Victim's Rights in Indian Country. The presentation will address why Victim's Rights are beneficial to victims and their families. Next, the webinar focuses on how to navigate multiple jurisdictions. The presentation will address the various definitions of "victim" for purposes of asserting victim's rights and then moves to enforcement of victim's rights. The webinar concludes with useful tools to utilize when working with victims asserting their victim's rights



For more information, please visit the project website:
www.TribalLegalAssistance.org



Tribal Legal Assistance Providers for Survivors

**Welcome to Tribal Legal Assistance where
we focus on promoting effective
collaboration amongst victim advocates,
lawyers, and lay advocates to advance
trauma-informed, victim-centered, and
culturally appropriate legal assistance
service delivery to survivors on Tribal
lands.**

Requesting Technical Assistance



There is no wrong way to request TA - you can also request individual TA by emailing or calling us

- Examples of Individual TA that you can request:
 - Assistance in finding a particular resource
 - Questions about individual cases/situations (but we can't give legal advice)
 - Examples of procedures, policy, or codes
 - Support developing procedures or policies
 - Support developing an MOU with an advocacy program, legal services provider, or others

**Please complete the webinar evaluation using the link or
QR code below, thanks!**

<https://www.surveymonkey.com/r/TLAPS-July152026>

