

LSUC FAMILY LAW SUMMIT

Domestic Violence Panel Speaking Notes

Representing women who have survived abuse in their intimate relationship requires special skills, a different approach to practice and office management and specialized knowledge and understanding. Very little of this is taught in law school and, to date, there are minimal CPD offerings in this area, so if this is work you are interested in, you will need to find ways to learn what you need to know. Of course, lots of you already do this and do it well, so there are people you can reach out to if you are new to this work.

There is a lot I would like to be able to share with you today, but I have 5 minutes, so I am going to hit some of the high points and leave you with some suggestions for where you can learn more. The material provided as part of the summit materials explores everything I am mentioning here in greater detail.

To ethically represent a client who has survived abuse, a lawyer needs to have knowledge and understanding of

- the dynamics of abuse
- the impacts of power and control
- the reality of post-separation abuse
- the impact of trauma on your client's ability to engage meaningfully with you and to participate effectively with the court process
- the safety issues that can arise for her
- the impact of the abuse and your client's trauma on her children

While all lawyers need to set appropriate and professional boundaries with all of our clients, this can be more challenging with a client who is experiencing trauma and who may have few or no boundaries herself.

It will take longer for your client to trust you. As a result, she may tell you her story of abuse in bits and pieces. This can be really frustrating, especially if key information about the abuse only surfaces after you have served and filed court documents such as an affidavit. This is normal for people dealing with trauma – your client is not making up untrue stories just because she changes the details or adds to her original story over time. She is remembering and sharing with you as she is able to given her trauma and her need to make sure she can trust you. She wants to know you will believe her and will not judge her before she tells you everything that you need to know.

You may need to use a different approach to interviewing clients who have survived abuse. For sure, you will need to make longer appointments. And, be ready for your

client to zone out before you are ready for her to – this, too, is a coping mechanism for her trauma.

As with any client, but perhaps more intensely with clients who have experienced abuse, you will need to be aware of other concurrent legal issues. Her partner may have been charged, so there may be bail conditions in place and she may be anticipating testifying in a criminal trial. Or, she may have been charged and be subject to bail conditions. There may be immigration or refugee proceedings underway. Child protection authorities may be involved. These issues are not discrete, but intersectional, so you need to have a good and current awareness of what is happening for her on all the legal issues she is dealing with.

Make sure you are familiar with violence against women services in your community and have information about them available to your clients. This lets you stay focused on your job, knowing that you have given her information about where she can get the other supports and services she needs.

Perhaps the most important thing I want to say this morning is this: when you are working with a client who has experienced abuse, PLEASE work with the professionals in this field. Ontario has Family Court Support Workers in every court jurisdiction in the province. These are specially trained and legally supported frontline workers who can make your job much easier by assisting your client with safety planning, emotional support, court accompaniment and so on. Allowing a woman to be accompanied into her appointments with you will be a positive experience -- they can help keep the woman focused, take notes to assist her in remembering what you talked about and provide crucial support to women in completing the tasks you give during your appointment. Most shelters also have specially trained legal advocates who can play a very similar role. You can find a list of FCSP providers on the MAG website.

If you want to learn more to better represent women who have experienced abuse, I want to mention two possibilities:

1. Later this month, Luke's Place is launching an online course – free and with CPD hours – for lawyers who want to represent women experiencing abuse. Check out our website – lukesplace.ca – or email projectco@lukesplace.ca for more information.
2. LAO will be offering domestic violence awareness in-person training – also free and with CPD hours – for per diem lawyers beginning in June. For more information about that . . .