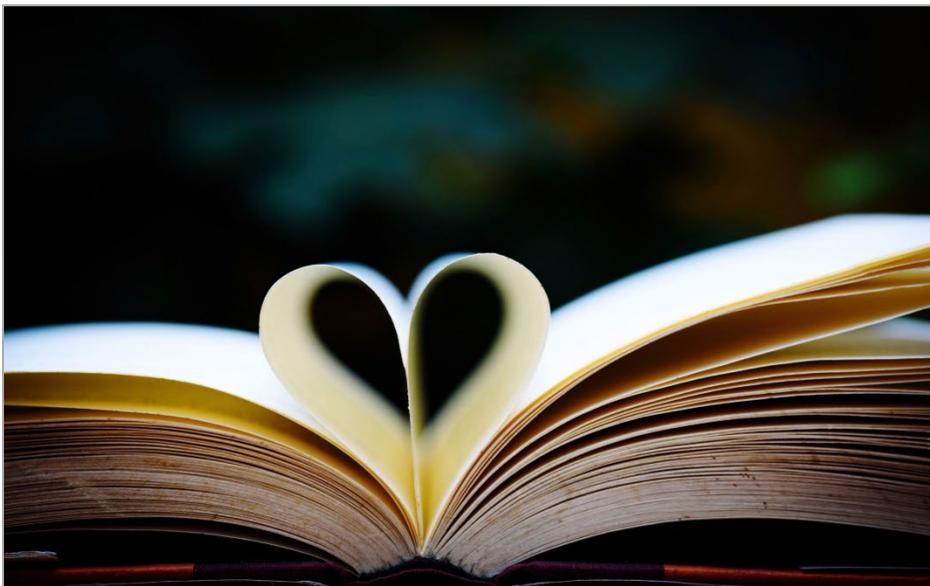




Trauma-Informed and Culturally Sensitive Pro Bono Programs

Challenges in Working with Pro Bono Volunteers & How to Meet Them



PRO BONO CHALLENGES

PROGRAM DESIGN IDEAS

SENSITIVITY IN ACTION

EXISTING RESOURCES & TRAININGS

Legal service providers have come a long way in recognizing the need to assist clients in a trauma-informed, culturally sensitive, and humble way. Trainings and resource materials that offer guidance are now often abundant for legal staff. But when a case will be handled by a pro bono attorney, how do you ensure they can be just as responsive to a client's experience and needs? This resource explores some of the challenges faced by pro bono programs and offers real-life examples of ways to meet those challenges.

1. PRO BONO CHALLENGES

In a busy world, finding pro bono assistance is not easy. In recent years, media attention about the number of children entering the U.S. unaccompanied has certainly served to generate interest in helping via the donation of goods and monetary support, which is certainly welcome. But securing pro bono legal assistance is more difficult because it often requires a significant time

commitment, possible travel, and for many volunteers, a willingness to jump into a new area of law.

Pro bono coordinators have been creative in placing opportunities that do not always require a volunteer to be on the hook for the entire life of a child's immigration case. Sometimes the pro bono attorney assists only with preparing evidence to support an asylum application, or with the discrete task of obtaining the state court order related to petition for special immigrant juvenile status. Still, ideal assistance centers the child and reduces the number of individuals they will have to learn to trust and share difficult information with. A pro bono attorney committed to assisting a child through a critical stage in their immigration case, or through their entire case, is ideal.

Finding a pro bono attorney eager to assist a child is exciting. Finding one who is experienced in children's immigration law and is trauma and culturally informed is gold, but extremely rare. Many legal service providers, especially those with well-established pro bono programs, are well-equipped to offer training and resources related to children's immigration law so that pro bono attorneys can zealously advocate for child clients. However, for a variety of reasons, legal service providers are not always able to offer guidance related to providing trauma-informed and culturally sensitive representation. Because this guidance is critical to working with so many children who enter the U.S. unaccompanied, this article aims to offer some ideas for pro bono program design, including two existing models, that help bridge that education gap.

2. PROGRAM DESIGN IDEAS

When it comes to the need for representation for children, demand is high, seemingly infinite, and resources are precious. Still, providing some training on these critical topics can be accomplished without breaking a nonprofit budget, and can be key to a child's continued development and/or the success of a case.

One way to address a volunteer's need for training is to develop training materials in-house. Indeed, a legal service provider might consider recording a training that can easily be accessed via the organization's website or emailed to volunteers, and request that a volunteer view the pre-recorded training before a first meeting with a child. A training could be adapted from existing trainings readily available online from organizations that are experts in childhood trauma (some places to start are listed in Section 4 of this article). Where the concern is a lack of in-house expertise, remember that many legal service providers have indeed developed some expertise in this area over time, even if not clinical. If provided by lawyers or legal staff, for example, the training might focus less on the science of trauma and its impact on brain functioning, and more on practical tips for working with trauma survivors (like providing them options with respect to seating arrangements and being aware of grounding techniques for an upset client) and how to best advocate for a client who has suffered trauma (like why they may need more breaks during an interview or why expert evidence can explain memory issues) while preserving related issues for appeal. With respect to cultural sensitivity, providers likewise have often developed some very helpful knowledge over time. A training could focus on tips for building rapport, for example, and



point out, the ways in which curiosity about a child’s culture (favorite foods, music, holidays, sports, etc.) can often be a starting point to good conversation.

