

News

Counselling the traumatized domestic violence victim

DONALEE MOULTON

The impacts of domestic violence reach beyond the family home to the lawyer's office. To effectively assist and support clients who have experienced family violence, lawyers must develop new approaches and even new ways of thinking.

Patience and sensitivity are essential. "You're dealing with an individual who is not quite ready to open up to the world," said Ivana Vaccaro, managing partner with Raviele Vaccaro in Toronto.

She recommends lawyers develop an intake form that asks probing questions and helps to create awareness about domestic violence because many women do not recognize that what has happened to them is abuse. As a result, lawyers should also be prepared for multiple visits before they get all the information they need. "Often information and memories are fragmented, spotty. They come in bits and pieces," said Vaccaro.

Going through the legal system can open old and new wounds.



Vaccaro

Clients may be reluctant to relive the distress, preferring instead to downplay or ignore the violence that they have experienced.

"Lawyers should be cognizant of the fact that asking a woman to explain, in detail, her experience of the abuse may serve to re-traumatize the client. Lawyers should be especially patient in this circumstance, realizing that it may take some time for a client to feel comfortable enough to provide you with all the details," said Jessica

Chapman, an associate with Boyne-Clarke in Dartmouth, N.S.

Throughout the process, she added, it is important to be open-minded and non-judgmental. When clients do open up, lawyers need to be able to put the information into context. This may not be possible for the woman herself.

"It is important not to minimize the abuse or its impact. In families where there has been a long history of abuse, it may be seen as 'the norm,'" noted Maria Franks, a legal information consultant based in Halifax.

Victims of domestic violence may have come from an abusive family or been in a long-term abusive relationship with a partner. Often they are isolated with no access to information or, they believe, support. In many cases, women blame themselves for what has happened, and they are afraid.

Physical abuse is often accompanied by emotional and financial abuse, a combination that affects self-esteem, decision-making, and psychological wellbeing. The

trauma women have experienced and often continue to experience affects how quickly and completely they open up. It also affects their confidence in the legal system, and how they interact with people perceived to be in a position of power, including their lawyer, noted Franks. "Lawyers need to understand the impacts of abuse, give her time to make informed decisions. They need to build trust with the client."

Conversations can be difficult. Women are usually still traumatized and may not easily remember the advice or information their lawyer provides. It's helpful to repeat key points and even provide information in writing. It may be beneficial for clients to do the same. "This is therapeutic and it helps to understand where they are coming from," noted Vaccaro.

According to Statistics Canada, men and women are almost equally at risk of violent victimization. However, the more coercive and aggressive violence is perpetrated by men. A report prepared in 2009

by StatsCan found that on average every six days a woman in Canada is killed by her intimate partner.

"A lawyer should listen for any indication that the former partner was controlling, excessively jealous, possessive, that there was extreme financial or emotional dependence, a severe imbalance of power or fearfulness and anxiety about the former partner's behaviour," said Chapman.

On the one hand, lawyers should not get too emotionally invested. "The focus should remain on developing a strategy that is in the best interest of the client using the relevant information provided," said Chapman.

On the other hand, lawyers should go above and beyond to provide support. This includes knowing where there are resources—housing, employment, shelters—that can help her and often her children start to rebuild their lives safely. "She's looking to you for answers," said Vaccaro. "You need to be able to give her those answers. She's feeling absolutely alone."

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