

# LEGAL NETWORK FOR GENDER EQUITY

Attorney FAQs  
2020



Thank you for joining the **Legal Network for Gender Equity!** The Legal Network for Gender Equity is housed at and administered by the **National Women's Law Center Fund.**

**Review these FAQs carefully and retain them.** They explain the processes used by the Network and your obligations as a member of the Network.

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**Q14. What training materials or other resources are available to Legal Network members?**

## **Q1: How does the Legal Network for Gender Equity Work?**

**A:** When someone contacts us about sex discrimination or harassment, we email the person the names and contact information of three attorneys in the Legal Network who practice in the person's geographic area.

If we send your contact information, you will receive an email from us at that time.

The person contacts the attorneys on the list we gave them. They will let you know that they got your name through the Legal Network.

## **Q2: What are my obligations as a member of the Network to people seeking help?**

**A:** By joining the Network, you agree to:

1. You or another attorney at your office will respond to individuals who receive your name from the Legal Network for Gender Equity within five business days.
2. You or another attorney at your office will provide an initial free legal consultation to individuals who receive your name from the Legal Network either in phone or in person. Question 3 details what we mean by this.
3. Alert your office staff that you have joined the Legal Network for Gender Equity, so they can direct calls to you accordingly.
4. You will treat people we send you in a trauma-informed manner. For more explanation of this, see **Q13-Q14**.

**You are not obligated to take their case or provide free legal services to these individuals beyond the initial free consultation.**

*\*We survey the people after we send them attorney information. If they let us know that they reached out to you and it went well, we will let you know. When we hear that someone did not get a consultation or was not treated appropriately, we will let you know that as well. We may remove attorneys from the Network based on what we hear from the people we are helping.*

### **Q3: What do we mean by “initial consultation”?**

**A:** We expect that:

1. Individuals will be able to speak with you or another attorney at your firm.
2. You will talk them through what options, legal and otherwise, may be available to address their situation. We do not screen individuals other than to ensure that their issue involves sex discrimination/harassment. Therefore, the people who reach out to you may be out of time or not have experienced something illegal, and you will have to explain that to them.
3. If they are dealing with issues outside of your area of expertise that you cannot assist with, such as securing unemployment benefits or restraining orders, you will point them towards referrals or other resources. [Here](#) is a list of resources we send that may be helpful.
4. If a person needs an accommodation because of a disability under the ADA (e.g. has a mobility impairment and needs an office that can accommodate that or needs a sign language interpreter) you will provide them with one. If you cannot provide someone with a requested accommodation, please let us know.

### **Q4: What are my obligations to the Legal Network for Gender Equity?**

**A:** As a member, you agree to:

1. Undergo some form of trauma-informed training, which can include webinars that you can find here:

<https://nwlc.org/resources/webinars-for-attorneys/>

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2. Provide us with brief updates when you consult with or agree to represent someone.
  - These updates should be brief and should not include privileged or confidential information.
  - You should email your updates to [legalnetwork@nwlc.org](mailto:legalnetwork@nwlc.org).
3. Determine whether your participation in the Legal Network for Gender Equity complies with your applicable state laws and professional responsibility rules.
4. Update the Legal Network for Gender Equity and the TIME'S UP Legal Defense Fund if your bar status, qualifications, or contact information change.
5. You also agree that by providing information about you to an individual who contacts us seeking legal information or assistance, the National Women's Law Center Fund LLC is not entering into an attorney-client relationship with that individual or agreeing to be your co-counsel should you represent him or her.

### **Q5: Does the Legal Network screen requests for assistance?**

**A:** Volunteer attorneys screen intakes solely to determine whether the intakes address sex discrimination in employment, education, or health care. We do not screen for other legal matters (e.g. timeliness or whether the claim meets a specific legal threshold). Thus, part of your initial screening may involve explaining to the individual whether they do or do not have a legal claim.

### **Q6: How many intakes will I receive?**

**A:** The number of intakes you receive will vary based on your location, the number of other Legal Network attorneys in your area, and the issue areas in which you practice. If you are receiving too many inquiries at any point, contact us at [legalnetwork@nwlc.org](mailto:legalnetwork@nwlc.org) and we can adjust the frequency with which we share your information.

## **Q7: Can I advertise my membership in the Legal Network for Gender Equity?**

**A:** You may state that you are a member of the Legal Network for Gender Equity. We do not allow members to state that the TIME'S UP Legal Defense Fund or the Legal Network has otherwise endorsed you or your firm.

