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ARTICLES

INCREASING LAW STUDENTS' EFFECTIVENESS WHEN REPRESENTING TRAUMATIZED CLIENTS: A CASE STUDY OF THE KATHARINE & GEORGE ALEXANDER COMMUNITY LAW CENTER

LYNETTE M. PARKER*

"I also learned another important lesson this term—one I had not expected to learn when I enrolled in the course. This is a lesson that is not taught in criminal law, contracts, or civil procedure, and one that is rarely spoken about. I learned that a lawyer must evaluate her emotional responses to her cases on a regular basis in order to be a more competent advocate and a healthy human being . . . I realized that the key to success in law is not to be an island of emotional strength but rather to be a professional who can acknowledge her feelings and speak about them with others before they become a detriment to her work. I believe that this is the most valuable lesson I have learned at the law center this term."

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Comment by a Santa Clara University School of Law student and alumnus of the Katharine & George Alexander Community Law Center (KGACLC)

I. INTRODUCTION

Law students are trained to separate logic from emotions in order to competently and thoroughly analyze legal issues from a position of detachment.¹ They are trained to view legal issues objectively and unemotionally, creating a wall between their feelings and their minds.² When students represent traumatized clients, their inability, unwillingness, or lack of knowledge of how to cross the divide between logic and emotions can hinder zealous advocacy for their clients.³ This raises issues with respect to the duty of care and professional responsibility that law students and their supervisors owe to clients in a clinic, as well as a duty to train and support that law schools, clinical programs, and instructors owe to the law students. Yet this wall between emotion and reason, even for law students, is not impenetrable.⁴

1. See Marjorie A. Silver, *Love, Hate, and Other Emotional Interference in the Lawyer/Client Relationship*, 6 CLINICAL L. REV. 259, 280 (1999) (noting that "traditional legal education [is taught] by means of the Socratic Method, and its emphasis on the Rule of Reason.") [hereinafter Silver, *Love & Hate*]; see *id.* at 279 (noting that law students generally fit the psychological profile of "one who is drawn to logical thinking and rationality" and that "[s]uch thinkers tend to devalue emotional responses"). In some cases, law students have accepted the idea that ways of thinking that are not "like a lawyer" are less than valuable. David R. Culp, *Law School: A Mortuary for Poets and Moral Reason*, 16 CAMPBELL L. REV. 61, 79-80 (1994). See also Professor Marjorie A. Silver, Dr. Sanford Portnoy & Professor Jean Koh Peters, *Lawyering and Its Discontents: Reclaiming Meaning in the Practice of Law: Stress, Burnout, Vicarious Trauma, and Other Emotional Realities in the Lawyer/Client Relationship*, 19 Touro L. REV. 847, 849 (2004) (noting that "lawyers are trained to assume that the only things relevant to their relationships with their clients are how well they know the law and how well they can read and apply it") [hereinafter Silver, et al., *Lawyering and Its Discontents*]; Susan Daicoff, *Law as the Healing Profession: The "Comprehensive Law Movement,"* 6 PEPP. DISP. RESOL. L.J. 1, 5-6 (2006) (commenting on the fact that "[l]aw schools traditionally teach students to sift through facts and issues to eliminate 'irrelevant' concerns and focus only on what is 'relevant' to the rule of law," that the "emotional and interpersonal dynamics of a matter are deemed irrelevant to the pure legal analysis learned in the first year of law school," and that "in law school emotional and interpersonal concerns are strongly de-emphasized, if not blatantly ignored"); John C. Shepherd and Jordan B. Cherrick, *Advocacy and Emotion*, 3 J. ASS'N LEGAL WRITING DIRECTORS 154, 154 (2006) (commenting on lawyers who "apply to advocacy what Sir Edward Coke wrote about the law: '[R]eason is the life of the law, nay the common law itself is nothing else but reason . . .'" (citing I The First Part of the Institutes of the Laws of England 97b (The Legal Classics Library ed. 1985, reprinting 18th ed. 1823) (1st ed. 1628))).

2. See Silver et al., *Lawyering and Its Discontents*, *supra* note 1, at 871 (stressing that "lawyers need to give themselves permission to take care of themselves, to not be super people with no needs").

3. *Id.* (noting that "professionals who deny that they have any personal responses to clients, and therefore do not work them through, are likely to be somewhat handicapped in their professional interactions with clients"); Martha Matthews et al., *Special Issue on Legal Representation of Children: Proceedings of the UNLV Conference on Representing Children in Families: Children's Advocacy and Justice Ten Years After Fordham: Report of the Working Group on the Role of Sex and Sexuality*, 6 NEV. L.J. 642, 645 (2006) (stating that lawyers' discomfort may inhibit clients and impede disclosure of important information and that with professional training and mentoring their ability to "represent all clients zealously" can be developed).

4. In this article I focus on law students, but much of the discussion could just as easily be about practicing attorneys. See Joan S. Meier, *Notes from the Underground: Integrating Psychological and Legal Perspectives on Domestic Violence in Theory and Practice*, 21 HOFSTRA L. REV. 1295 (1993); HeinOnline -- 21 Geo. Immigr. L.J. 164 2006-2007

As courses and training on effective representation of traumatized clients are designed and institutionalized, law schools and clinical programs can learn much from other professions. Medical scholarship began to discuss the need for training on working with specific types of patients decades ago.⁵ Fire, search and rescue, emergency medical technicians (EMT), and social workers all receive training to prepare them to work with traumatized persons.⁶ These trainings can be adapted for use by the legal profession.⁷ The legal profession can also make use of the expertise of these professionals in understanding trauma, working to make the legal process one that does not re-traumatize clients, learning techniques for effectively working with these clients, implementing self-care programs, and minimizing burnout or drug and alcohol abuse that results from vicarious trauma.⁸

There are already a number of pioneer professors and psychologists who have been writing and speaking about the need for lawyers, law students, and other participants in the legal process to understand trauma, vicarious trauma, and the effect of trauma on legal representation.⁹ However, these discussions have received only limited attention within the legal education community.¹⁰ Recently, therapeutic jurisprudence, effective representation of traumatized clients, and techniques for training law students and lawyers to work with

Silver, *Love & Hate*, *supra* note 1, at 265 (discussing counter-transference, or reactions to client's emotions or experiences).

5. See James E. Groves, *Taking Care of the Hateful Patient*, 298 NEW ENG. J. MED. 883 (1978).

6. See Silver et al., *Lawyering and Its Discontents*, *supra* note 1.

7. Groves, *supra* note 5, along with Joseph A. Barrette & Neil S. Kaye's article, *The Difficult Legal Client*, 94 CASE & COMMENT 1 (1989), have been used by Pace Law School clinics. Andrew P. Levin & Scott Greisberg, *Vicarious Trauma in Attorneys*, 24 PACE L. REV. 245, 248 (2003). More recently, within the legal context, Professor Silver discussed the emotional reactions of attorneys to their clients. Silver, *Love & Hate*, *supra* note 1, at 260.

8. See Shantih E. Clemans, *Understanding Vicarious Traumatization – Strategies for Social Workers*, SOCIAL WORK TODAY, Feb. 2004, at 13, available at http://www.socialworktoday.com/archive/swt_0204p13.htm; Kathleen M. Palm, Melissa A. Polusny, & Victoria M. Follette, *Vicarious Traumatization: Potential Hazards and Interventions for Disaster and Trauma Workers*, PREHOSPITAL AND DISASTER MEDICINE (Jan.-Mar. 2004), available at <http://pdm.medicine.wise.edu>; Janet Anderson et al., *Vicarious Trauma and Its Impact on Advocates, Therapists and Friends*, 612 RESEARCH & ADVOCACY DIGEST (The Washington Coalition of Sexual Assault Programs, Mar. 2004); UNITED STATES INSTITUTE OF PEACE, SPECIAL REPORT: TRAINING TO HELP TRAUMATIZED POPULATIONS, (Dec. 17, 2001).

9. See Silver, *Love & Hate*, *supra* note 1, at 283-89 (chronicling the history of literature since 1930 urging "previous generations of lawyers, legal educators and law students to learn about basic psychology and the operation of unconscious processes in the practice of law"); JEAN KOH PETERS, REPRESENTING CHILDREN IN CHILD PROTECTIVE PROCEEDINGS: ETHICAL AND PRACTICAL DIMENSIONS (2001); Jean Koh Peters, *Habit, Story, Delight: Essential Tools for the Public Interest Advocate*, 7 WASH. U. J.L. & POL'Y 17 (2001); Meier *supra* note 4; Ann E. Freedman, *Fact-Finding in Civil Domestic Violence Cases: Secondary Traumatic Stress and the Need For Compassionate Witnesses*, 11 AM. U.J. GENDER SOC. POL'Y & L. 567, 614 (2003) (stating that "compassionate witnessing" is a way for "lawyers, judges, court personnel, advocates, and others, to remain present to the painful truths of the experiences of victims" of trauma, including "acknowledgment of the particular challenges of work with trauma"); Yael Fischman, *Interacting with Trauma: Clinicians' Responses to Treating Psychological Aftereffects of Political Repression*, 61 AMER. J. ORTHOPSYCHIATRY 61, 179, 181 (1991) (discussing the issues that arise for clinicians dealing with victims of trauma, many of which are similar to issues that arise for lawyers, such as "distancing as a defense against overwhelming feelings while listening to stories of atrocities").

10. Silver, *Love & Hate*, *supra* note 1, at 278-83.

these clients have become increasingly popular topics of discussion in legal scholarship.¹¹

This article contributes to the discussion of representation of traumatized clients through a detailed case study of the Katharine & George Alexander Community Law Center (KGACLC). First, it will discuss the issues that arise when students represent traumatized clients. This section will focus on the goals for training effective representation, the importance of such training, and the issues of duty of care and professional responsibility.¹² Second, it will review the mechanics of training and mentoring law students who work with traumatized clients. This section will include a brief introduction to KGACLC and outline KGACLC's case acceptance policy, its early attempts to assist law students working with traumatized clients, as well as its intermediate steps, group sessions, and formation of a "stand-alone" or "podium" course.¹³ This article will conclude by discussing new perceptions of the divide between legal representation and psychology, and the promotion of cooperation between and among professionals who serve traumatized clients.

As part of the preparation for this article, former law students of KGACLC's immigration program received a questionnaire that asked about their experiences working with traumatized clients, any training and mentoring that made the representation more effective, and any training and mentoring the students would have liked to receive. This article will use anonymous quotes from students' responses and their clinic reflection papers. By drawing from the program's history and the students' responses, as well as from an analysis of the evolution of its training and mentoring, this article will offer KGACLC's experiences to others.¹⁴

11. Therapeutic Jurisprudence is part of the Comprehensive Law Movement, which also includes collaborative lawyering and transformative mediation and has as its goal the "transform[ation of] the practice of law into a humanistic and healing force rather than a confrontational and hurtful process." Silver et al., *Lawyering and Its Discontents*, *supra* note 1; Jennifer L. Wright, *Therapeutic Jurisprudence in an Interprofessional Practice at the University of St. Thomas Interprofessional Center for Counseling and Legal Services*, 17 ST. THOMAS L. REV. 510 (2005); Silver et al., *supra* note 1, at 847; Linda G. Mills, *Killing Her Softly: Intimate Abuse and the Violence of State Intervention*, 113 HARV. L. REV. 550 (1999); Ingrid Loreen, *Therapeutic Jurisprudence and the Law School Asylum Clinic*, 17 ST. THOMAS L. REV. 835 (2005); Daicoff, *supra* note 1; Tehila Sagy, *Even Heroes Need to Talk: Psycho-Legal Soft Spots in the Field of Asylum Lawyering* (The Berkeley Electronic Press, ExpressO Preparing Series Paper No. 1014, 2006), available at <http://law.bepress.com/expresso/eps/1014/>.

12. The author would like to credit Dr. Yael Fischman, Ph.D. and Dr. Jaime Ross, Ed.D for their significant contributions to these efforts within KGACLC. They brought their incredible expertise on counseling and working with traumatized persons to the KGACLC, allowing the program to focus and improve its training of law students.

13. Non-clinical courses are often referred to as "podium" courses, "stand-up" or "stand alone" courses in the clinical legal education world.

14. Several other programs have discussed their efforts and experiences. See Meier, *supra* note 4; Wright, *supra* note 11.

II. THE NEED FOR SPECIALIZED TRAINING FOR STUDENTS WHO REPRESENT VICTIMS OF TRAUMA

The mission of all legal training, as well as the professional responsibility of every legal representative, is competent, zealous advocacy for each and every client.¹⁵ This section will discuss professional responsibility in the context of (1) the effect of trauma on case preparation; (2) the effect of working with traumatized clients on students; and (3) the impact that untrained representatives can have on clients. It will conclude by arguing that specialized training is necessary not only to fulfill law schools' and students' duties to be professionally responsible, but also to fulfill the legal duty of care which requires lawyers to obtain specialized training in order to provide zealous representation for their clients.

