



# Legal Assistance for Crime Victims

An OVC Training and Technical Assistance Initiative

## Effective Communication Techniques

Strategies for Interacting With and  
Representing Child Victim Clients

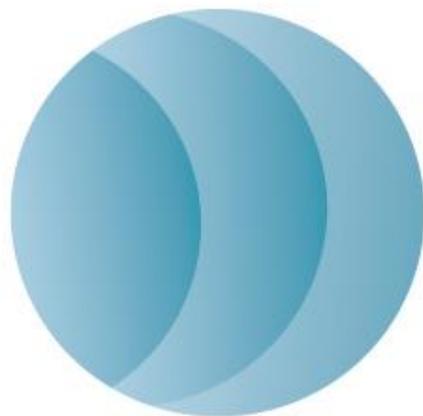
*Presented in collaboration with the  
National Crime Victim Law Institute*



The Office for Victims of Crime's Legal Assistance for Crime Victims Initiative is a comprehensive, capacity-building effort to expand the availability of pro bono/no-cost legal assistance for victims of crime. The initiative aims to ensure that all victims of crime have access to quality representation on legal issues that can arise following victimization.

Through this effort, OVC TTAC and the National Crime Victim Law Institute (NCVLI) are working collaboratively to offer training and technical assistance for attorneys, particularly those currently providing legal assistance to victims.

This presentation was produced as part of a collaboration between OVC TTAC and NCVLI, with funding from the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.



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VICTIM LAW INSTITUTE**

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Mission: To actively promote balance and fairness in the justice system through crime victim-centered legal advocacy, education, and resource-sharing

# Presenters



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National Crime Victim Law Institute



## How to Ask Questions:

- A brief survey will follow the webinar, please provide feedback
- You are muted, but you can ask questions and participate—and we hope that you do
- You will receive an e-mail with the PowerPoint slides
- [www.GoToWebinar.com](http://www.GoToWebinar.com)
- 1-800-263-6317





# POLL #1



# POLL #2

# Learning Objectives

After participating in this webinar, you will be able to:

- Describe why effective communication is crucial to legal representation of child victims
- Identify select ethical implications relating to effective communication
- Articulate key strategies for effectively interacting with child victims

# DISCLAIMER

## PLEASE NOTE

This training is designed to provide skills and techniques for individuals providing direct legal representation to a child.

While individuals serving as a Guardian ad Litem (GAL), a role in which the GAL is obligated to serve the “best interests of the child”, may benefit from some of the communications skills discussed in this training, because of the unique obligations associated with such a role these individuals should seek out additional, focused training.



# Why is effective communication so important?

## To provide effective representation:

- Your client will need to understand his or her options
- You will need to have a clear understanding of your client's wishes

## **Model Rule 1.4 Communication** ***Effectively Communicating With a Child Victim Client***

- Use the skills discussed during this training
- Adequately convey the lawyer's role and confidentiality obligations
  - Include discussion of mandatory reporting obligations
  - Include discussion of limited representation (Model Rule 1.2(c))
- Verbal explanations alone may not be enough
- Accurately understand and express the child victim's position
- Be sure to thoroughly discuss potential consequences of decisions

## *Client-Lawyer Relationship*

### Model Rule 1.6 Confidentiality of Information

- (a) A lawyer shall not reveal information relating to the representation of a client
- (b) A lawyer may reveal information if necessary:
  - (1) to prevent reasonably certain death or substantial bodily harm; or
  - (2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another; or
  - (3) to prevent, mitigate, or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud; or
  - (6) to comply with other law or a court order.

**Who is the client?**

## *Client-Lawyer Relationship*

### Model Rule 1.14 Client With Diminished Capacity

(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment, or some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.

# Misconduct: *Empowering the Child Victim to Respond*



1. Child-friendly explanations of what to expect from the child victim's attorney
2. Developmentally appropriate explanations of what the child victim can do in the event the child victim's attorney engages in misconduct
3. Misconduct rules are also binding on counsel for the defendant

Model Rule 8.4

# Let's Focus on Communication



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# Communicating With Child Victims

# Distinguishing Client Interactions from Forensic Interviews



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## Forensic Interviews

- Designed to gather evidence by eliciting detailed facts and information about any crimes committed against the child victim
- Often testimonial in nature

## Client Interactions

- ***Client interactions are not forensic interviews***
- The attorney does NOT need to know every detail
- Rights and options are central
- Designed to facilitate communication with the child victim, who is the client
- Focus on obtaining educated client direction regarding rights and options

