

Trauma Informed Lawyering

January 22, 2021 2:00 – 4:30 p.m.

Sponsored by the MBA Young Lawyers' Section

Issue – Struggling to Feel Motivated

Scenario – A client you are working with is demanding and blames you for their situation. You begin to feel discouraged, cannot find energy to continue supporting them and delay work on their file.

What are you experiencing?

What can you do to improve?

Issue – Client Trust & Memory Issues

Scenario – A client fails to share important information that is relevant to their case. You do not become aware of the information until it comes out through opposing counsel.

What are you experiencing?

What can you do to avoid the situation now and in the future?

Reflection Questions

What are some strategies or practices that we can minimize the risk of prevent vicarious trauma or re-traumatizing clients?

What would a trauma-informed litigation strategy include or consider?

Young Lawyer Focus

It is no secret the attrition rate in the legal profession is high. The Law Society of Alberta's 2014 Retention and Re-engagement Task Force found that within 5 years of being called to the bar, 57% of women and 49% of men will have left private practice. Many will move to in-house or government positions, but close to 30% (28% of women and 29% of men) leave the practice of law entirely (Law Society of Alberta, Retention and Re-engagement Task Force Final Report, Oct 2014 <https://www.lawsocietylistens.ca/6200/documents/11763>).

Stress and life balance were consistent reasons for exiting the profession. Not surprising when you consider that a 2012 CBA survey found 58% of respondents personally confronted stress and burnout. 1 in 5 respondents reported dealing with compassion fatigue (CBA, Legal Profession Assistance Conference, Survey of Lawyers on Wellness Issues, 2012, http://www.cba.org/CBAMediaLibrary/cba_na/PDFs/CBA%20Wellness%20PDFs/FINAL-Report-on-Survey-of-Lawyers-on-Wellness-Issues.pdf)

How could young lawyers effectively approach senior lawyers about trauma-informed lawyering?

What can more experienced lawyers/mentors/organization leaders do to encourage junior lawyers to seek out assistance and guidance?

For more on trauma-informed lawyering, please see:

The Trauma Informed Lawyer Podcast: <https://www.cba.org/Truth-and-Reconciliation/Events/The-Trauma-Informed-Lawyer>

The Golden Eagle Rising Society's Trauma Informed Toolkit for Legal Professionals: <https://www.goldeneaglerising.org/initiatives-and-actions/trauma-informed-toolkit-for-legal-professionals/>