A. *Professional Responsibility in the Law School Context*

Law school courses and clinical programs often take a traditional approach to teaching law students the skills they need to represent present and future clients effectively. Schools therefore focus on students' ability to identify the legal issue presented, recognize the applicable area of law, research statutory and case law, develop a theory of the case, document and apply the facts of the client's case to the law, and present that case through written and oral testimony and legal arguments to the fact finder. Some schools also provide opportunities for students to gain practical experience, in the areas of interviewing and negotiating skills, deadline and timeline planning, and maintaining time records and activity logs in a client database system.¹⁶ These basic tools form the foundation on which law students can build successful legal careers.

However, even after this training, students may be ill-equipped to work with clients who are real and multi-dimensional people. In traditional courses, law students study only cases and focus only on their legal principles, not upon the individuals involved in the legal dispute.¹⁷ Yet

15. ABA MODEL CODE OF PROF'L RESPONSIBILITY EC 6-1, 7-1 (1980).

16. An example would be the KGACLC's curriculum which offers the following courses, among others: Interviewing and Counseling (interviewing basics, working with an interpreter, cross-cultural communication), Case Planning, Proving Facts Through Discovery, Negotiations, Alternative Dispute Resolution, Ethics & Malpractice, Trial Techniques, Social Justice Lawyering, as well as Office Procedures and Client for Windows (client database training).

17. Silver, *Love & Hate*, *supra* note 1, at 280. *See also* student responses to KGACLC Student Questionnaire: Reflections on Working with Traumatized Clients [hereinafter Student Questionnaire]: "I think the legal profession is more like a set of rules to memorize than it is a course on how to deal with clients as counselors. Law schools should take a more active role in training students to be effective counselors;" and "Being able to analyze the law and the facts is only one side of the coin. Successful lawyering also has much to do with lawyer-client relationships."

individual clients bring their fears, hopes, anger, pain, and distrust to the law student-client relationship.

Each of my clients had suffered an experience which traumatized them. As a human being, I felt sympathy for the hardships they endured, but I knew as their lawyer that I had to ask questions that would force them to re-live those experiences. . . . My clients had to provide me with detailed information and documentation to support their stories. Often, my questions would make them cry. They expressed to me the pain they felt in having to answer my questions because they only wanted to forget those experiences.

Yet how many law schools teach future lawyers to deal with their clients' emotions, or their own emotional reactions to clients?¹⁸ Does legal training tend to encourage students to separate themselves from emotions by dealing with case law and statutory law in an emotional vacuum? Without specific training, many law students naturally feel conflicted and overwhelmed when faced with a particularly emotional case.¹⁹ How can they be good advocates unless they pay attention to their clients' emotions? How can they separate themselves sufficiently from their clients' emotions in order to be effective legal advocates?

These questions become even more compelling when law students are working with traumatized clients. Trauma is the harm produced by a traumatic experience.²⁰ "Traumatic experiences shake the foundations of our beliefs about safety, and shatter our assumptions of trust. Because they are so far outside what we would expect, these events provoke reactions that feel strange and 'crazy' [E]ven though these reactions are unusual and disturbing, they are typical and expectable. By and large, these are normal responses to abnormal events."²¹

18. Several professors have emphasized the need for this training within the clinical context. See Meier, *supra* note 4, at 1332-33; PETERS, REPRESENTING CHILDREN, *supra* note 9, § 9-2(g); Silver, *Love & Hate*, *supra* note 1, at 283-89 (noting the efforts by professors from as early as the 1930s to incorporate an understanding of psychology into the practice of law).

19. The same can be said for many lawyers. As Ingrid Loreen notes, "lawyers lack an understanding of when or how to comfort a client mourning a lost relationship or contemplating death." Loreen, *supra* note 11, at 843.

20. Silver et al., *Lawyering and Its Discontents*, *supra* note 1, at 853 ("There are two widely accepted definitions of trauma. One is that someone has been confronted with or experienced a potentially dangerous situation that could lead to a grievous loss and feels helplessness and powerlessness. That is sometimes called the objective definition, which talks about the objective standard requiring an experience where death or grievous harm was involved and a sense of helplessness. The second definition, called the subjective definition, is where people say that the event that was confronted was non-normative, and the person felt subjectively overwhelmed by it. This type of trauma does not require serious harm or risk of death."). See also Alexander C. McFarlane & Bessel A. Van Der Kolk, *Trauma and Its Challenge to Society*, in TRAUMATIC STRESS: THE EFFECTS OF OVERWHELMING EXPERIENCE ON MIND, BODY, AND SOCIETY 24 (Bessel A. Van Der Kolk et al. eds., 1996) ("Shell shock. How many a brief bombardment had its long-delayed after-effect in the minds of these survivors. Not then was their evil hour, but now, in the sweating suffocation of nightmare, in paralysis of limbs, in the stammering of dislocated speech." (quoting Siegfried Sassoon)).

21. David Baldwin's Trauma Information Pages, About Trauma, <http://www.trauma-pages.com/trauma.php> (last visited Nov. 19, 2006).

At the beginning I often felt a little helpless. I did not know if it was proper to give comfort because I was their lawyer. In addition, their experiences really made me start evaluating my own life. I felt grateful and guilty at the same time for not enduring the pain and suffering they had experienced.

You want to show that you empathize with [your client], to encourage them to continue in telling their difficult story. That requires some composure But, at the same time, I think their emotion, on top of the words they are saying, makes it harder to be composed. You know how difficult it is for them to say it all out loud, especially to a perfect stranger. I wanted to give her a hug. I know that's not professional, not to mention that I didn't even know her I wanted to be her friend (even if only for a few minutes), not just her legal support.

Many law students struggle to define their role as legal advocates when they are working with victims of torture or trauma. If the law student is successful in building a bond of trust with the client, the client then looks to the student for help with more than just the specific legal issue.²² The client may begin to approach the meetings as counseling sessions because the law student has asked for information about the traumatic events for purposes of preparing a declaration. The client might also seek the law student's help in dealing with housing needs, safety concerns, and other, unrelated, legal issues. The law student may then assume or desire to assume the role of social worker and counselor. As a result, the student may find it harder to complete the legal tasks because his time and energy are spent on non-legal issues.²³ Students therefore need specialized training if they are to represent traumatized clients effectively.

22. There is some discussion about the boundaries and the roles of a lawyer, as well as the extent to which lawyers should approach their work with clients who have had a traumatic experience from an interdisciplinary perspective. See Teri L. Jackson, *Lessons Learned from a Domestic Violence Prosecutor*, in DOMESTIC VIOLENCE LAW: A COMPREHENSIVE OVERVIEW OF CASES AND SOURCES (Nancy K.D. Lemon ed., 1996) (arguing that "lawyers are not social workers" and supporting a focus on litigation and the interest of the state, not the client) (citing Donna Wills, *Domestic Violence: The Case for Aggressive Prosecution*, 7 UCLA WOMEN'S L.J. 173, 173 (1997)); Silver et al., *supra* note 1, at 867-68 (noting that "[t]here are definite boundaries to be drawn in terms of what is appropriate and what is not" and opining that "you don't cross that boundary in terms of you don't try and become a social worker for your client."). Nevertheless, lawyers might successfully work in a team with other professionals. Mills, *supra* note 11, at 557 (arguing for a more interdisciplinary approach instead of a one-dimensional approach that rejects therapeutic or clinical ways to work with clients). See also Wright, *supra* note 11, at 509 (noting that the Interprofessional Center consciously chooses to deal with the variety of client needs as a team effort).

23. See Kristen F. Grunewald & Priya Nath, *Defense-Based Victim Outreach: Restorative Justice in Capital Cases*, 15 CAP. DEF. J. 315, 337 n.230 (2003) (referencing an article by Tammy Krause, addressing the important role of victim liaisons, who "through training and experience, also can provide emotional support that defense counsel does not have the time or training to provide"); Tammy Krause, *Walking Through the Judicial System with Families of Murder Victims*, FOOTPATHS (Spring 2002), available at <http://www.emu.edu/ctp/footpaths/vol2no3/page 4.html>). Responses to Student Questionnaire: "Serving a victim of trauma is different from serving other clients. The trauma victim brings more emotion to the case as compared to the other clients. The skills that I think are necessary to effectively represent a client are the ability to listen to the client without interrupting and ask questions in a certain way to make the client feel that they can talk to you. I also feel that some patience is necessary to allow the client to talk about their traumatic experience at their own

B. Impact on Case Preparation

[T]he mother of the molestation victim was regularly late to our meetings, and she failed to show on two occasions. At the time, I had thought her actions were a little rude.

One of my clients who had been in an abusive relationship for over ten years did not want to share or simply could not share the details of her experience These details were going to be all we had to support her application since the police reports and photos from the one time the police had been called were destroyed. I was becoming increasingly agitated and could not understand why she would not take the simple steps of going to counseling or talking to me if it was going to help her in the end.

Case preparation can be difficult for students who are working for a traumatized client. Trauma manifests differently.²⁴ Some clients can be very emotional, while others may relate horrific experiences with no emotion whatsoever.²⁵ Many traumatized clients avoid discussing traumatic events at all costs.²⁶ This avoidance translates into missed appointments, chronic lateness, failure to produce requested documents, and avoidance of the law student's questions.²⁷ These behaviors may eventually cause a student to question their client's commitment to his or her case. Students with more

pace. I think general 'counseling' skills will also be helpful. The purpose of all of these skills is to obtain key information from the client in order to prepare their case."

24. These stages have been labeled as: shock and disbelief, "frozen fright" or "pseudo-calm," self-blame, and recovery. Mills, *supra* note 11, at 573 (citing MARTIN SYMONDS, THE "SECOND INJURY" TO VICTIMS, EVALUATION & CHANGE 36-37 (1980)). The phases can also be defined as avoidance or constriction and intrusion. Mills, *supra* note 11, at 575 (citing JUDITH LEWIS HERMAN, TRAUMA AND RECOVERY 33, 47-50 (1997)).

25. See Mills, *supra* note 11, at 575 (a traumatized person "'finds herself caught between the extremes of amnesia or of reliving the trauma, between floods of intense, overwhelming feeling and arid states of no feeling at all, between irritable, impulsive action and complete inhibition of action'") (quoting HERMAN, *supra* note 24, at 47). Post-traumatic stress disorder can be understood as a psychological response to "having experienced a traumatic event, that event is re-experienced in the form of recollections, dreams, flashbacks, and psychological distress. Responses include efforts to avoid thoughts, feelings, or conversations associated with the trauma, inability to recall an important aspect of the trauma, marked diminished interest or participation in significant activities, restricted range of experiencing feeling, and the sense of a foreshortened future." Loreen, *supra* note 11, at 839 (citing Linda Piwowarczyk, *Seeking Asylum: A Mental Health Perspective*, 16 GEO. IMMIGR. L.J. 155 (2001)).

26. See Loreen, *supra* note 11, at 840 (noting that traumatized individuals "can feel isolated and 'may be filled with shame related to the profound violation and humiliation they experienced which makes it very difficult to talk to others about their experiences'") (quoting Action for Torture Survivors et al., *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: The Istanbul Protocol* (1999), U.N. Doc. HR/P/PT/8 47).

27. See also Andrea E. Bopp Stark, *Posttraumatic Stress Disorder in Refugee Women: How to Address PTSD in Women Who Apply for Political Asylum Under Grounds of Gender Specific Persecution*, 11 GEO. IMMIGR. L.J. 193, 257 (1996-1997) (noting the importance of recognizing "the significance of symptoms" in clients dealing with trauma and being "able to detect and understand the reasons why a client is reluctant to tell of her experiences, continually misses appointments, and repeatedly describes inconsistent dates and stories"); Loreen, *supra* note 11, at 830.

education on how to deal with a traumatic client can learn to anticipate such situations and prepare their case accordingly.

It is important to understand that trauma might affect a client's ability to remember and that the story might change from one interview to the next, not because they are lying but because they are confused, need time to get comfortable enough with you to tell you ALL of the facts. Understanding that and not getting angry or frustrated is important.

Clients who have experienced trauma also have difficulty during trial preparation, exhibiting patterns of forgetfulness and avoidance.²⁸ For example, the client may have difficulty remembering specific facts or incidents, either because he has blocked the events or because discussing the events forces him to re-live the traumatic experiences, which the client wants to avoid.²⁹

For those clients who become emotional, the process of interviewing and later testifying becomes painful not only for the client, but also for the law student, the interpreter, and others who are involved.³⁰ Emotional clients can take much longer to testify than other clients do, as they often need to take a break from recounting the traumatic event, or, in some cases, reschedule the meeting entirely.³¹

It was extremely difficult and upsetting to hear my client recount her traumatic experiences . . . I felt like crying as she spoke. I almost did cry, but luckily I could pull myself together until we were at least out of the room. I felt like I was going to be sick. Luckily Margarita [Sandoval, KGACLC immigration program's legal assistant and interpreter] was there, or I might not have gotten through it as well as I did.

