

The ALIGHT Mobilizing Justice Program

EMPOWERING SURVIVORS AT SCALE

TIPS FOR ATTORNEYS WORKING WITH TRAFFICKING SURVIVORS

ALIGHT believes that when the survivor and the attorney have a positive and impactful working experience, it can be healing for the survivor and empowering for the attorney as well.

Working with an attorney and dealing with the legal system can bring up many feelings for survivors, from discomfort to sadness, fear or anger. We recognize that some survivors have been harmed by the legal system, perhaps having been treated as the criminal in the situation and arrested, detained, prosecuted, convicted and/or incarcerated. Sometimes it was a matter of not being believed or listened to properly.

We hope this document will help prepare you for this work and answer some questions you may have as you support the survivor on their legal journey.

1 The First Meeting



The first meeting is an important opportunity to build rapport, discuss the expectations of the engagement, agree on the scope of representation and clarify the preferred modes of communication and next steps. **Building trust** is an essential step in any client relationship, but one of particular importance when working with survivors of exploitation and abuse.

Because ALIGHT's model allows us to place cases for survivors with needs in over 20 different legal areas, our intake process does not involve an in-depth review of the merits of the survivor's case, the time commitment or the scope of representation.

As such, during the initial meeting with a survivor, an attorney will need to **ask further clarifying questions about the survivor's specific legal need to assess the best course of action forward and the timeline.**

Suggested Topics to Cover During the First Meeting:

- Explaining whether you have handled cases dealing with similar issues before
- Covering how you will stay in touch if you decide to work together
- The best way to reach you (phone or email), and the best way to reach the survivor
- Whether there someone else in your office they can speak to if you are unavailable
- Whether you anticipate that there will be any fees or costs the survivor will have to cover to continue with this matter
- The next steps for you and the survivor



2 Discussing the Survivor's Rights & Responsibilities in the Process

Make your expectations for communication and honesty clear. Let the survivor know that you will be better able to represent them if they:

- Share any relevant information and documents, even if they are not sure if it is favorable to their case.
- Be honest if they do not know or do not remember certain information.
- Ask questions if they do not understand something, and raise any discomforts they may have with your approach.
- Let you know if they need a break during a difficult or triggering conversation, and if there is anything you can do to help (e.g. “Can we switch to a different topic for a while, and then return to this issue?” or “Can I take a few minutes and step outside?”).
- If they are unsure why you need particular information, they can ask you to explain why you need it.
- Be on time for appointments or notify you in advance if they need to cancel or reschedule.
- Notify you (and ALIGHT) if anything has changed in their situation and they can no longer continue with the legal process or are having problems maintaining ongoing communication.

3 Understanding Trauma, How it Manifests and How to Offer Effective Support

Trauma manifests differently for different people. Some survivors may be more withdrawn, while others may be very emotional. Some may want to check in often for reassurance, while others may disengage periodically from the process.

You may also encounter potential obstacles: Distrust, Suspicion, Anger, Denial and/or Resistance.

Earn Trust

A survivor's trust takes time and must be earned. If you are not sure how to respond to potential obstacles:

- Ask the survivor what constitutes respect for them in the moment
- Ask the survivor what would make them comfortable

Offer Options and Respect Choices

Traffickers take options and choices away from their victims, and trafficking survivors may have a long history of not being heard by or given autonomy by the systems they have dealt with. You can help change this dynamic by giving clients options and listening carefully to their choices.

Explain the Legal Process

Clearly - and often - communicate the steps in the legal process to the survivor. Manage expectations about what the legal system can do, and what engaging with it will involve. Share information on how long a legal process or outcome might take.

Help the Client Prepare

When setting up a meeting inform the survivor who else may be in the room and what you plan to discuss. If you are preparing for a hearing, walk them through the event step by step, describing where they will enter the building, where they will meet you, even explaining where to sit and when to stand to help demystify the process and help decrease their uncertainty.

Create a Comfortable Environment

Try to ensure that the survivor is in a safe, private place when you are speaking.

Identify their level of comfort and pace.

Clearly mark the exits, bathroom and kitchen, if there is one available.

Be aware of their emotional state - suggest breaks, and remind them they can ask for a break when needed.



Address Past Experiences with the Legal System

Ask if they have worked with an attorney before and, if so, how the experience was for them. If it was not a good experience, ask what you can do to make this experience better.

Minimize Intrusion

When discussing the trafficking situation or a potentially sensitive or triggering topic, consider what level of detail is necessary and do not ask for information you do not need.

Words Matter

Use the language and labels the survivor uses (e.g. “boyfriend” rather than “trafficker”) and understand that the survivor may have complicated feelings about the trafficker (for example, if the trafficker was a family member).

Communicate Clearly & Specify Next Steps

It may sometimes be difficult to remain in contact with the survivor - be understanding and ask them up front how they prefer to communicate. Ensure they know how to get in touch with you, and if there is someone else at your office they can speak with when you are unavailable. Before ending a meeting or a call, ensure the survivor knows the next steps and when you will next communicate.

Spot Other Legal Issues

Keep an ear out for other legal issues. If you believe the survivor needs assistance on a separate matter, or if the given matter is more complex than originally known, suggest the survivor request their service provider or the ALIGHT Intake Advocate to post an additional request.

4 Explaining Legal Terms and Processes

Remember that many survivors are not familiar with the legal process. Legal terms may be confusing or unknown to them. Work to create an environment where a survivor feels comfortable interrupting you to ask a clarifying question. It is extremely important that they feel they understand the legal process and have **autonomy** and **choice** in the steps you are taking on their behalf.

These are a few common legal phrases written in language that should be accessible to your survivor clients. Please make sure to explain the following terms:

- **Attorney-Client Privilege**
- **Scope of Attorney-Client Relationship**
- **Engagement Letter and possible costs outside the pro bono services (if applicable)**
- **Conflict of Interest (if applicable)**