## **Q8: How does the TIME'S UP Legal Defense Fund fit in/what resources are available for funding?**

**A:** If you decide to take a case and it involves workplace sexual harassment or related retaliation (including defending against defamation claims because a person spoke up about workplace harassment), the case may be able to receive funding from the TIME'S UP Legal Defense Fund.

You can learn more about the TIME'S UP Legal Defense Fund [here](#) and find the criteria and application for funding [here](#).

## **Q9: May I charge the client for the time it takes to fill in the TIME'S UP Legal Defense Fund funding application?**

**A:** No. Most individuals using the Legal Network to find representation cannot afford to pay the regular rates for legal services. Therefore, you should not charge potential clients for filling out the TIME'S UP Legal Defense Fund Case Funding Application. The application is short and straightforward and should not require significant time to complete.

## **Q10: Does the client have to have signed a retainer agreement in order for the attorney to apply for funding?**

**A:** No. You may apply for funding before any agreement is signed. TIME'S UP Legal Defense Fund funding can be used to cover the retainer amount. TIME'S UP Legal Defense Fund funding cannot be used to pay a client back for money the client has paid you.

## **Q11: What resources are available for dealing with media or helping survivors share their stories?**

**A:** If you decide to take a case that involves workplace sexual harassment or related retaliation and you or your client would like assistance with the media (either generating or managing press), you may be able to receive support from a public relations firm through the TIME'S UP Legal Defense Fund.

This support may be available to survivors who are not pursuing litigation, but to be eligible we require individuals to have an attorney. Representing people to help them share their story is another way you can support survivors of workplace sexual harassment through the Fund. You can find more information on the process [here](#).

## **Q12: If I receive support from the TIME'S UP Legal Defense Fund, will the Fund have influence over the case's legal strategy?**

**A:** No, the TIME'S UP Legal Defense Fund does not, in any way, control the legal strategy or decision-making for cases that it funds.

## **Q13: What are key things to keep in mind when talking to survivors of sexual harassment or assault?**

**A:** Talking about sexual harassment is difficult. When gathering information from someone coming through the TIME'S UP Legal Defense Fund/Legal Network for Gender Equity, as an attorney you want to get the facts, but you need to be sensitive to how difficult it can be for some individuals to retell their stories. This is especially true when someone is trying to find a lawyer and may have to retell what happened numerous times.

Here are some tips and strategies intended to help you make individuals feel comfortable sharing their experiences while allowing you the chance to get the information you need.



## 1. Take some time to explain how the law works.

Some of the people reaching out to us have never talked to a lawyer before and may never have received workplace training or other information about what constitutes sexual harassment. Others may have never told anyone what happened to them. Many have been through trauma before, making their experience of harassment even more difficult. When these individuals talk to a lawyer and the first questions are about damages or money, they may feel like the lawyer doesn't care about what happened to them. Taking a little time to explain how the law works, why damages are part of what has to be considered, and explaining why these questions are being asked, may help.

## 2. Set the tone.

***Acknowledge that some of the questions may be uncomfortable and manage expectations.*** For example, you might say something like:

- “First, I want to thank you for your willingness to speak with me today. I know that sometimes it can be difficult to share details regarding this experience so before we begin, I'd like to walk you through our consultation process.”
- “For me to best assist you, I need to ask some questions that might be uncomfortable. Asking these questions will allow me to provide a consultation that fully considers the details around your case, and how I can best assist you around your legal options. This may be especially hard because you have just met me.”

***Encourage the person to bring up their concerns or ask questions before they start sharing their experience.*** Also encourage them to take pauses throughout the consultation, if they feel uncomfortable:

- If at any moment, you feel uncomfortable, need a break or would like to stop, please let me know.

***Provide them with the agency to begin where they'd like to:***

- “Where would you like to start?” or, “Please start wherever you feel most comfortable.”

### 3. Language and tone are important, especially over the phone.

**Think about the language that you are using.** For instance, if the individual uses a specific word to classify what happened to them, (i.e., rape, assault, harassment), even if their experience does not match the legal definition, correcting them in the moment may make them feel as if they are not being heard or that you do not believe them.