28. See Wright, *supra* note 11, at 509 (commenting on the difficulty political asylum seekers face in telling their stories in order for their asylum claims to be prepared and adjudicated).

29. See Mills, *supra* note 11, at 575 (citing Judith Lewis Herman, TRAUMA AND RECOVERY 47-50 (1997)); Loreen, *supra* note 11, at 839.

30. See Freedman, *supra* note 9, at 610-12 (discussing "bystander reactivity"). See Tammy Krause, *Walking Through the Judicial System with Families of Murder Victims*, FOOTPATHS (Spring 2002), available at <http://www.emu.edu/ctp/footpaths/vol2no3/page4.html> ("Attorneys don't know how to deal with the emotions, so they force the proceedings on to the intellectual levels."); Mills, *supra* note 11, at 574-75 (noting that in situations where clients are repeating or reliving trauma, "interactions [between] the unsuspecting professional [and the client] can quickly turn painful, frustrating, or even destructive").

31. See also responses to Student Questionnaire: "When clients were very emotional, I took more time to ask questions and elicit responses. I did not want to be too cold and matter of fact. I wish I could have learned how to manage the length of the interview with particularly emotional clients." "I believe it's critical to be a good listener and to make the victim feel that you are a safe haven for them to talk to. Often it seems it takes several meetings with a trauma victim to elicit all of the facts and details and I think that comes from the client not knowing whom they can trust with this personal information. It is imperative to build a trusting relationship with the client before you assume that you know all there is to know on the case. Often important details are not disclosed until quite late in the process with a traumatized client."

[Client X] became emotional during our conversations on a number of occasions, but in a different and unexpected way. He would begin to shake his legs rapidly when he would talk about uncomfortable events. Also, sometimes, he would start to talk very fast and his teeth would chatter like he was cold. On other occasions, he would laugh uncomfortably. He never cried. In some ways, I believe that [he] was still digesting what really happened to him in [his country of origin].

C. Impact on Students

It was very difficult for me because I did not know how to respond when they would begin to cry in front of me. I would often feel uncomfortable and helpless because I could not do anything to help them.

[My clients] would often cry . . . I thought there was nothing I could say or do to console such pain, so I sat and listened and worked hard on their applications—the only things I knew I could do for them.

Emotional testimony affects law students differently. Some students may identify with the client and internalize the client's pain.³² Others may close off or create barriers in order to block out emotions.³³ Many may feel helpless.

When the law student blocks her emotions or becomes paralyzed, the client may feel that the law student is insensitive or does not believe him.³⁴

32. Silver et al., *Lawyering and Its Discontents*, *supra* note 1, at 858 ("Anyone who engages empathically with clients who are struggling is at tremendous risk. You can see your empathy as a window of connection with your client, and being that open to your clients, you create a window in which the flow of pain will rush in your direction . . . In fact, the only way to prevent vicarious trauma would be to shut down that compassion, which is the very last thing we would ask you to do."). See also responses to Student Questionnaire: "It was difficult not to become emotionally involved in their experiences and difficult to separate those conversations from the rest of my life outside of the Law Center." "I was able to distance myself more and more from the shock about hearing about trauma the more seasoned I became. However, I backtracked a little when I heard about my client's [female genital mutilation]. I think because I am female I reacted differently."

33. See Wright, *supra* note 11, at 508 (discussing the importance of law students learning that "they cannot effectively represent their clients if they shy away from experiencing and understanding the complex emotional, social, and psychological reactions that both they and the client may undergo in the course of the representation" and that they cannot "avoid the sometimes awkward and painful process of developing and expressing empathy by hiding behind a shield of lawyerly detachment"). See also responses to Student Questionnaire: "I have always considered myself to be a people person. When it came to talking I was always on top of things . . . But my first real interview with my client was much different. It was far more challenging. There were more emotions involved. I found it difficult to be in the same room with my client who was obviously distraught over her situation. As I look back at that first interview I realize that I was far too 'professional' and not nearly as human as I should have been. I should have taken time to tell her that I felt sorry for her and that I really hoped everything would be okay. Instead, I got an interpreter to speak for me so that I would not have to deal with her directly. As the summer went on and I had more contact with my client, I learned how to open up and be more human. . . . What is interesting, though, was that I felt far more professional than I did during my first interview with her, when I was acting professional . . . Once I made a connection with her, I felt she began to really respect me as her 'attorney.'"

34. See Mills, *supra* note 11, at 579 (noting that traumatized clients are very adept at reading their therapists). Furthermore, "chronically traumatized patients have an exquisite attunement to unconscious and nonverbal communications." *Id.* (quoting HERMAN, *supra* note 24, at 139). Emmanuel

As a result, the client may distance himself from the law student.³⁵ For example, one KGACLC student was struggling to obtain details from her client about the abuse she had suffered. Finally, after some reflecting, the student admitted that she rarely looked at the client, and instead focused on the notes she was taking and the questions she was asking. The student then realized that the client had felt the student's discomfort and was shutting down.

Conversely, when a client talks without any emotion about traumatic experiences, the lack of emotion can be difficult for the law student. If the client shows no emotion when talking about a traumatic experience, does that mean she is fabricating the information? Does the client's lack of emotion cause the student to question the client's credibility, or the depth of the trauma she suffered? Is it easier for the student to work with clients who are unemotional? Do students still recognize that their clients are traumatized even if they are unemotional?

Representing traumatized clients also exposes law students to vicarious trauma.³⁶ As one KGACLC law student put it, it is like an athlete who plays injured. The "culture of sports" does not permit athletes to be slowed by pain. Similarly law students are trained to stay focused on their clients and the legal matters at hand. Thus, many law students forge ahead with cases while silently dealing (or not) with their own pain. Except in the context of "performing" in a deposition, during negotiations, or in the courtroom, law students are trained not to focus on themselves in the context of the case.³⁷ Many law students are uncomfortable with emotions or feel it is inappropriate to evaluate their own emotions while working on a case.³⁸ Other students do not necessarily have the information they need to process the emotions that surface through casework.

Tanay reports that "the therapist must be very careful to avoid blocking the patients' 'process of expression and catharsis'" because "one question or even a glance which is 'out of tune' and the 'psychological closing off' is re-established." *Id.* Linda Mills extends these observations to interactions between legal advocates and their clients. *See also* Matthews et al., *supra* note 3, at 645 ("Lawyers who convey their discomfort discussing [topics of sex and sexual orientation] may unintentionally make it difficult for their clients to disclose information that could be important to the case."). The same could be said about discomfort discussing traumatic experiences.

35. Mills, *supra* note 11, at 579.

36. *See* Peters, *Habit, Story, Delight*, *supra* note 9, at 26 (stating that "[t]he cumulative experience of working with traumatized people leads to what is known as 'vicarious traumatization.'"). *See* Silver et al., *Lawyering and Its Discontents*, *supra* note 1, at 854; Daicoff, *supra* note 1, at 54 ("Lawyers working with clients who were sexually assaulted or abused or who are fighting human rights violations can be vicariously traumatized by this exposure. Comprehensive lawyers may be particularly vulnerable to this secondary trauma, because they are likely to respond to these clients with understanding and empathy. Coping strategies, therefore, need to go beyond simple stress management; lawyers need the ability to identify, manage, and contain their own distressing emotions.").

37. Shepherd & Cherrick, *supra* note 1, at 163 (stating, in terms of the emotional part of advocacy, that "[o]ral argument is the time for the advocate to enliven the presentation in the brief with the emotions that emerge from face-to-face contact with the appellate judges").

38. *See* Silver, *Love & Hate*, *supra* note 1, at 279-80 (discussing law student discomfort with emotions and the reinforcement of this discomfort that legal education instills).

[One client] was not very emotional when telling me about what happened, but I could tell that talking about it still [was] somewhat difficult for her . . . [A second client] seemed to be very unemotional about the whole situation, which made me a little suspicious about his story. I realized that it may have just been his way of coping with the trauma, so I tried to empathize and show support.

I found [Client X]'s withdrawn reaction to be the most difficult to understand. I guess I wanted her to be angrier or even to feel sorry for herself, but she was so emotionally withdrawn it was almost like she was the shell of a person. I worried about her and her emotional well-being.³⁹

Working with traumatized clients was emotionally difficult. Leaving the clinic, I was exhausted. There was a lot of responsibility involved, and in addition, I became a sponge and was reliving my client's trauma. By the end of the day, I didn't want to hop into my car and drive back to my cozy house. I was sometimes bitter and upset at life for what I had heard, and wanted to see immediate change.

Each law student will react differently to these experiences, however.⁴⁰ There are some common patterns that emerge. They may experience trauma through their client's testimony. Their perceptions of the world can change.⁴¹ Some may feel sad, angry, scared, and overwhelmed. Other students feel a need to protect and somehow make things safe for their clients. Indeed, lawyers are taught to be problem solvers, and many law students in fact choose the legal profession in order to become problem solvers. Some students may also feel that it is necessary to hold onto these unpleasant thoughts in order to process them, or because these thoughts provide motivation to work harder on behalf of traumatized clients.⁴² One possible outcome is that students will have greater perspective on their own lives.

Working with traumatized clients affected how I looked at the people around me. When I was at the mall or grocery store, I began to wonder

39. See also responses to Student Questionnaire: "Hearing the client's story was sad but not devastating. The client seemed very disconnected and it was difficult to elicit information from her. I think for that very reason I was not as affected emotionally by what she said. . . . It was actually the most stoic of clients to whom I had the deepest emotional reaction. . . . I think it was *more* difficult when the client seemed disconnected from the experience emotionally. It was almost as if the damage to their psyche seemed greater when they could not connect to the trauma anymore."

40. See Silver et al., *Lawyering and Its Discontents*, *supra* note 1, at 861 (noting that lawyers who "experience[e] vicarious traumatization need to understand trauma acts in two ways, and they are somewhat non-intuitive. One is to overwhelm you with feelings; being unable to talk, crying every time you hear about something awful. The other one, conversely, shuts you down.").

41. Peters, *Habit, Story, Delight*, *supra* note 9, at 26 ("Just as a great loss can shatter a survivor's universe, exposure to the losses of many people, or a few people in an intense setting, can alter the universe of those who experience the victim's loss with them.").

42. See also responses to Student Questionnaire: "When you have unpleasant thoughts in your head, the worst thing to do is to actively try to get them out by trying not to think about them. I just let them be there. Letting unpleasant thoughts be is the best way to deal with them. And it is not like such thoughts have no purpose or benefit. They keep you motivated to serve the interests of your clients."

if the person next to me in line was a victim of trauma or if they were someone who had tormented, molested, beaten, or raped another person. Working with traumatized clients also made me look at myself more closely and how I respond to traumatic events in my own life.

However, vicarious trauma may often work to the detriment of the student-client relationship. Some students distance themselves from the client in order to avoid feeling the emotions being expressed by the client.⁴³ While separation or distance from the trauma protects the law student from vicarious trauma to some extent, as mentioned above, it can also affect the law student-client relationship. If the client feels the distance the student has created, the client may be reluctant to discuss sensitive or difficult subjects.⁴⁴ Finally, a third pattern includes finding the positive in very negative circumstances or putting the trauma in perspective.⁴⁵

D. *Impact on the Client*

In order to get my clients' story I had to ask the 'right questions,' in the 'right way.' I found this to be a challenging task because my clients were victims of domestic violence who were used to hiding the abuse they had suffered. In order to ask the 'right questions,' I had to understand that conversations with my clients about the abuse they endured might cause them to re-experience trauma.

You have to deal not only with the case, but with their whole traumatic experience as well, which colors the case and all of your interactions. Your sensitivity to the client, ability to steer them through the difficult parts that must be done, all the while not pushing too hard, cannot be easy. The relevant skills needed to do this would be patience, focus, and compassion. Also important is the ability to do the least damage—to get the information needed in the least traumatic way, and not make them unnecessarily repeat the story.

The greatest risk to the client is that she will be re-traumatized when she is

43. McFarlane & Van Der Kolk, *supra* note 20, at 28 (“Reactions to traumatized people are rarely the results of objective and rational assessments. Rather, they are primarily the results of conservative impulses in the service of maintaining the belief that the world is essentially just, that ‘good’ people are in charge of their lives, and that bad things only happen to ‘bad’ people. . . . [T]he continued presence of the victims as victims constitutes an insult to the belief (at least in the Western world) that human beings are essentially the masters of their fate. Victims are the members of society whose problems represent the memory of suffering, rage, and pain in a world that longs to forget.”); see also Fischman, *supra* note 9, at 181 (noting that some “therapist[s] may tend to rely on distancing as a defense against overwhelming feelings while listening to stories of atrocities”). See also responses to Student Questionnaire: “I would often think about the clients and what they went through. I didn’t really have a specific mechanism of dealing with what I had heard but I definitely would try to distance myself so as not to get too emotionally attached.”

