

Tip Sheet for Survivors of Human Trafficking Working with Attorneys

SRP understands that navigating the criminal legal system can be harmful and even re-traumatizing. The criminal legal system hasn't done a great job of understanding the complexities of a survivors' journey, and it is not designed to be supportive and easy to understand. In acknowledgement of the potential harm that may occur and our dedication to reduce the harm and help improve survivors' engagement with the justice system SRP has trained and partnered with pro bono attorneys who are committed to providing trauma informed services.

SRP created this document to provide important information, expectations, and goals for your legal partnership. This guide seeks to ensure that both the Survivor and attorney are on the same page and you, as the client, have enough information to make self-empowered, informed decisions as you navigate through the legal process.

Please read this information carefully and contact us if you have any questions or need clarification on anything.

As a client, when you work with an attorney, you have the right to:

- A safe, respectful, and confidential space to discuss your case.
- Clear communication about your legal options and the process.
- Emotional support and understanding of how trauma affects you.
- The ability to make informed decisions that respect your well-being.
- Adjustments to the process to accommodate your comfort and emotional needs.

By working with a trauma-informed attorney, you ensure that your legal representation is not just about the law, but about protecting your dignity and helping you navigate your case in a way that considers your past experiences and emotional needs.

1. Right to a Safe and Respectful Environment

Safe Communication: You have the right to discuss your case with your attorney in a safe, supportive space. This includes ensuring that any conversations about traumatic events are approached with sensitivity. You have the right to ask for alternative ways to provide information to your attorney that are most comfortable for you such as written or verbal communication options. If you have a preferred approach, please inform your attorney right away.

Respect for Boundaries: Your attorney should respect your personal boundaries, including how and when you want to talk about painful topics. You should never feel pressured to share details you're not comfortable with.

2. Right to Clear and Transparent Communication

Clear Explanation: You have the right to understand the legal process, your options, and any decisions made. A trauma-informed attorney will explain things clearly and in language you understand. Don't be afraid to ask a lot of questions throughout the process.

This is your case and as the client you have the right to have a full understanding about the legal process regarding your case.

Pacing the Process: Your attorney should work with you to ensure the legal process moves at a pace you can handle, with the necessary supports, and especially when dealing with sensitive or painful issues.

3. Right to Privacy and Confidentiality

Confidentiality: You have the right to have your communications with your attorney kept private. Attorney-client privilege ensures that anything you say to your attorney is protected from being shared without your consent. There may be exceptions to confidentiality when you request that the attorney talks with someone else (like a case manager or therapist) or if you choose to invite a support person to join you when you are talking with your attorney. You should discuss this with the attorney so that you can make the decision that is right for you.

Sensitive Handling of Trauma: If discussing your trauma is necessary for your case, your attorney should be mindful about when and how to bring it up. They should ensure that you feel in control of what is shared, especially in public or formal settings like court. Any documentation submitted to the court that discloses your personal narrative will always be shared with you prior to submission to the court.

4. Right to Be Heard and Empowered

Active Listening: You have the right to have your experiences and feelings heard. A trauma-informed attorney should actively listen without judgment, validating your feelings and needs.

Decision-Making: You should be empowered to make decisions about your case. Your attorney should provide you with all the information and options, so you can make informed choices, while respecting your autonomy and emotional well-being.

Self-Determination: You have the right to make choices about how your case proceeds. Your attorney should never force you to take actions that make you uncomfortable or don't align with your needs and values.

Control Over Disclosure: You are in control of what you disclose about your trauma. Your attorney should not press you to reveal information you are not ready to share, and should discuss the possible consequences of sharing such information if it is necessary for the case.

5. Right to Emotional and Psychological Support

Trauma-Aware Approach: Your attorney should be sensitive to the emotional impact that discussing trauma might have on you. They may use strategies such as checking in with you regularly about how you're feeling during the process, or offering breaks during difficult conversations.

Referrals to Support Services: If necessary, your attorney may refer you to counseling, support groups, or other mental health professionals to help you cope with the emotional strain of the legal process. The SRP Advocate can also assist you in finding support during the process.



6. Right to Adjustments in Communication

Communication Flexibility: If certain types of communication (like phone calls, emails, or face-to-face meetings) are particularly stressful for you, you have the right to ask for adjustments. For example, you might prefer written communication to avoid triggering face-to-face discussions, or you might need extra time to process information.

Understanding Trauma Responses: Your attorney should be aware that trauma can lead to responses like memory gaps, dissociation, or emotional reactions that are out of your control. They should approach these responses with patience and understanding, not judgment.

7. Right to Informed Consent

Informed Decisions: You should be given all the necessary information about your case, including potential legal strategies and outcomes, so you can make informed decisions. This is especially important in trauma cases, where the emotional impact of decisions can be significant.

Ongoing Consent: If your attorney needs to share any information with other professionals (such as for expert testimony or with a counselor), you must give consent first. Your attorney should ensure you are comfortable with every step.

8. Right to a Non-Discriminatory, Supportive Relationship

Non-Judgmental Attitude: A trauma-informed attorney should never blame, shame, or judge you for your experiences. They should create an environment where you feel safe, valued, and not blamed for any trauma or related behaviors.

Sensitivity to All Types of Trauma: A trauma-informed attorney should be sensitive not just to physical trauma but also to emotional, psychological, or other forms of trauma, such as sexual abuse, domestic violence, or systemic trauma. They should be prepared to handle sensitive topics with care.

9. Right to a Holistic Approach to Legal Issues

Understanding the Full Context: A trauma-informed attorney considers not just the legal aspects of your case, but also the broader impact on your life and well-being. They should take into account how trauma may affect your decisions, your interactions with the legal system, and your ability to engage fully in the process.

Respect for Your Personal Strengths: Your attorney should recognize your resilience and strengths, and work with you in a way that supports your healing and growth, rather than focusing solely on the legal outcome.

We hope you found this document helpful as you navigate through the legal process. If at any point you have any questions or need additional support, please connect with SRP Advocate, Chanel Toleston (chanel@freedomnetworkusa.org) for assistance.