Of course, the legal definitions may be important for what you discuss. If that happens, you should explain that by calling their experience by another name you do not mean to invalidate or redefine what happened to them, but that because the law defines these terms based on specific factors, you may need to call their experience by a name with which they may not identify:

- “Your experience is important, and the name you have given to your experience is valid. I should let you know that I may need to call it by another name during this process, only because the law defines terms differently from the ways we may identify.”

**Try to mirror communication.** Mirroring is a technique that can help with active listening and engagement. It can also help a person feel heard.

- For instance, if a person describes their experience as “difficult”, you can use words like “frustrating” or “challenging”, rather than words like “scary” or “terrifying”.

**Frame your questions.** It can be difficult for the person to provide details around the harassment or assault. Some people may have encountered victim blaming while sharing their stories. Consider letting the person know that your questions are not from a place of doubt. An example:

- “These questions may feel cold or difficult to hear. Please know that I don’t ask them out of doubt, but rather to ensure that I’m prepared with all the details necessary should we agree to work together.”

**Be conscious of pronouns if you're responding to what they say.** Try to mirror the words that they use to avoid the risk of putting words in their mouth:

- For instance, if they say, “someone hurt me,” try not to assume that “someone” is a “he”. Using “they”, or “this person” instead can bring the conversation to a neutral space where stigma or preconceptions are absent, further providing a judgement-free, safe space.

#### **4. Empowerment and Active Listening**

- Try not to interrupt while they are speaking.
- Schedule time to talk with the person when you have capacity to provide your full attention.
- Once you've created space for them, let them know that you are listening.
  - » Verbal cues like, “Ah hah,” “I see,” “I hear you,” are some good examples of this.

**Listen closely and repeat back to them** – summarize what they've said to let them know that you're paying attention. For instance, if they tell you about what happened to them, you could respond with:

- » “I see, if I'm understanding correctly, \_\_\_ did \_\_\_ and now you're \_\_\_. Is that right?”

This also gives them the space to clarify in case something was misunderstood. Whenever possible, ask for their permission before diving into difficult questions.

- » “May I ask...”
- » “Would it be alright if I asked...”
- » “Could I ask you to tell me...”
- » “If you don't mind sharing with me...”

- Survivors often feel isolated by what they've experienced. They may worry that they did something wrong, or that the feelings they are processing are not normal. It can help to validate their feelings with phrases like:
  - » "It makes sense that..."
  - » "It's not uncommon to feel this way after..."
  - » "It's normal to..."
  - » "You are not alone."

**Thank them for sharing.** They may have been coerced into staying quiet or may have been punished for telling the truth in the past. This is your time to let them know that they are doing something good by standing up for themselves.

- » "I think you're taking a really big step by..."
- » "I can imagine it was not easy to talk about this, but I'm really glad you told me."
- » "Thank you for telling me about this."

**Continue to Use Trauma-Informed Practices Throughout Your Relationship with the Client.** You should employ trauma-informed practices throughout your representation of workers who have faced sex discrimination, harassment or assault. For example, you should explain the legal process and the various steps in litigation both before the case starts and as it is happening. You should expect the worker to have many questions and set aside time to answer them fully. You should regularly update your client about the case, even if there are no major actions. You should provide the client with any filings that require their input well in advance of the date of filing so that the client has time to review the document, ask questions, and provide input.

## **Q14: What training materials or other resources are available to Legal Network members?**

**A:** We've created:

1. [Training materials](#) on Trauma Informed Legal Advocacy.
2. Webinars about litigating sexual harassment cases as well as other intersecting issues and forms of discrimination.
  - [Trauma 101](#)
  - [Trauma Informed Legal Advocacy Webinar](#)
3. Resources on discrimination in education, including:
  - Sexual harassment: [Sexual harassment toolkit \(for students of all genders and education levels\)](#), [FERPA fact sheet](#), [Title IX Myth-busting fact sheet](#), Cyberbullying fact sheet, LGBTQ Students fact sheet, Mandatory Police Referrals fact sheet.
  - Pregnancy and parenting: [Pregnancy and parenting toolkit](#) (for students of all genders and education levels).
  - Athletics: Athletics toolkit (for students of all genders and education levels).
  - Discipline: Discipline toolkit (for K-12 girls of color), [Dress Code report \(for K-12 girls of color\)](#).
4. Resources on sex discrimination in health care.

**We hope that through your involvement in the Legal Network you know that you are connected to a large network of attorneys all across the nation who are fighting to end sex discrimination and sexual harassment.**