44. See Mills, *supra* 11, at 579.

45. See also student interview (“It made me realize how fortunate I am. Any troubles I had in my life weren’t nearly as severe as I thought. I feel I’m better able to cope with personal difficulties as a result of working with traumatized clients.”).

forced to talk about or remember a traumatic event. Although talking about traumatic experiences within the context of counseling can be therapeutic,⁴⁶ recounting traumatic experiences generally forces the person to re-live those experiences. Each traumatic event or re-traumatization can leave emotional, as well as physical, scars.⁴⁷ Law students, as well as the legal system, should make every effort to avoid, or at the least minimize, such re-traumatization.⁴⁸

With effective training, law students can analyze the ways that the legal process potentially re-traumatizes their clients, and learn methods to minimize that effect. For example, a law student can shorten the period of time that a client needs to discuss the traumatic event, allow her some control over when and how to talk about the experience, or find ways to document the event so that she does not have to testify at length about it. Finally, effective training includes teaching law students about vicarious trauma (also known as secondary trauma).⁴⁹

I began to realize that there was a deeper reason why she was hesitant to come to our meetings. She wanted to avoid being re-traumatized again when she told her story to me. Since realizing this, I have tried to keep our meetings shorter and less intense.

46. Mills, *supra* note 11, at 575 ("Promoting reappraisal of the traumatic event(s) and re-exposure to the painful experience(s) in therapy can often help the trauma victim work through this painful history.").

47. Donna A. Gaffney, *PTSD, RTS, and Child Abuse Accommodation Syndrome: Therapeutic Tools or Fact-Finding Aids*, 24 PACE L. REV. 271, 272 (2003) (noting that "[t]he effects of the traumatic events continue well after the events have passed" and that "[e]motions and memories of traumatic events . . . linger on").

48. Researchers and scholars have noted that for many traumatized clients litigation and the legal process can result in re-traumatization. See Edward J. Hickling et al., *The Psychological Impact of Litigation: Compensation Neurosis, Malingering, PTSD, Secondary Traumatization, and Other Lessons from MVA's*, 55 DEPAUL L. REV. 617, 630 (2006) (citing Michael Napier, *The Medical and Legal Trauma of Disasters*, 59 MEDICO-LEGAL J. 157 (1991)); Roger K. Pitman et al., *Legal Issues in Posttraumatic Stress Disorder*, TRAUMA STRESS: THE EFFECTS OF OVERWHELMING EXPERIENCE ON MIND, BODY AND SOCIETY 378, 378-97 (1996); James Herbie DiFonzo, *In Praise of Statutes of Limitations in Sex Offense Cases*, 41 HOUS. L. REV. 1205, 1274 (2004) (noting that the effect of the legal process on sexual assault victims "has been referred to as the 'second injury' or 'second wound'"); Wright, *supra* note 11, at 509 ("The risk of re-traumatization of clients who have to repeat and relive their experiences of abuse, first in the lawyer's office and then in court, is serious."). However, if the legal process is handled correctly, some argue that it can be therapeutic. Yael Danieli discusses the importance of "public witnessing and giving testimony," as well as a "judgment by the court" acknowledging the harm done to the survivor, and the "generat[ion] of records" documenting the harm committed against the survivor. Yael Danieli, *The Nuremberg Trials: A Reappraisal and Their Legacy: Reappraising the Nuremberg Trials and Their Legacy: The Role of Victims in International Law*, 27 CARDOZA L. REV. 1633, 1640 (2006).

49. Vicarious trauma, also called compassion fatigue, secondary traumatization, and "burn out," often affects individuals who work with trauma and disaster victims. Individuals may experience symptoms similar to those associated with Post-Traumatic Stress Disorder. The risk for vicarious trauma is greater when an individual does not know when he or she will be working with a traumatized individual, or if he or she is not adequately prepared to do so. Peter Baldwin's Trauma Information Pages, About Trauma, <http://www.trauma-pages.com/trauma.php> (last visited Feb. 15, 2007). Peters, *Habit, Story, Delight*, *supra* note 9, at 26 (citing Laurie A. Pearlman, TRAUMA AND THE THERAPIST: COUNTERTRANSFERENCE AND VICARIOUS TRAUMATIZATION IN THE PSYCHOTHERAPY WITH INCEST SURVIVORS 31 (1995)).

III. GOALS FOR SPECIALIZED TRAINING FOR STUDENTS WHO REPRESENT TRAUMATIZED CLIENTS

A. *Professional Responsibility and the Need for Specialized Training*

[L]aw schools should have a duty to prepare future lawyers for working with trauma clients so the future lawyers can be both effective advocates and healthy individuals. If I had not received the training I did at the Law Center, I would have run a greater risk of burning out or becoming an unhealthy (and extremely stressed out) attorney. If I continue to work with victims of trauma after school, I now realize it is my responsibility to seek some form of counseling or support system so I can blow off steam and acknowledge my own emotions.

Legal advocates have an obligation to be professionally responsible and law schools have an obligation to teach professional responsibility. "Professional responsibility" is defined in state codes of ethics and responsibility. Model rules of professional conduct on client-attorney relationship summarize this obligation as follows: "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."⁵⁰ The general understanding under this obligation is that a lawyer will familiarize herself with any applicable law and practice rules. These obligations take on special meaning when discussing legal representation of traumatized clients.

Professional responsibility requires not only thorough preparation of the case but also an understanding of trauma on the part of law students. Because credible testimony is the primary basis for deciding some cases, such as political asylum cases, when a traumatized client has difficulty expressing emotion it may affect the outcome of the case.⁵¹ In order to avoid these problems, law students must therefore understand trauma, the effects of

50. MODEL CODE OF PROF'L RESPONSIBILITY §1.1 (2002). Some of these responsibilities outlined in the American Bar Association (ABA) Model Code of Ethics include the following: EC 1-1: "A basic tenet of the professional responsibility of lawyers is that every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence. Maintaining the integrity and improving the competence of the bar to meet the highest standards is the ethical responsibility of every lawyer;" EC 6-1: "Because of his vital role in the legal process, a lawyer should act with competence and proper care in representing clients. He should strive to become and remain proficient in his practice and should accept employment only in matters which he is or intends to become competent to handle;" EC 6-3: "Proper preparation and representation may require the association by the lawyer of professionals in other disciplines;" EC 6-4: "Having undertaken representation, a lawyer should use proper care to safeguard the interests of his client . . . In addition to being qualified to handle a particular matter, his obligation to his client requires him to prepare adequately for and give appropriate attention to his legal work." MODEL CODE OF PROF'L RESPONSIBILITY EC-6 (1980).

51. Lorean, *supra* note 11, at 838; Ilene Durst, *Lost in Translation: Why Due Process Demands Deference to the Refugee's Narrative*, 53 RUTGERS L. REV. 127, 134 (2000) (citing OFFICE OF THE U.N. HIGH COMMISSIONER FOR REFUGEES, HANDBOOK ON PROCEDURES AND CRITERIA FOR DETERMIN-

trauma, and the best practices for working with their clients in order to prepare a credible, convincing case.⁵² Law schools therefore have a responsibility to their students to provide this training.⁵³

Proper preparation requires that a lawyer understand trauma and the effects of trauma on her client. "[A]ssociation by the lawyer of professionals in other disciplines"⁵⁴ can mean working with a counselor or psychologist on the particular trauma issues experienced by the client or the vicarious trauma experienced by the lawyer herself.⁵⁵

*[N]ot having training on trauma when working with traumatized clients is equivalent to having tunnel vision. I don't think it's possible to advocate effectively or elicit the information you need without having a broader understanding of why your clients are responding to you in the way that they are.*⁵⁶

Students must be trained to identify trauma issues that may affect the client-law student relationship, as well as the ability to successfully prepare clients to relate and testify to all necessary facts of their case, and to provide

ING REFUGEE STATUS UNDER THE 1951 CONVENTION AND THE 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES (1992)); Sager, *supra* note 11, at 10.

52. Meier, *supra* note 4, at 1349-56 (stating the importance of training clinic students on the impact of counter-transference when representing domestic violence victims). See also responses to Student Questionnaire: "I have also experienced clients' lack of emotion while describing horrible events. It does not make me doubt the veracity of the clients' statement, only because I know people want to separate themselves from such trauma and have hardened themselves to it just so that they can move on and live their lives." "The more traumatic events seem like they would cause a more emotional response, but this is not always the case because people have very different ways of dealing with such difficult experiences. This makes it more difficult to show support or understanding, but maybe that is what such clients prefer."

53. Loreen, *supra* note 11, at 843-44 ("We fail our students if we fail to prepare them for the impact of their emotional lives, as well as those of their clients, on the practice of law.") (quoting Marjorie A. Silver, *Emotional Intelligence and Legal Education*, 5 PSYCHOL. PUB. POL'Y & L. 1173, 1174 (1999)).

54. MODEL CODE OF PROF'L RESPONSIBILITY EC 6-3 (1980).

55. For example, working with other professionals has been institutionalized in the context of victim advocates who work in the District Attorneys' offices. Advocates can help victims through a very traumatic legal process and can advocate for the victim when the objectives of the prosecutor and victim diverge. See *Developments in the Law - Legal Responses to Domestic Violence: IV. Making State Institutions More Responsive*, 106 HARV. L. REV. 1551, 1556 (1993) [hereinafter *Developments*]. See also responses to Student Questionnaire: "I see attorneys and law students who work with clients as people who have the opportunity to make sure that their client's needs are taken care of. We also have the ability to communicate with various care providers in such a way as to get fewer legal claims denied. This is all beneficial to clients who may have both legal and psychological needs." "We read a lot of cases in law school, but sitting in front of a trauma victim and having to extract the facts you need to help them, while maintaining sensitivity, is something that takes some skill. I believe that it is necessary to interact properly with your clients so they don't feel victimized all over again. In addition, to be an effective attorney and zealous advocate for your client, one needs to deal with the effects of working with victims of trauma."

56. See also responses to Student Questionnaire: "I think it would have been helpful to have had contacts at other organizations that could fill in the needs of the clients that were outside of their legal issues, such as counseling. I have no doubt that both of my clients would have benefited from counseling."

requested documentation for their case.⁵⁷ Students also need training to prepare a thorough, organized, and compelling case in spite of the client's inability to remember specific details or reluctance to discuss painful events.⁵⁸ Finally, students should learn to recognize factors that might impede their zealous advocacy of a client, such as vicarious trauma or assumptions based on failing to understand the effects of trauma on her client.⁵⁹

It is also important for lawyers to know how to effectively represent traumatized clients. If a lawyer does not get enough of the information about the traumatic event to be able to effectively represent the client (e.g., submit an asylum application, or whatever the client needs), the client may end up in a situation that is harmful to the client (e.g., if client has to leave the country or go back to a country of persecution, etc.).

If students do not receive training and support, one danger is that, in the future, they will avoid working on cases that require them to represent traumatized clients. One law student working at KGACLC recently commented to another student that she admired the student's ability to work with traumatized clients. She was not sure she could deal with such a case herself. Law students' reluctance to represent traumatized clients can create an even greater shortage of legal advocates in certain fields, and impact access to

57. Matthews et al., *supra* note 3, at 645 (noting that although a lawyer may be shocked and upset by client's disclosure of sexual abuse, exploitation, and trauma, and may therefore "wish to avoid these discussions," her "understanding of the nature of the client's victimization is often crucial to her [] understanding of the case."); Silver, *Love & Hate*, *supra* note 1, at 305-13. See also Levin & Greisberg, *supra* note 7, at 252 (noting their research and the necessity "of developing educational programming for law students and attorneys regarding the effects of trauma on their clients and themselves") (citation omitted).

58. Levin & Greisberg, *supra* note 7, at 248 (noting the need "for increased training of attorneys in managing the 'face-to-face, long-term, and intensely personal relationship' that develops between client and attorney") (quoting Joseph Allegreti, *Shooting Elephants, Serving Clients: An Essay on George Orwell and the Lawyer-Client Relationship*, 27 CREIGHTON L. REV. 1, 8 (1993)); see also Stark, *supra* note 27, at 257 ("A legal worker who is able to detect and understand the reasons why a client is reluctant to tell of her experiences, continually misses appointments, and repeatedly describes inconsistent dates and stories can represent a client more effectively and zealously").

