

# ‘What, if anything, might be utilised from different models of trauma-informed practice in providing legal support to women affected by the criminal justice system?’

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## Abstract

Incidence of trauma amongst women involved in the criminal justice system is significantly higher than that of the general population and is regularly linked with women’s offending. In recent years there has been growing interest in trauma-informed practice. Contact with a legal professional is a common thread that runs through many women’s journeys through the criminal justice system.

This small-scale study explores the perspectives of legal professionals and women with lived experience of the criminal justice system. It examines the extent to which trauma-informed approaches could be usefully implemented at this ‘touchpoint’ in the criminal justice system and whether lawyers could become part of the trauma-informed offer for women.

The findings of this research show that through participating in trust-building, collaboration and emotional connection, lawyers can influence the extent to which women experience the lawyer/client relationship as healing or harmful, as well as influencing their experience of the wider system. However, the reality is that individual lawyers are woven into a wider system that presents many systemic barriers to trauma-informed working. Care that responds to women’s trauma requires a system-wide change process with buy-in from those operating at the highest level.

This research concludes with a series of recommendations that focus on the lawyer-client relationship as the most feasible domain for the implementation of small changes to practice that could have an immediate positive impact on the experience of women going through the criminal justice system.

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## Findings

- Literature on the extent to which the role of a defence lawyer is amenable to trauma-informed is sparse.
- The legal aid system significantly impacted lawyers’ relationship-building with women, who needed more time to establish bonds of trust in light of their previous experiences of trauma.
- Trauma dynamics and feelings of coercion and helplessness were compounded by women’s experiences with the legal system and legal representation.
- Where lawyers had identified a trauma history, they were able to further influence the way in which the system was experienced by recognising trauma-specific needs and navigating the system accordingly.
- Women spoke of ‘good’ lawyers not as ones who got them the favourable outcome in their case, but who made the experience of the system tolerable.

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## Recommendations

1. Continuous Professional Development (CPD) for lawyers which covers the basic principles of gender- and trauma-informed lawyering.
  2. Inclusion of gender and trauma-informed competence in legal qualifying assessment specifications.
  3. Increase use of already available strategies to promote women’s participation in the justice process.
  4. Creation of directory of women’s centres that support women involved in the criminal justice system to enable lawyers to refer women to appropriate support.
  5. Increase awareness of secondary trauma and access to support for legal professionals.
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