

Supporting Client Agency and Equity: Incorporating Client Empowerment Models into Your Legal Practice

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Understanding a “Client Empowerment” Approach to Legal Services

Client and Attorney Dynamics

Accessing legal help can be intimidating for many clients

- Attorneys seen as gatekeepers to courts and the legal system
- Clients come to us with preconceived ideas about the role of an attorney, which can be impacted by media and popular culture, as well as the experiences they and their community(ies) have had with the criminal and civil legal systems
- Relationship building can be influenced by factors such as race, education, and/or perceived social and economic power

Client and Attorney Dynamics

Client's exposure to trauma can also significantly impact an attorney – client relationship, as it can:

- Impede the establishment of trust between attorney and client
- Impact client engagement in legal case
- Make basic communication with and advising of clients more challenging
- Impact client recall of matters crucial to the legal case

Why Focus on Client Empowerment?

Many clients seeking legal assistance through pro bono service providers and/or victim services agencies have experienced:

- Monetary and/or institutional barriers to securing legal help
- Racism, discrimination, poverty, and/or other types of systemic oppression or inequities
- Multiple – and often compounding – exposures to trauma

Why Focus on Client Empowerment?

By prioritizing an approach that promotes and supports client empowerment and agency, attorneys are enlisting the client as a partner in moving towards their own goals.

This frames the attorney and client relationship from the start of representation as one of collaboration and helps transfer power back to the client and their communit(ies).

Why Focus on Client Empowerment?

“Empowerment is the process of helping crime victims develop the knowledge, skills, attitudes, and resources necessary to regain a sense of personal control, safety, and justice.

Lack of empowerment is not due to personal failing but primarily to interpersonal and social conditions, and in empowerment practice, advocates recognize that victims bring strengths and resources to the table and share power with victims to facilitate services.

Empowering approaches involve helping victims achieve personal, interpersonal, and social power, which can be especially important for those who belong to marginalized and oppressed groups.”

- *Michigan Victim Advocacy Network*

<https://mivan.org/advocacy-skills/strength-based-approaches/>

Client Empowerment Models – Key Elements

Attorneys promoting client empowerment and agency:

- View the client as a partner in resolving their legal issue
- Create space for the client to define the problem and set goals (even if those goals fall outside traditional legal remedies)
- Recognize the client as an expert on their lived experience
- Value and elevate client strengths
- Prioritize developing client knowledge and skills
- View connecting clients to additional resources and community supports as a form of proactive support

Client-Attorney Partnership

Traditional Approach:

- Attorney is the expert
- Client's options are framed/limited by attorney's perception of what is best
- Client expected to follow advice without pushback

Client Empowerment Model:

- Emphasizes collaboration to solve problem
- All legal options – including inaction – are fully presented
- Client's questions and active engagement in legal tasks are encouraged

Defining the Legal Problem and Setting Goals

Traditional Approach:

- Narrow lens looking primarily at legal matter
- End goal is set at beginning of representation

Client Empowerment Model:

- Expansive lens understanding longer term goals and needs of client
- Placing legal case in wider systemic context
- Being flexible if goals change

Recognizing Client As the Expert

Traditional Approach:

- Client provides basic facts
- Attorney uses their expertise in the law to determine and pursue best outcome

Client Empowerment Model:

- Views client as holder of in-depth expertise on past events and relationships
- Incorporates client expertise when exploring legal options and potential outcomes

Value and Elevate Client Strengths

Traditional Approach:

- Attorney uses their skills to solve problem for client

Client Empowerment Model:

- Client strengths and skills are identified
- Client is given opportunities to use and further develop skills during representation

Develop Client Knowledge and Agency

Traditional Approach:

- Attorney holds knowledge and is party taking action

Client Empowerment Model:

- Client participates in solving legal problem with attorney
- Client gains knowledge on how to prevent or address similar legal challenges in the future

Provide Client with Resources and Community Supports

Traditional Approach:

- Focus on legal case without inquiry into other client needs
OR
- Attorney tells client what other “help” they need

Client Empowerment Model:

- Check in with client regarding mental and emotional impact of legal case and referral options for support
- Discuss non-legal barriers to client goals and identify resources
- Connect (via warm-handoff) with supports chosen by client

Using a Trauma-Informed Lens to Promote Client Empowerment

What Causes Trauma?

The most obvious examples:

- Exposure to violence, physical abuse, sexual assault, accidents, natural disasters, etc.

What else can cause trauma?

- Discrimination based on internal characteristics, living in or in proximity to poverty, systemic neglect/betrayal
- This includes exposure to attorneys, law enforcement, social workers, and other social service staff!

Using a Trauma-Informed Lens To Promote Client Empowerment

- Ask “What happened to you?” vs. “What’s wrong with you?”
- Understand self-destructive behaviors (self-injury, substance dependence, aggression, chronic inaction, etc.) as attempts to cope with past trauma rather than as character flaws
- Understand that trauma manifests itself in many different ways, and that there is no “right” way to be a victim
- Understand that structural forms of oppression (poverty, racism, transphobia, etc.) can be as deeply traumatizing as an individual traumatic event
- Remember that the traumatic experience you’re focused on may not be the most painful thing they’ve experienced
- Pay close attention to the phrasing of your questions
- Maintain healthy boundaries and practice self care!

Discussion: Promoting Client Empowerment Throughout Legal Representation

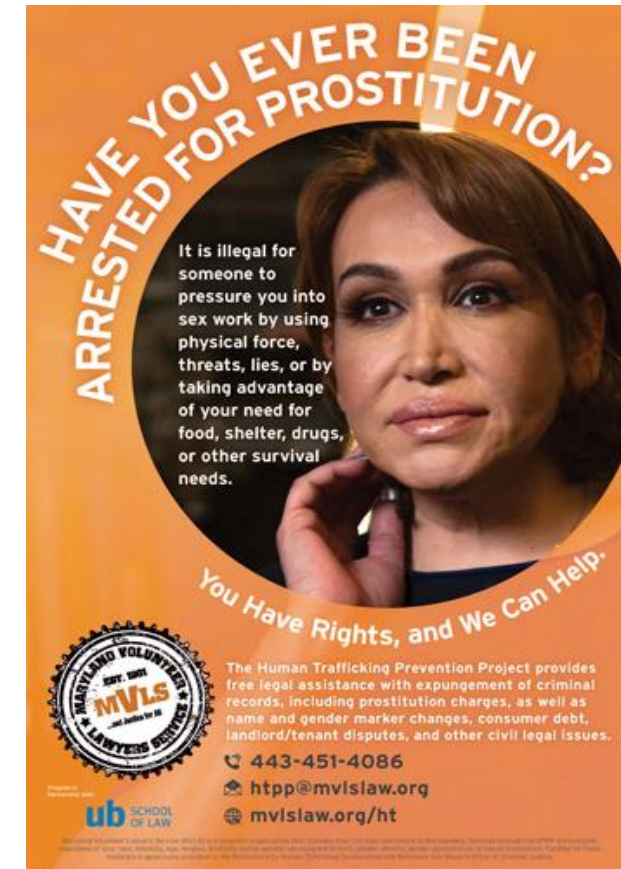
Case Example:

Criminal Record Relief via Expungement, Shielding, or Vacatur

How Do We Promote Client Empowerment:

- During intake?
- When providing advice?
- When making decisions?
- When wrapping up a case?

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Thank you!

We so appreciate our guest panelist for joining us today. Any comments or questions regarding her work can be send to:

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