59. Silver et al., *Lawyering and Its Discontents*, *supra* note 1, at 872-73 ("[c]ompassionate lawyering for social justice requires care and nurturing of the lawyer, as well as the client, and this self-care is our ethical duty"). See also Susan Bandes, *Repression and Denial in Criminal Lawyering*, 9 BUFF. CRIM. L. REV. 339, 343 (2006) ("Emotional strategies may also shade into ethical issues in the long run, for example when lawyers become burned out and unable to provide adequate representation because of excessive involvement or failure to care for their own emotional well-being"); responses to Student Questionnaire: "In order to avoid frustration and communication breakdown, an attorney needs to be able to understand why the traumatized client is acting the way she is. Also, an attorney needs to be able to understand her own reactions to her clients' cases in order to be an effective advocate and to avoid getting burned out prematurely." "Serving a victim of, trauma is different than serving another client. [I]t takes a greater amount of understanding and compassion and energy. It is more exhausting and you have to learn to separate your life from the events you are learning about." "I think that the work, the representation, and the interaction are so intimately intertwined with each other because you cannot get relevant information without becoming relatively connected to the victim, even on a professional basis. Thus, training to be able to balance all of these would be beneficial for us to be more effective advocates."

justice for persons who have experienced a traumatic event.

As a practicing attorney, many of my peers are not comfortable with dealing with victims of abuse and choose not to assist these individuals in their legal matters. These victims need help and perhaps with better training, more attorneys would offer their assistance.

I did not handle this case beyond the interviewing stage. While it may have been satisfying to handle it, I am not sure I would have wanted to, considering the emotional ramifications of doing so. . . . I think I would have a difficult time separating emotion from the necessities of the case.

In addition, law students need to receive appropriate training because they, along with their supervisors, may owe a duty of care to clinic clients. Duty of care refers to the requirement that a person "refrain from intentionally injuring another."⁶⁰ This duty is to exercise reasonable care under the circumstances.⁶¹ The duty of care owed by a professional reflects a higher standard of care.⁶² Failure to meet this standard of care can be considered a breach of the duty of care and may lead to an action for negligence.⁶³ Law students and their supervisors arguably owe a duty of care to traumatized clients to avoid or minimize re-traumatization. Equally, instructors, law schools and clinical programs should have a duty to train and support law students in order to minimize or avoid vicarious trauma or re-traumatization.

Do clinical instructors and law professors have a duty of care to their students who are exposed to vicarious trauma to minimize that trauma by effectively training the students about vicarious trauma and self-care? Do these same instructors and professors have a duty of care to the clients, with whom their students work, to minimize re-traumatization of the clients by adequately training their law students? Does this duty of care extend to the institutions that support and run clinical programs?⁶⁴

60. *Atienza v. Taub*, 194 Cal. App. 3d, 388, 392 (Cal. Ct. App. 1987).

61. *Kermarec v. Compagnie Generale*, 358 U.S. 625, 630 (1959) (discussing duty of care of owners of excursion ships under federal maritime law).

62. *Atienza*, 194 Cal. App. 3d at 391-92 (stating that "[t]he duty of care owed by a physician to a patient arises in the context of the physician's 'effort to accomplish the purpose for which the physician is employed'" and that "[i]n achieving that purpose the physician must 'have the degree of learning and skill ordinarily possessed by practitioners of the medical profession in the same locality and . . . he [must] exercise ordinary care in applying such learning and skill to the treatment of his patient'") (citing *Keen v. Prinszano*, 23 Cal. App. 3d 275, 279 (Cal. Ct. App. 1972)).

63. *Atienza*, 194 Cal. App. 3d at 392 ("In the Business and Professions Code section 6146, the Legislature has defined professional negligence in the context of health care providers as 'a negligent act or omission to act . . . in the rendering of professional services, which act or omission is the proximate cause of personal injury or wrongful death, provided that the services are with the scope of services for which the provider is licensed.' . . . Accordingly, an action for the professional negligence of a physician arises out of the breach of duty of care owed to the patient by the physician *within* the scope of the patient-physician relationship.") (citation omitted).

64. Research for this article did not reveal such a duty of care stated in existing law. While a legal duty of care may not exist in this context, there is a growing recognition that certain types of cases involving victims of trauma should not be handled by attorneys who have not been properly trained. In cases involving victims of domestic violence, the State of California provides grants to train

Scholarship on therapeutic jurisprudence addresses broader obligations to traumatized clients beyond traditional legal representation.⁶⁵ Yet, full incorporation of specific training on trauma, vicarious trauma, and representation of traumatized clients into legal education has been slow.⁶⁶ Even with a commitment to address these gaps in legal education, some critical questions remain. What methods of training are most effective? What material should be included in the training? Do best practices for providing this training exist, and what contributions can programs such as KGACLC make towards efforts to expand the training on trauma for law students?

B. *Developing the Requisite Skill Set in Students*

KGACLC's has identified three goals for training students who work with victims of trauma or torture: (1) to teach law students to identify clients who have been victims of trauma; (2) to provide students with techniques for effectively representing these clients; and (3) to teach students the concept of vicarious trauma and techniques for self-care.

First, students can be trained to define trauma, recognize its manifestations, and understand how different types of traumatic events affect clients. Law students learn to recognize potential trauma symptoms and work closely with psychologists, who can evaluate, diagnose, and treat trauma.⁶⁷ Students can also learn appropriate techniques for broaching the subject of trauma with their clients without feeling fearful about opening old wounds.

attorneys who work in the "spousal abuser prosecution units." Only attorneys who have the adequate experience and training are permitted to work in these units. *See Developments, supra* note 55. *See also* responses to Student Questionnaire: "Law schools do have a duty to prepare and train future lawyers on effective methods and techniques for representing traumatized clients because law schools are the training grounds for future lawyers. Law schools' duty to the students is to prepare them to become good attorneys. Within this duty is the need to prepare students on ways to handle traumatized clients with the same level of training as they are prepared to handle opposing party's arguments."

65. *See* Loren, *supra* note 11, at 845 (stating that the integrated approach of therapeutic jurisprudence "has given lawyering a more human face and provided lawyers with enhanced interpersonal skills" and that "[i]t is a professional approach that not only looks at purely legal issues, but also explicitly and systematically explores a variety of psychological issues that arise in the lawyer's relationship with the client") (quoting David B. Wexler & Bruce J. Winick, *Putting Therapeutic Justice to Work*, 89 A.B.A. J. 54, 56 (2003)). *See* Daicoff, *supra* note 1, at 5 (mentioning Professor Bruce Winick as "one of the two fathers of therapeutic jurisprudence"). *See also* David B. Wexler, *Practicing Therapeutic Jurisprudence: Psycholegal Soft Spots and Strategies*, 67 REV. JUR. U.P.R. 317 (1998); Silver et al., *Lawyering and Its Discontents, supra* note 1; Lynda L. Murdoch, *Psychological Consequences of Adopting a Therapeutic Lawyering Approach: Pitfalls and Protective Strategies*, 24 SEATTLE U. L. REV. 483 (2000); Wright, *supra* note 7.

66. Silver et al., *Lawyering and Its Discontents, supra* note 1, at 869 (commenting "that we don't prepare lawyers well for dealing with these issues" and that "[c]hanging the institutions of legal education is certainly one tool for approaching this"); Daicoff, *supra* note 1, at 59 n.293 (illustrating that there currently there are not many courses available on comprehensive law or therapeutic jurisprudence).

67. Daicoff, *supra* note 1, at 6 ("Lawyers also need an understanding of when they are in over their heads and should refer a client to professional therapy or counseling. The lawyer should be prepared to make the referral and perhaps offer to personally make the call to a suitable professional and let the client know that the professional is expecting his or her call.").

With trauma victims you have to be aware of their injuries or the things that have happened which caused the trauma, but you must also be strong enough to take charge and address the issue.

[S]ometimes victims of trauma can appear to be behaving irrationally, and I think it's important to be able to identify that [and] work around that rather than give up on the client.

Second, training should provide law students with techniques to effectively represent trauma victims.⁶⁸ This might include: (1) mechanisms for the students to interview and prepare a client's case with minimal re-traumatization of the client; (2) techniques for working with emotional clients; (3) ways to keep a client focused or to re-focus a client who is avoiding talking about his or her traumatic experience; (4) methods to help a client remember details and prepare to testify; (5) ways to deal with clients who miss appointments or show up late; (6) techniques for building trust with clients who have suffered trauma; and (7) methods for defining the role of the legal advocate so that the law student does not inadvertently become the counselor and social worker as well. Within this goal, the training can incorporate opportunities for law students to talk about their assumptions, for example, that traumatized clients are always emotional, that the unemotional client did not experience the events she is relating, and that the client does not care about his case if he does not show up for appointments or avoids discussion of certain topics.

Third, students should learn the concept of vicarious trauma⁶⁹ and techniques for self-care.⁷⁰ They should be able to define vicarious trauma, recognize its signs, and minimize its impact on the law student's life and work (i.e., self-care techniques). It is important for students to learn ways to take care of themselves and to explore their own individual reactions to hearing about traumatic events. In addition, prior to working with a traumatized client, students should explore their own personal, unresolved traumatic

68. Daicoff, *supra* note 1, at 6 ("Lawyers working with traumatized clients can help reverse the effects of trauma, by using excellent interpersonal skills. For example, if the client was raped and experienced degradation and humiliation, the lawyer can provide the client with an additional measure of respect, autonomy, and control. The attorney can ask the client when and for how long she wants to talk about the event, listen well, and treat her with respect.").

69. Jean Koh Peters, a Yale Law School professor, compared secondary trauma to a boulder falling into a raging river. "The raging river is the client's life. The boulder falling is the trauma occurring. The image of secondary trauma is a lawyer standing in the river. They don't get hit by the boulder, but they feel the ripple effect." Jean Koh Peters, *quoted in* Arin Greenwood, *Ripple Effects: Education and Self-Care Can Help Lawyers Avoid Internalizing Client Trauma*, 91 ABA J. 20 (2006).

70. In addition, informal studies and observations have documented the effect of vicarious trauma on legal advocates and the importance of training law students and lawyers about trauma. A recent study by Dr. Andrew Levin and Scott Greisberg showed that "[c]ompared with mental health providers and social services workers, attorney's [sic] surveyed demonstrated higher levels of secondary traumatic stress and burnout." In this study, attorneys responding to the survey stated "that in addition to their high case loads, the lack of systematic education regarding the effects of trauma on their clients and themselves" was one of the "significant contributors to development of secondary trauma and burnout." Levin & Greisberg, *supra* note 7, at 250.

experiences, which might make them more vulnerable to re-traumatization. Training should thus explore the reality of re-traumatization and vicarious trauma in the legal setting.⁷¹

Training law students to effectively represent traumatized clients can be tailored to the specific needs of the students, depending on whether the students are currently working in a clinical setting or preparing for a future career representing these clients. The training can also include a focus on specific types of trauma and traumatic experiences, such as domestic violence, child molestation, or political torture. Regardless of how the training is structured and its primary focus, the experiences of KGACLC's immigration program have shown that the three goals listed above are essential components of any training and will give law students a solid basis for effectively and competently representing traumatized clients.

IV. CASE STUDY IN TRAINING: THE KGACLC

The Katharine & George Alexander Community Law Center (KGACLC) was created in 1994 by La Raza (Latino) law students of Santa Clara University School of Law. Inspired by a lecturer in criminal law to look at the needs of day workers in East San Jose, the students decided they wanted to do more than observe the issues. With the assistance and encouragement of several professors, the students began to provide employment rights legal services to day workers under the supervision of an attorney. The program, then known as East San Jose Community Law Center, grew as the students discovered that many of the workers also needed immigration legal services. Consumer rights and workers compensation components were subsequently added as practice areas. Attorneys were hired in each practice area to supervise the law students, but from its inception the students felt a strong commitment to the program and the clients. While the role of the attorneys has grown to include case selection and curriculum development, KGACLC still actively seeks to incorporate student insight and input into its direction and goals.

The Law Center's immigration practice area began in 1995, one year after the establishment of the Law Center. As in the other practice areas, the immigration program includes clinics where advice and referral services are provided to community members with immigration questions or a need for

71. See also responses to Student Questionnaire: Vicarious trauma "happens [to] many types of care workers dealing with victims of trauma (police, emergency care workers, social workers) and can happen to attorneys as well." It is "[w]here you take on the trauma and upset of your clients and can manifest with symptoms of anxiety, depression, and possibly burnout." "Secondary trauma is a problem that affects certain people like lawyers and psychologists who work with victims of trauma. In secondary trauma, the person helping the trauma victim will find that they are traumatized by what happened to their client as they learn more about the client's experiences. The person helping the client may begin to exhibit the symptoms of trauma including nightmares, nervousness, sleeplessness, and anxiety."

immigration legal representation. Clients seen through the advice clinics are interviewed by law students, who take the client's information and questions to an attorney for advice. The law students then relay the legal advice to the clients. The immigration program selects some of the cases screened at the advice clinics for full-representation and receives others through referrals by non-profit agencies. Students may also express interest in taking a particular case or recommend that a particular case be accepted for full-representation by KGACLC. The supervising attorney makes the final decisions on case acceptance. These clients are provided representation by law students under the supervision of the attorney.