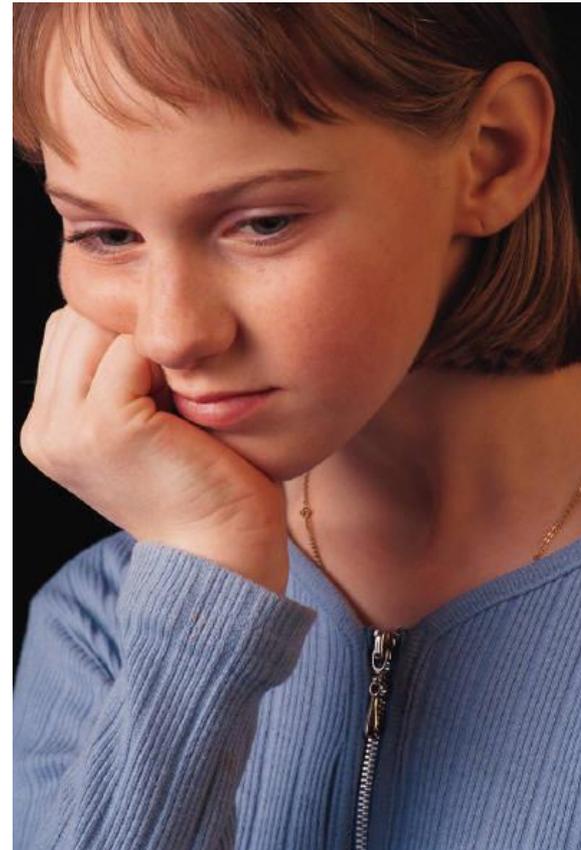
# Setting



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- **Age appropriate**
- **Child friendly**
- **Minimal distractions**
- **Private**



# Who's in the Room?



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## Parental Involvement?

- **Consent required**
- **Legally required**
- **Aligned**
- **Participation**
- **Safety planning**



## How can you develop rapport?

- **Introductions and developmentally sensitive explanations that help clarify the legal context can reduce uncertainty**
- **Early interactions can set the pattern of avoiding monosyllabic yes-no responses**
- **Time spent in narrative practice**

# Interacting With Child Victims



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- Tracking Non-Verbal Communication
  - Facial expression
  - Prosody
  - Gestures
  - Proximity
  
- Work hard to track your own internal states and stay connected in a mindful way to your own body and mind. Being as aware as possible of one's own breathing, posture, and voice tone can help you stay within your window of tolerance.
  
- Tracking Sense of Regulation – Child's ability to remain at least partially in the present while they share their story (one foot in the present while they talk about the past).
  
- Track what is occurring interpersonally with engagement and disengagement. Don't be avoidant and don't be intrusive.

# Using Language Children Understand



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- **Clarify terms in advance**
- **Use short sentences**
- **Use simple grammar**
- **Use examples, if helpful**



# Instructions that Improve Communication



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- **Give permission to say “I don’t know”**
- **Give permission to say “I don’t understand”**
- **Tell child victim clients to correct your mistakes**

**Instructions should be given one at a time, be easy to understand, and be given with appropriate feedback.**

# Minimizing Closed-Ended Questions



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## ■ **Closed-Ended Questions:**

**Yes-No Questions  
Forced Choice Questions**

- **Are often answered with a single word, rather than with a detailed response**
- **Often reflect what the questioner thinks, rather than what the child believes**
- **Tend to be more suggestive and more prone to response biases than open-ended questions**
- **Encourage guessing and are less likely to be answered with “I don’t know”**

# Let's Focus on Communication



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## **Communicating With Older and Teen Child Victims**

# Implications for Victims' Rights



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Be prepared to explain victims' rights and their implications

Familiarize yourself with victims' rights issues that are unique to child victims

Investigate available accommodations

Acquaint yourself with local resources so you can provide referrals more effectively, when necessary

Remember that many victims' rights issues are addressed pretrial, and be prepared to act quickly

# Continuing the Conversation



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Open to all participants in either this webinar or the previous webinar addressing the impact of trauma on child victims—

## **Next webinar:**

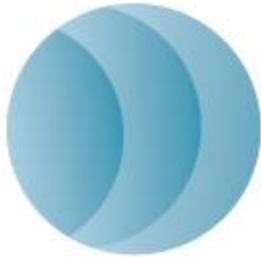
**Interactive online discussion to collaborate, pose additional questions, and share ideas about how to better and more effectively represent child victims.**

# Questions?



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[ncvli@lclark.edu](mailto:ncvli@lclark.edu)

# Final Thoughts

- Completion Code: [2015CVCOMMUNICATE](#)
- A brief survey

# Special Thanks



NCVLI gratefully acknowledges Dr. Jerry Yager for participating as a guest presenter in today's webinar and for creating some of the slide content displayed during this webinar.

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