



Working with Survivors of Sex Harassment and other Forms of Discrimination: Suggestions for Moving towards Trauma-Informed Lawyering

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- Seek out greater understanding regarding how survivors are impacted by trauma
 - Be aware of common signs of trauma and learn ways to help address them
 - Be aware of the power dynamics between you and that trust must be built over time
 - Recognize that trauma can additionally and uniquely impact Black survivors, LGBTQ survivors, disabled survivors, immigrant survivors and those with intersecting identities
- Discuss the legal process with the survivor ahead of time
 - Discuss what she can expect at each stage of the legal process
 - Review the timeframes and goals of each meeting beforehand
 - Ask if she has questions or suggestions about the process
 - Explain that it will feel repetitive, and recognize that it takes an emotional toll each time to recount the experience of sex harassment or other form of discrimination
- Make conscious efforts to help the survivor to feel safe and understood
 - Assure the survivor that you are there to support her through the legal process
 - Set up the space in a manner that is more likely to provide comfort and safety
 - Check in throughout the meetings and take breaks
- Name and normalize trauma and its impact
 - Recognize that the survivor may not provide all of the details of the experiences in the first few conversations and additional information may come out over time
 - Recognize the various ways that trauma can effect memory
 - Expect contradictions and inconsistencies in the accounting of the experiences
 - Reassure the client, and discuss any inconsistencies and how to best address them
- Prepare for triggers that you can try to help avoid, and reduce spaces for re-traumatization
 - Discuss any particular triggers and coping mechanisms
 - Make a plan for how to deal with a named harasser's potential presence or actual presence during any of the legal proceedings
 - Plan out practical steps to take if the survivor feels triggered during the proceeding
 - Team up with a survivor advocate and/or mental health expert if possible
- Monitor for and address your own trauma and more generally, your emotional well being
 - Recognize and name that you and other staff may also be survivors of sex harassment, including sexual assault, and other forms of discrimination
 - Recognize if you or your staff are facing vicarious trauma and ensure to address it
 - Provide relevant resources and policies regarding support and accommodations
 - Care for yourself, including by taking breaks, and seeking out mental health services
- Be aware of relevant hotlines and have them available to share
 - National Sexual Assault Hotline: 1-800-656-HOPE (4673)
 - National Domestic Violence Hotline: 1-800-799-SAFE (7233)
 - National Suicide Prevention Hotline: 1-800-273-TALK (8255)

Handouts

- RAINN, [Tips for Talking with Survivors of Sexual Assault](#)

RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE, online.rainn.org y rainn.org/es) in partnership with more than 1,000 local sexual assault service providers across the country and operates the DoD Safe Helpline for the Department of Defense. RAINN also carries out programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice.

- The National Resource Center for Reaching Victims, [Enhancing Legal Advocacy Through a Trauma-Informed Approach](#)
- National Center on Domestic Violence, Trauma & Mental Health, [Representing Domestic Violence Survivors Who Are Experiencing Trauma and Other Mental Health Challenges: A Handbook for Attorneys](#) (December 2011)
- National Center on Domestic Violence, Trauma & Mental Health, [Preparing for Court Proceedings with Survivors of Domestic Violence: Tips for Civil Lawyers and Legal Advocates](#) (March 2013)
- NWLC Amicus Brief, *Chase v. Penney*, No. 20-3234, [Brief for the National Women's Law Center, and 30 Additional Organizations, as Amici Curiae Supporting Plaintiff-Appellee Nicole Chase](#) (March 2021)

The National Women's Law Center, along with our law firm partner Linklaters LLP and 30 other organizations including the Women's Law Project, filed an amicus brief in the Second Circuit Court of Appeals in support of Nicole Chase, a 27-year-old single mother and restaurant worker who was sexually assaulted by the restaurant's owner. Our amicus brief highlights the ways gender bias by law enforcement, including reliance on harmful sex-based stereotypes, not only leads to failures in sexual assault investigations, but also compounds the trauma of sexual assault for survivors.

Additional Resources

- NWLC, [Webinar – Trauma 101](#) (October 2018)

Many survivors of sexual harassment and other forms of discrimination are dealing with trauma and the different ways it manifests, often making the search for help that much more challenging. This webinar introduces the concept of trauma and the survivor perspective, and features expert, Olga Trujillo.

- NWLC, [Webinar – Trauma-Informed Legal Advocacy](#) (October 2018)

This webinar, the second in a series following Trauma 101, addresses more practical information for attorneys on taking a trauma-informed and survivor-focused approach to interviewing, working with, and providing services to individuals with trauma.

Resources from the Webinar

- Texas RioGrande Legal Aid, [Trauma Assessment: Asking About Client Vulnerabilities](#) (October 2018)
- National Immigrant Women’s Advocacy Project (NIWAP), [Trauma-Informed Legal Advocacy Webinar for Immigrant Sexual Assault Victims – Training Materials](#) (October 2018)
- Victim Rights Law Center, [Sexual Assault Legal Services Toolkit](#)

The content and resources provided in the Toolkit are derived from the many years of experience the VRLC has been providing direct representation to survivors of sexual assault and technical assistance and training to OVW grantees on issues related to sexual assault.

*Note: Chapter Four is about Vicarious Trauma and Survivor Empowerment
Chapter Six is about Cultural Responsiveness, including LGBTQ Safety Planning
Chapter Nine is about Conducting Intake Regarding Sexual Assault*

- NWLC, [Webinar – Representing Black Women Survivors of Workplace Sex Harassment and Sexual Violence Part I: An Introduction](#) (May 2020)

Note: Slides 30-40 of this session are particularly about trauma-informed advocacy

- NWLC, [Webinar – Representing Black Women Survivors of Workplace Sex Harassment and Sexual Violence Part II: Litigation and Best Practices](#) (May 2020)

Note: Slides 19-20 are particularly about trauma-informed advocacy

- NWLC, [Webinar – Working on Sex Discrimination Cases with LGBTQI+ Individuals: An Introduction and Best Practices](#) (April 2019)

Note: This PowerPoint includes slides regarding language guidance and best practices.

- NWLC Handout on [Disability Related Language Guidelines](#) (2020)

- National Resource Center on Domestic Violence (NRC DV), [Webinar – Keeping Your Cup Full: Self-Care Is Essential to Trauma-Informed Advocacy: Part I](#) (October 2016)

Self-care is essential to providing trauma-informed advocacy. This webinar offers strategies for dealing with daily work related stress, will increase awareness of the issue of vicarious trauma, and provides ideas in order to gain organizational support for staff.