A. Cases in the Immigration Practice Area

The Law Center's immigration program bases its acceptance of cases on several criteria. First, there must be a significant need in the community. For example, initially, few if any nonprofit or private attorneys in the area were familiar with VAWA, U Visa, and T Visa immigration benefits and the application process.⁷² Second, applicants must demonstrate significant financial need. KGACLC only represents low-income clients and does not charge fees for legal representation. The decision not to charge fees was motivated in part by the specific needs of KGACLC's clients. For example, applicants for political asylum often arrive in the United States without financial resources or support networks.⁷³ Moreover, they are ineligible for employment authorization until their petitions have been filed with Citizenship & Immigration Services⁷⁴ and have been pending for 180 days.⁷⁵ For VAWA self-petitioners and U Visa applicants, the primary source of income is often the abuser/perpetrator of the crime, especially for victims of domestic violence or child abuse. Similarly, for victims of trafficking, many have recently escaped forced labor and their traffickers, and few, if any, of the victims have

72. Violence Against Women Act (VAWA) includes provisions for battered spouses and children of U.S. citizens and permanent residents to self petition for immigrant visas. U Visas are nonimmigrant relief for victims of crimes—e.g., domestic violence, rape, sexual assault, murder, and child abuse, and T Visas are nonimmigrant benefits for victims of human trafficking. The numbers of legal advocates familiar with and preparing VAWA, U Visa, and T Visa petitions has significantly increased since 2000. However, there are still relatively few resources for legal representation of low-income political asylum applicants in San Jose and the South Bay region.

73. Victoria Neilson & Aaron Morris, *The Gay Bar: The Effect of the One-year Filing Deadline on Lesbian, Gay, Bisexual, Transgender, and HIV-Positive Foreign Nationals Seeking Asylum or Withholding of Removal*, 8 N.Y. CITY L. REV. 233 (2005) ("Many asylum seekers come to the United States with very limited financial resources, limited English speaking abilities, and little or no knowledge of the legal system."); see also Michele R. Pistone & Philip G. Schrag, *The New Asylum Rule: Improved but Still Unfair*, 16 GEO. IMMIGR. L.J. 1 (2001).

74. With the creation of the Department of Homeland Security, the former Immigration and Naturalization Service (INS) was divided into three agencies and moved from the Department of Justice to the Department of Homeland Security. The agency that processes applications for immigration benefits is Citizenship and Immigration Services (CIS).

75. 8 C.F.R. § 208.7(a)(1) (2000).

independent financial resources. The majority of cases accepted by the program continue to be VAWA self-petition and U Visa cases.⁷⁶

Currently, KGACLC's immigration program primarily selects cases involving some sort of trauma.⁷⁷ Asylum clients may have been tortured, abused, and otherwise persecuted in their country of origin, and applicants for U visas may have suffered physical, sexual, or emotional abuse at the hands of their spouses or parents. These "trauma cases" are often referred to KGACLC from other agencies, and the immigration program has become known for its expertise in this area. KGACLC also accepts a growing number of cases on behalf of children. This has added another emotional layer to the work performed by the law students.⁷⁸

KGACLC believes that the types of cases it selects are particularly suited for building legal advocacy skills among students because political asylum and VAWA cases require law students to work extensively with their clients to prepare the applications and develop effective interviewing and client interaction skills. Students also become increasingly invested in their clients' cases after they prepare declarations, gather documents, and prepare for court testimony.⁷⁹

At times, the program has considered whether it makes sense to expose law students to emotional cases during the period when they are first learning the skills and law needed to represent a client. The dilemma is clearly one that each instructor must resolve. A clinical program which serves primarily traumatized clients must encourage students to evaluate their own personal experiences with trauma and reactions to trauma prior to entering the program. Such a program must be prepared to adequately train and support

76. In the early years of the immigration program (1995 to 2000), KGACLC accepted various types of cases. Cases included deportation defense, political asylum, adjustment of status, legalization, Temporary Protected Status (TPS), and some Violence Against Women Act (VAWA) self-petition cases. Students represented traumatized clients in VAWA and political asylum cases.

77. KGACLC's workers' rights and workers compensation programs represent clients who have been traumatized by events in their work place. Students report clients discussing "violence of an employer and harassment in the work place." Only the immigration program, however, has made a conscious decision to specialize in an area of practice that depends on the ability to marshal evidence of domestic violence, rape, torture, or human trafficking.

78. See also responses to Student Questionnaire: "I was having an especially hard time thinking about one of my cases that involved a ten year old girl who had been sexually assaulted by a member of her family in her home. Hearing about how her personality changed from docile and quiet to violent and angry was difficult. Thinking about what 'normal' ten-year-old girls should be doing and experiencing in contrast to what my client was experiencing was quite difficult." "Once I began working with the mother of a molestation victim this fall, I noticed that all of my feelings became more intense. I found myself thinking about this case more regularly when I was alone. First, I noticed I felt very angry at the father for doing this to his daughter. I felt angry that the person who was supposed to love her and protect her was the one who hurt her and took advantage of her. Then, I noticed I began to look at fathers and daughters in a different way. I began to wonder if all men were sexually attracted to children. Finally, I began to feel very sad and worried for the daughter who had been molested. I imagined what it must have been like to feel so frightened and alone. I wondered if she would be able to overcome this harrowing event without debilitating emotional scars."

79. See also responses to Student Questionnaire: "Reflecting back, it was the most rewarding experience in law school, and although it was emotionally hard, I felt that I was doing my best to provide a safe future for these clients."

law students during the process of representing these clients. Given these parameters, the benefit of consciously selecting and working with traumatized clients in a supportive setting such as a clinic can be enormous. Law students would receive the training they will need in order to continue representing traumatized clients in their future careers.

B. *Informal Methods of Training Students Who Work With Traumatized Victims*

Initially, much of the training about trauma at KGACLC occurred informally. KGACLC has always had an open-door policy and has encouraged students to talk about their client and case experiences with the staff and instructors.⁸⁰ The supervising attorney and legal assistant for the immigration program used role-plays, modeling, and de-briefing. The scenarios discussed included: What do you do if the client starts crying? How do you connect with a client who is putting up walls? What questions do you ask and how do you ask sensitive questions, such as questions about rape or about harm to children?⁸¹ The clinic also uses a domestic violence political asylum hypothetical for the demonstration interview that is used during the all-day training at the start of each semester. The demonstration interview addresses issues such as dealing with a client who is crying, who is avoiding questions about a traumatic experience, and who has suffered harm that may be difficult to discuss.⁸²

As part of the mentoring and training, the supervising attorney and legal assistant in the immigration program sometimes modeled techniques for students who were going to interview clients about sensitive issues. Some students found this training technique so helpful that they commented that they would have liked even more modeling.⁸³ Similarly, on occasion the

80. See also responses to Student Questionnaire: "The law center in general, and the attorney and staff I worked with in particular, were extremely open and helpful. I knew without a doubt that I could have gone to any one of them for assistance." "Our supervising attorneys always had their doors open, but it was difficult to tap into their experience and expertise before we had the vocabulary or could name the issues we were having with our clients. Once we had the training on secondary trauma [discussed below], it was much easier to address the issues I was having with my clients because I had the vocabulary to articulate what was going on."

81. See also responses to Student Questionnaire: "I knew how to respond [to my traumatized client] from meeting with [my supervisor] and going over what it would be like to interview an asylum client. She told me to take breaks and that it would take several sessions."

82. See also responses to Student Questionnaire: "I reflected on the mock interview that [the clinical supervising attorneys for immigration and consumers rights] did. That exercise helped me realize that during the interviews I needed to give the clients space so they felt comfortable. However, it also showed me that I needed to be in control of the interviews so that I could effectively and respectfully get the information that I needed to help the clients. When I was working with traumatized clients, I found this guiding skill was useful in keeping the clients on topic."

83. See also responses to Student Questionnaire: "I think it would have been helpful in the beginning if I had been given the chance to watch another qualified student give an interview of a traumatized person. I believe that would have been useful because it would have introduced me to the gravity of the situation, but allowed me to watch from a distance without pressure, so I could evaluate how I would have handled the situation."

supervising attorney would sit in on interviews of traumatized clients with the law student's permission or at the student's request. Even when the supervising attorney is not present, a legal assistant, serving as interpreter, might also be present in the interviews.

I was helped during one interview by the legal assistant, who was translating for me, in following the client's lead. One of the children opened up about the traumatic event right away and the legal assistant urged me to pursue that line of questioning at that moment when it came up, instead of following my list of prepared questions (in which I would have asked about the traumatic event at the end of the interview).

At times when the law student would become overwhelmed by the details of the traumatic events or surprised by the emotional outpouring of the client, the attorney or legal assistant would gently recommend taking a break or would hand the law student a box of Kleenex to offer the client. In a few cases, the attorney would model appropriate gestures and expressions when clients were relating painful experiences.⁸⁴

De-briefing is another important way to assist law students to process their experiences and to talk about the effect of trauma both on their clients and on themselves. Part of the de-briefing took place in written form, initially in reflection papers on the interviewing process and the clinical experience. Students were later required to keep a journal and were encouraged not only to address specific questions posed by the instructors, but any other issue that came up for them.⁸⁵ De-briefing provides the supervising attorney with an opportunity to talk to students about self-care techniques such as spending time at home or treating oneself to some other comfort in order to restore a sense of safety and well-being.⁸⁶ It also provides a useful framework for discussions about confidentiality and maintaining that confidentiality. Stu-

84. See also responses to Student Questionnaire: "I would sometimes hug a client or comfort them if it felt appropriate (as I learned from my supervisor)."

85. See also responses to Student Questionnaire: "Discussing cases and clients with the supervising attorney and writing journals with feedback from the supervising attorney [helped support me in my work with traumatized clients.]" "I did have a hard time. I had bottled it in for a while. But after a while it got overwhelming, and so I started talking to my supervising attorney to release all of the stress. In these situations, you really need to find an outlet to release these emotions or else it can consume you and affect your thoughts." "Having an experienced attorney present and being able to get their perspective afterward [was helpful]. There was a volunteer attorney whose name I don't remember that observed me one day to provide general feedback. I was glad she was there during my most emotional clients because we had shared a common experience and had relevant discussions about the clients' display and my reactions."

86. See also responses to Student Questionnaire: "[My supervisor] provided me with a safe and understanding outlet where I knew I could talk about my reaction and hesitations to my cases. She also provided me with methods to cope with my reactions to stressful situations." "I remember that my supervisor was helpful in informing me how to deal with my own reaction to the trauma. I took her advice, which was to surround myself with comforting things like family and ice cream. It helped but I'll admit I felt totally down for a couple days. But it was good to know I wasn't crazy for reacting so much."

dents are therefore encouraged to de-brief, but with their supervising attorney, KGACLC staff, and other KGACLC students.⁸⁷ Finally, students often expressed a desire to assist clients in more ways than just through legal representation, and debriefing allowed the supervising attorney a chance to talk about their role in relationship to their clients' needs.

Students also taught each other from techniques they developed themselves. For example, one male student discovered his female client had difficulty talking about the times her husband raped her. The student suggested he leave the room while she wrote down her experience, and the approach worked. Another student found that sometimes asking a mundane question about a place or date when the client was on the verge of tears helped reduce some of the stress and emotion. Another student found that after working with domestic violence victims on their declarations he needed to go to the gym to play basketball. He found that he could deal with his own frustration and anger at the harm done to his clients through physical activity. Other students fell back on life experiences and their instincts.

I drew on my experience as a teacher, dealing with similar issues with students. I also drew on personal experience from my home.

*I think years of being a camp counselor for grade school and junior high trips and being a youth leader for junior high/high school catholic youth groups helped me prepare and develop listening and empathizing . . . skills.*⁸⁸

The supervising attorney also offered specific suggestions to the students based on her own experiences representing traumatized clients. For example, the law student and client might leave time before and after the interview for "small talk." Students could have food and water present, since food and drink offer a good excuse for a break and because they can be comforting. Students might also take breaks so that both client and student could step away from the intense emotions of relating or listening to details about the traumatic experiences. Breaks also give clients an opportunity to compose themselves, and students an opportunity to release some of their own emotions by leaving the room.

87. See also responses to Student Questionnaire: "Another extremely helpful informal support system existed in my fellow legal interns. In the beginning, we generally kept to ourselves, but after the small group sessions [discussed below] where we each talked about our client experiences we were more open to talking about our client issues with each other. After talking to my fellow legal interns, I understood that I wasn't the only one dealing with clients suffering from trauma. Also, in being able to talk about these issues openly we began to be able to focus our discussions on specific forms of trauma and identify areas where we needed the advice and support of our supervising attorney and the clinicians."

88. See also responses to Student Questionnaire: "When my client was emotional, I tried to make sure I was giving them 110% of my attention. I tried to maintain eye contact . . . My experiences in life probably told me to relax, pay attention, listen, try to understand and see what was causing them the most pain. I also think my experiences taught me to see if the clients had enough time and space to release their feelings without the pressure of 'moving on' or the feeling that I had to go somewhere."

C. *Formal Methods of Training*

1. *Background*

Beginning in Spring 2001, KGACLC (then known as the East San Jose Community Law Center—ESJCLC) added a component to its training on working with traumatized clients, as well as clients with other issues. Over the years, the component has been called various names, including “Counseling the Traumatized Client,” “Domestic Violence/Trauma,” “Working with Clients with Mental Health Issues,” “Working with the Client with Special Needs,” and “Working with Clients with Issues.”

The clinic initially incorporated speakers, such as psychologists, mental health advocates, and attorneys working in family law and on restraining orders. This training, however, had only limited success. While it gave the students exposure to information about trauma, the signs of trauma, and techniques to work with traumatized clients, speakers were either too technical or too general, or failed to integrate their presentations with the particular issues that were arising in the students’ cases.

In 2003, the clinical instructors decided to move the component into the all-day training at the beginning of each semester. Clinic instructors took on the responsibility for teaching the material.⁸⁹ However, this training was still too general and instructors could not address the variety of difficulties that would eventually arise in the context of the students’ semester-long cases.⁹⁰

The supervising attorney for the immigration program became increasingly aware of the need for more comprehensive training and support for the law students working with traumatized clients. The students themselves were also aware of this need.⁹¹ In addition to the inevitable issues of re-traumatization, as well as missed appointments and avoidance discussed above, it was clear that some clients continued to suffer unnecessarily. One

89. See also student interview: “I remember the trauma section being brief in comparison to a day packed with other topics, so the entire thing was a bit rushed. I remember being aware that such interviews would happen, so that when my interviews did happen, I wasn’t caught off guard.” “I knew to some extent how to respond to my clients’ emotion. The initial clinic training helped provide some tips such as providing the client time to calm down and to ask them if they needed a break.”

90. See also responses to Student Questionnaire: “Well, I learned the protocol of the situation, how we were supposed to act. Having it explained did help prepare me for working with traumatized clients.” “I think it would have been more effective if the trauma section was on a different day so that we would be more alert. I think it would have helped also if we saw a video of a trauma interview.” “I think having a session on cultural issues would have been useful. We were often dealing with clients whose cultural experiences and norms were very different from ours. At times there was a learning curve in being prepared to represent a client in this situation. For example, I ran into issues dealing with a devout Muslim woman who found it very difficult to speak about being gang-raped.”

91. See also responses to Student Questionnaire: “I think some training on the psychology of post-traumatic stress/depression and other conditions would have been helpful since it would have allowed students to learn effective communication techniques with their clients.” “I think ideally the best thing to have had would have been an initial information session on what to expect from trauma clients and explanations of secondary trauma and then perhaps bi-monthly group sessions where we could discuss individual experiences and possible solutions. In this way students would not be going in blind, and then could also share their experiences in a group on a regular basis.”

client was in an automobile accident shortly after leaving her appointment at KGACLC. Another client was put on a suicide watch by her counselor because re-living the trauma while sharing her story with the law student had proven emotionally stressful for her. Some students exhibited anger, sadness, outrage, difficulty in defining boundaries (lawyer, human, and counselor), fear, identification, and projection (seeing the abuser in people on the street).

2. *Initial Response to Problems Raised*

KGACLC explored the development of a program that took advantage of Santa Clara University (SCU)'s graduate counseling program in order to meet the needs of students and clinic clients. In late 2004, the supervising attorney at KGACLC began examining alternatives and considering options for providing this training and support.

One possibility was a joint project with SCU's Counseling Psychology Department. At SCU, master students in the Counseling Psychology Department, who take a course that requires them to do five to ten hours of counseling, might be available to offer a limited number of hours of counseling to KGACLC's clients. The law students could speak with their clients, explain that the work on their legal case was completely separate from the counseling and that neither was contingent on the other, and then contact the counseling student if a client expressed interest.

A number of challenges, however, were clear at the outset. First, the Law School and the Counseling Psychology Department have different calendars, which made coordination between the two programs difficult. Second, the counseling psychology students could offer general counseling, but might not have the expertise to address trauma-related issues. The area of trauma, PTSD, and vicarious trauma is a specialized course not necessarily taken by all psychology master students.⁹² In addition, it would not be fair to clients to begin counseling, and then to stop the counseling because the students had completed their hours. Supplemental counseling resources would be needed. In order to make the joint efforts of KGACLC and the Counseling Psychology Department successful, these various hurdles would need to be discussed and addressed. Both parties would need to set aside time to work on these issues and make the joint effort a priority. These inquiries and plans may still work, but they have yet to go beyond the initial meeting.⁹³

92. Marty Beyer, *Developmentally-Sound Practice in Family and Juvenile Court*, 6 NEV. L.J. 1215, 1231 n.6 (2006) ("Anger management alone does not reach the level of the complicated emotional process. 'Anger management' as the term implies helps children to manage their anger—but it does little for the profound unmourned losses.' Webb goes on to indicate that some approaches to trauma treatment require training beyond the usual preparation of masters-level clinicians.") (quoting NANCY BOYD WEBB, *WORKING WITH TRAUMATIZED YOUTH IN CHILD WELFARE* 186 (2006)).

93. Some programs such as that at St. Thomas Law School have found ways to successfully integrate their law school, graduate school of psychology, and school of social work. One key is that all three programs house students working on cases in one building. The students work as a team.

3. *Group Sessions with Experienced Psychologists*

In the fall of 2005, the immigration program had accepted three particularly powerful political asylum cases, a number of VAWA cases for battered women, and several U visa cases involving child victims of sexual assault and rape. The ages of the child victims of crimes ranged from three years to fourteen years. The political asylum applicants had provided not only testimony about horrific past persecution, but also documentary evidence. The documents included crime scene photos and newspaper articles with photos of burned bodies and a partially decapitated body.

The supervising attorney for the immigration program realized that in spite of the law students' valiant efforts to deal with their own emotions, as well as the emotions of their clients, the cases were taking a toll on the students. Moreover, a number of the cases involved cutting edge legal analysis and arguments, which needed additional time and attention from the students.

The supervising attorney sought the assistance of the San Jose Center for Survivors of Torture (CST). At the recommendation of Dr. Gerald Gray, two clinicians, Dr. Yael Fischman and Dr. Jaime Ross, both with extensive experience working with victims of torture and traumatized clients, arranged to provide five group sessions, two hours each, for the law students working on cases in the immigration program that semester. All six students, the supervising attorney, and the legal assistant/interpreter participated in the ten-hour group training. The two clinicians provided reading material and taught the students to recognize trauma, to understand the manifestations of trauma when working with clients, to work more effectively with traumatized clients, and to understand vicarious trauma and self-care techniques. As important as the presentations were for the students, it was even more valuable to have the opportunity to share specific case-related concerns and to receive suggestions for working on those issues. These sessions helped the students to process their experiences and to represent their clients more effectively.

My clients found it difficult to detail the abuse they had suffered because doing so caused them to relive the pain they had experienced. They also held what I learned is called the 'batterer's belief', where the victim of domestic violence feels responsible for the abuse they are undergoing. I found this belief absolutely frustrating . . . I knew my clients were withholding information I needed to prove the abusive nature of their husbands. Through discussions in our therapy sessions, I realized that a line of questioning that demonized the spousal-abuser caused my clients to withhold facts that reflected negatively on their husbands. With this understanding, I was able to shape and form questions in a

neutral way that gave my clients the freedom to share the information I needed

By having the formal support sessions, it made me realize that it was both acceptable and normal to have an emotional response to my clients' experiences. After acknowledging my reactions with my peers, I was able to approach my clients' cases with a clear mind without having to focus as much on my own reaction to the situation.⁹⁴

At the end of the fall 2005 training, the students offered several suggestions for improving on the training provided by these group sessions. First, they suggested that the training take place earlier in the semester. Second, they suggested that the sessions become a one-unit course offered by the law school to all interested students.

I met with the psychologists after I had done the bulk of my work with my clients. I think it would have been good to meet with them before working with traumatized clients so that I knew what to expect. I think that would have helped with some of the growing pains of trying to deal with traumatized clients if I had known what to expect from the beginning.

I believe that any lawyer who is working with clients that have gone through traumatic events should take a class which will provide him or her with information on trauma. In fact, I believe it is an injustice and unethical for lawyers who work with traumatized clients not to have an understanding of how their client's trauma will affect their case or affect the lawyer's ability to represent them.

4. Formation of a "Stand-Alone" Course

Based on the suggestion of the Fall 2005 students, the clinic created a "stand-alone" course open to all SCU law students. The course incorporated a syllabus and reading material suggested by the two clinicians who had run the group sessions at KGACLC. Pending faculty approval, the course was placed on the list of courses to be offered fall 2006. Its title was "Health Law: Trauma, Vicarious Trauma, and Legal Representation of Trauma Victims."

The course was useful in many ways. Some of the students who had worked previously with traumatized clients were able to integrate the information into cases they had seen and worked on. Other students grasped the concepts and came away from the class with a clear understanding of the

94. See also responses to Student Questionnaire: "I believe that these sessions helped us become better advocates for our clients." "The group therapy sessions gave me the time and space to reflect on what I was feeling and how those feelings affected my work as a student-attorney." "I found these sessions to be very cathartic. It was like group therapy. It was great to hear from all the other students about the emotional effects that their clients had on them and to be able to share my experiences as well. We had talked together about legal aspects of the cases but never on this level. The sessions were invaluable and a great way to deal with and hash out any secondary trauma effects."

disconnect between legal obligations, such as statutes of limitation, and the needs of traumatized clients to take the necessary time to develop a bond of trust with the law student, to discuss the traumatic events at short intervals over a period of time, and to prepare themselves to testify to these events. Some students were working with traumatized clients while taking the course and expressed their appreciation for having a course that gave them the background they needed to work with their clients.

Although the course employed a potentially powerful and useful teaching format, it did not have the same impact or produce the same learning experience as the ten-hour group session with the clinical students. Many students did not enter the course with the same urgency that the students representing traumatized clients in clinic. Unlike students who were working in a clinic or law office, students in a course open to the general student body did not have the ability to discuss the cases they were working on more fully without violating client confidentiality. The material was more relevant and useful to students who were in the midst of representing a traumatized client.

5. *Formation of a Hybrid Course*

More recently, KGACLC and Santa Clara University School of Law have begun working to incorporate trauma training into the civil clinical education that law students receive. Under this plan immigration cases will be tracked as trauma and non-trauma cases by the supervising attorney. Students who wish to work on trauma cases, such as political asylum, VAWA, U Visa, and T Visa cases, or who wish to interview clients with these potential cases in the advice clinic, will be required to take a one-unit course on trauma. Students who are unable to take the one-unit trauma course will be assigned non-trauma immigration cases, such as relative petitions, naturalization petitions, acquired citizenship, adjustment of status, or other similar types of cases. The one-unit trauma training will be provided by psychology clinicians, who have extensive knowledge and experience working with traumatized individuals. The format will incorporate both substantive training and case discussion. This format addresses the goals set out in this article, as well as builds on the methods found to be most effective in training students to work with traumatized clients.

D. *Observations on the Training Methods*

1. *Relevance*

When evaluating the different training and mentoring techniques used by KGACLC, the most important criteria for law students was relevance to actual cases. Could they see how a particular technique would be a useful tool in a particular case? Were they working on a specific case with a client that was using various tactics to avoid discussing the trauma? Had they

repressed their emotions to the point of feeling tired, frustrated, sad, or angry? The methods that assisted the clinic students to incorporate the knowledge they were already acquiring into their cases, as well as to evaluate their own reactions to the cases and their clients, were the most successful. Thus, informal mentoring, along with de-briefing and group sessions with the clinicians, significantly increased the law students' effective representation of their traumatized clients.

In contrast, general information provided in the context of the all-day training or in a "stand-alone" course, while informative about how to work with these clients more effectively, did not allow students to discuss their own emotions to their cases or evaluate in a group the issues arising in their cases. Not all of the students were able to or felt comfortable raising specific case questions or discussing their own emotions in a more general, open class setting. In addition, students also seemed more likely to retain the information when it had immediate relevance and application to specific issues arising in the context of their cases.

2. *Required or Optional?*

Training within the clinical setting can require segments on trauma, vicarious trauma, and representing traumatized clients. The brief session, which has been incorporated into the all-day training, is still required for all students who are taking civil clinical courses. The fall 2005 ten-hour group session was incorporated into class time for the immigration program students. Although students initially expressed skepticism about the group sessions, they quickly became engaged in the sessions and left feeling that they were extremely valuable.

Before going into our sessions I was skeptical as to the value of such sessions. I attended the first session nonetheless because [my supervisor] had asked us to and I respect her advice and opinion. However, after the first session I was hooked and now believe in the value of such sessions for law students working on cases like the cases that we work on at the immigration clinic of the KGACLC.

The "stand-alone" class was an elective. As a course, it could only be offered as an elective. Not all students who could have benefited from the class chose to register for the class. Although the students in the class were interested in the subject matter, some did not have an immediate need to apply the material. Some students in the KGACLC immigration program were also struggling with client avoidance, emotional clients, and exposure to vicarious trauma, but were not able to register for the "stand-alone" class. While making training optional is important, there may be some circumstances where law students should be required to have the training, especially when they are representing traumatized clients. Preferably students should be required to take such a course while they are working with these clients.

3. *Clinical Component and/or Stand-Alone Course*

This process of effectively training law students to represent traumatized clients is an evolving process. As more information becomes available and more law schools develop courses and training methods, the protocol for training can be refined and improved.⁹⁵ In the final analysis, is the “stand-alone” course on trauma useful in increasing effective representation of traumatized clients? The answer is yes, since the class educates and prepares a broad cross-section of law students to represent traumatized clients.

The successful integration of this type of course into the law school curriculum will likely depend on shifts from pedagogy that focuses solely on rules and regulations towards a shared focus on the attorney-client relationship. A course should integrate both the material and the real-life issues that arise in cases of traumatized clients. Until this type of course and accompanying material are more fully integrated into the law school curriculum, the most effective method for training law students to work with traumatized clients will likely be training such as the ten-hour group sessions that are incorporated into the clinical curriculum. These group sessions, in addition to the ongoing discussion of trauma in supervising meetings and case rounds, and mentoring and de-briefing mechanisms, seemed to provide the necessary components to train law students effectively in trauma, vicarious trauma, and representation of traumatized clients.

V. PROPOSED NEXT STEPS

A. *Concerted Efforts to Train*

From the experiences of KGACLC, it is clear that training law students about trauma, vicarious trauma, and representation of traumatized clients is integral part of training law students to be good legal advocates.⁹⁶ Just as clinical programs consciously train law students to work with interpreters, or to be culturally competent, or to interview effectively, clinical programs need to train law students to work with traumatized clients. Professional responsibility and ethics demand that law students know how to obtain information from their traumatized clients while causing as little stress and “re-living” as possible, to prepare their clients to testify, to balance the emotional needs of

95. It has been urged that more studies are needed about the extent and effects of vicarious trauma on attorneys, judges, and other participants in the legal process. The results of these studies could then be used to “identify the most effective interventions for reducing secondary trauma among legal professionals in order to enhance the delivery of legal services to victims of trauma.” Levin & Greisberg, *supra* note 7, at 252.

96. Interestingly, Yael Danieli, Ph.D., came to the same conclusion when discussing work with Holocaust and other war crimes victims. She specifically states that she would “suggest that every law school add specialized training on how to work with victims, particularly of massive trauma.” Danieli, *supra* note 48, at 1640. Ingrid Loreen also suggests “how important it is for students and clinical instructors to acknowledge and address the emotional aspect of dealing with highly traumatized clients.” Loreen, *supra* note 11, at 853.

traumatized clients against statutes of limitations, and to gauge the impact of vicarious trauma on the students' ability to represent their clients. In order for law schools and clinical programs to train law students to represent traumatized clients effectively, they need to recognize and acknowledge the importance of this training. There also needs to be a commitment to incorporate the training into the law school and/or clinical program's curriculum.

Training in effective representation of traumatized clients can be institutionalized in a number of ways. "Stand-alone" courses can be offered in law schools. The courses can be taught jointly by law school faculty and clinicians/psychologists (either psychology faculty or practicing clinicians/psychologists). Law students can be awarded credit for taking a course on trauma from a university's psychology or counseling department. Law faculty with training in the field of psychology can offer a course in trauma and representation of traumatized clients. This training may also be institutionalized as part of clinical education, for example, offered as a segment attached to the clinical course or incorporated into the clinical course's general curriculum.

Institutionalizing this training would include attaching unit credit to the training. Students should be able to include such training on their resume. All of these forms of institutionalization would represent a clear statement by the law schools that the training is a valuable component to the preparation of law students for the practice of law.

B. *Professional Responsibility*

Legal education has an obligation to train law students how to effectively represent clients who have experienced a traumatic event. As such, law schools should lead the way in responding to the stresses practicing lawyers experience as a result of representing traumatized clients by preparing students to deal with their own emotional responses to such representation. While not every law student working in clinical programs will represent traumatized clients, students in family law clinics, human rights clinics, immigration clinics that handle VAWA or political asylum cases, and juvenile law clinics that handle dependency cases are likely to encounter such clients. Similarly, while not every attorney will represent individuals, let alone traumatized clients, many will interact with multi-dimensional clients with various emotions in their daily practice.⁹⁷ While it is not possible to provide

97. Yael Danieli quotes Minna Schrag, former senior trial attorney at the International Criminal Tribunal for the Former Yugoslavia (ICTY), as stating: "None of us at ICTY received any serious training about engaging with trauma victims, let alone about the effect on ourselves of working so closely with people who had suffered greatly. I suppose most of us, if we thought about it at all, thought that our professional experience would serve as a kind of armor to shield us from [our] own reactions to the unthinkable terror of the events in Bosnia. As we talked about what we were doing, I think we provided a sort of communal safety net for one another. But I have no doubt that we could have done much better, and been much more effective, if we had at least some empathetic support

law students with a course in every area of law, nor is it possible to train law students on methods to respond to every situation and every type of client, law schools and clinical instructors should recognize that lawyers are experiencing high levels of vicarious trauma. In light of the large number of clients who have experienced a traumatic event that becomes the focus of a legal matter, it behooves law schools and clinical instructors to incorporate this training into their schools' and/or their clinics' curricula to assist law students and future lawyers to meet their professional responsibility to these clients.⁹⁸

Law schools can take the lead in designing and incorporating this training into their curricula. This type of training can also benefit lawyers, as well as law students.

Having knowledge and information about how to deal with traumatized victims would make it much easier to handle these types of cases. We cannot always control who walks through our door and it is important to be able to assist everyone, no matter what the problem may be.

In addition to training, law schools can offer ongoing support to those students most consistently exposed to trauma.⁹⁹ The support can include counseling support, group discussions, mentoring, and online list-serves.¹⁰⁰ These support services could be designed and maintained by the students with support from law school staff and instructors. Whatever resources are created, these resources should be easily accessible and well advertised, because law students are often reluctant to acknowledge a need for the resources in the first place or are too overwhelmed to search for them.

from people who knew a lot more about trauma than we did." Danieli, *supra* note 48, at 1640 (citation omitted).

98. See also responses to Student Questionnaire: "I definitely think it would be great to integrate a few classes on what to expect when dealing with trauma victims. Maybe forums for discussion or resources to help students deal with these clients could be provided on an optional basis. It's a fine line to have compassion and know that you will put everything you have into helping a person, and getting so involved and distraught that you stop being helpful to your clients. Learning where that line is may take a bit of experience, as well as a bit of training through classes to assist students in finding that line." "Any law students who are planning to go into a career where they will be working in public interest areas where they may come into contact with victims of trauma (such as family law, criminal law, immigration law, youth law, elder law, etc.) would most likely benefit as would the field of law, because if young attorneys can develop these skills early the burnout rate might decrease and the service to the clients might improve." "Yes, [I think law schools] have a duty [to train law students] how to effectively represent traumatized clients. [I]t will likely serve students better in the real world than preparing them for hotly disputed adverse possession issues"

99. The informal survey conducted by Andrew Levin and Scott Greisberg found that attorneys attributed their secondary trauma to not only lack of knowledge about trauma, but also a "lack of a regular forum to discuss and ventilate regarding their own feelings." Levin & Greisberg, *supra* note 7, at 251.

100. Kathleen Waits, *Symposium: Feminist Lawmaking On-Line: The FIVERS Domestic Violence Listserve*, 11 AM. U. J. GENDER SOC. POL'Y & L. 877 (2003).

C. *Changing Perceptions of the Divide Between Law and Psychology*

In order for law schools and clinical programs to commit to this type of training and these support systems, there needs to be an institutional shift in understanding law and the role of lawyers.¹⁰¹ Competent legal advocacy requires lawyers to appreciate the limits of their personal perspective and experience and to work empathetically with real clients with personalities, experiences, and expectations.¹⁰² The legal process and training that separate law and psychology does a disservice to the legal advocates.¹⁰³ A person does not cease to be a human being when he or she becomes a lawyer. As a human being, a lawyer forms bonds with his client, reacts and relates to his client's emotions, and feels responsible for the well-being of individuals and communities.¹⁰⁴

Therapeutic jurisprudence scholarship has begun the discussion of the importance of bringing psychology into the legal process to better serve the needs of clients, but there is still much work to be done.

D. *Cooperation Between and Among Professionals*

Professionals, such as psychologists and medical doctors, are already brought into the legal process as expert witnesses.¹⁰⁵ The expansion of cooperation between and among professionals described above will further the efficiency and professionalism of the legal process, and improve the legal

101. Bandes, *supra* note 59, at 342 (positing that "[t]he problem is more basic, though, than a lack of support systems. In the conventional view the very acknowledgement of our work's emotional aspects—of the pain we cause, the pain we experience, the costs of the dissonance between role and conscience, the empathy or revulsion we may feel toward particular clients and how we ought to deal with it—seems at odds with law's essence as a rational and rigorous discipline. In short, acknowledging the role of emotion may brand one as not merely weak, but downright unlawyerlike").

102. See generally Silver et al., *Lawyering and Its Discontents*, *supra* note 1. See Bandes, *supra* note 59, at 341 ("Questions about how we lawyers do our jobs cannot be neatly divided into intellectual and emotional spheres, or into doctrinal, strategic, ethical, and emotional quadrants. Such divisions manage to shortchange every aspect of lawyering: the intellectual as well as the emotional; the scholarly as well as the practical.").

103. See Bandes, *supra* note 59, at 342, 344 (arguing "that legal discourse, beginning in law school and throughout our professional lives, needs to overcome its current aversion to the emotional aspects of lawyering, and that the consequences of our longstanding failure to do so are great and should not be perpetuated" and noting that "[t]here may be no other profession whose practitioners are required to deal with so much pain with so little support and guidance").

104. Daicoff, *supra* note 1, at 6 ("The presence of real, live clients in all of their complexity enables law students to 'study the client as a whole in relation to society as a whole'—not only the client's legal problem, but his or her social, economic, and emotional problems as well."). But sometimes law students can feel overwhelmed, as in the case of "a sheriff's deputy in a criminal courtroom, who asked, 'Should my heart go out to every person we hear about getting hurt? My heart would be going out every single day—I wouldn't have a heart left.'" Bandes, *supra* note 59, at 345 (citing STEVE BOGIRA, *COURTROOM 302: A YEAR BEHIND THE SCENES IN AN AMERICAN CRIMINAL COURTHOUSE* 174 (2005)).

105. Under the Violence Against Women Act, Equal Justice for Women in the Courts, Subtitle D, provides for training of judges and other court personnel in various issues, including use of expert witnesses on post-traumatic stress disorder. See Leonard Karp & Laura C. Belleau, *The Federalization of Family Law: Federal Law and Domestic Violence: The Legacy of the Violence Against Women Act*, 16 J. AM. ACAD. MATRIMONIAL L. 173, 179 (1999).

system overall.¹⁰⁶

VI. CONCLUSION

KGACLC's experiences training law students working with traumatized clients have culminated in the creation of a unique training component. The institutionalization of this training component has strengthened it and sends a clear message that legal education can and must teach law students more than just legal reasoning. While there is still much work to do to make this legal educational component as complete and effective as possible, the recognition and support for this training has been significant. Efforts to provide the best training possible to law students who presently work with or will work with traumatized clients, to give them the skills they need to fulfill their professional responsibility to their clients, and to support them so that they can continue to represent traumatized clients without burning out, are vital. We are confident KGACLC's experiences can contribute to these efforts.

I believe that any lawyer who is working with clients that have gone through traumatic events should take a class which will provide him or her with information on trauma. In fact, I believe it is an injustice and unethical for lawyers who work with traumatized clients not to have an understanding of how their clients' traumas will affect their cases or affect the lawyer's ability to represent them.

Working with my traumatized clients has been one of the greatest experiences of my life. Now that I have the tools to understand the clients' trauma and my own reactions, I do not feel as frightened to be exposed to a client's trauma, and I hope to help other traumatized clients in the future.

106. Mills, *supra* note 11, at 574-76.