Another way to meet the need is to seek out free trainings and written resources already available and direct volunteers to those, perhaps requesting that the training be viewed prior to a first meeting with a child. One such training focused on trauma-informed representation in working with asylum seekers was recently recorded by CILA staff for a [recent ABA training](#) (Session 6: *Trauma Informed Representation and Advocacy*), and is available to individuals for free, regardless of ABA membership. On CILA’s website, you can find a [101 webinar](#) on *Trauma Informed Lawyering with Unaccompanied Children*. CILA also has some helpful written resources available, including guidance on culturally sensitive representation and trauma-informed checklists for those representing children before the asylum office or for an asylum merits hearing court (see Section 4 for titles). Finally, the Houston Immigration Legal Services Collaborative (HILSC) has recorded a [series of trainings](#) with CILA staff participation that may be helpful. They include *From Trauma to Resilience: Learning Client’s Stories with a Trauma-Informed Lens* and *Resilience for Youth: Working with Traumatized Immigrant Children*.

3. SENSITIVITY IN ACTION

Though the challenges are real, there are models that are meeting them. We spoke with two established programs about how they center trauma and cultural sensitivity in their work via pro bono attorneys and volunteers, Legal Services for Children (LSC), based in the San Francisco Bay area, and the Young Center for Immigrant Children’s Rights, with multiple offices around the country. Below, we share what we learned.

Legal Services for Children

LSC is a children’s law office, offering services to meet guardianship, dependency, education, and immigration legal needs. The office opened in 1975 and has always had social workers on staff. Currently the office has approximately 30 staff members, about a third of them attorneys, and another third social workers.

Except for very discrete cases (for example, DACA), almost every child LSC serves has an assigned social worker who works as part of an interdisciplinary team with the child’s attorney. This is especially true of LSC’s unaccompanied minor clients. The team shares case files and notes, and updates other team members on steps taken in the case with the child’s informed consent.

LSC also recruits, trains, and coordinates a panel of numerous pro bono attorneys that represent youth, as part of a team. Currently, they have over 80 open immigration cases placed with pro bono attorneys, mostly for unaccompanied minors in removal proceedings. Though pro bono attorneys are recruited, trained, and mentored by LSC’s pro bono director, social workers function as team members, and the benefits are numerous.



The interdisciplinary team functions such that the social worker meets with a child before their attorney does, and upon doing so, conducts a psychosocial needs assessment. The social worker then provides information to the attorney (whether on staff or pro bono) about the child's strengths and needs, trauma, challenges in their household, and things the social worker has already begun doing to support stability in the child's home. All this happens before the attorney ever meets the child.

The social worker then attends the attorney's first meeting with the child and assists the attorney in being aware of and navigating difficult subjects. Going forward, the social worker and attorney might each meet with the child separately, but depending on the child's needs, the social worker might be present for more substantive legal meetings, like preparation of the asylum declaration. Where an attorney runs into trouble with a line of questions, the social worker is there to offer trauma-informed and culturally sensitive ways to get to critical information. Ultimately, the education gap is bridged in a way that is very informal but incredibly hands on. The social worker remains involved in the child's case, and the attorney watches the social worker do what they were trained to do.

We asked Erin Maxwell, Senior Social Worker at LSC, about any tensions that arise when working on what sounds like a dream team.

"There's always a tension, I think, as to the pace of the legal case and then doing trauma-informed work—there's a fundamental tension there," says Maxwell. "I think it is helpful that at LSC, a social worker is not an agent of the attorney. That works well for us, because it creates an environment where, even though we are a law firm, there's space for the social work perspective. And at the end of the day, we see getting lawful immigration status as fundamental to a child's well-being. As social workers, we just want to slow the pace down a little bit, so that a child has time to disclose information when they are really ready to do so."

The LSC model allows legal staff to focus on the client's legal needs, while resting assured that the child's other needs are also being addressed. But the benefits do not stop there. For the child, the approach also offers them the chance to focus on their legal issues.

"Having a social worker allows the child to find stability so they can focus on and participate in their legal case," says Maxwell. "We don't really have clients who disappear. That's just very rare at our office. They reach out to their social worker if they need something, or if they are having a hard time. And sometimes, they'll reach out to the attorney. Sometimes kids will gravitate to one or the other, they just click with that person, and that's okay, no one takes offense. The important thing is just that the child's needs are being met."

And although legal staff are often eager to push a case forward given age requirements and court and agency deadlines, Maxwell offered us a great example of the difference a slower pace can make. She worked with a child who appeared to have no legal relief at first but was a client due to universal representation grant requirements. None of the information he had disclosed suggested any eligibility for relief. But Maxwell met with him often, working with him on his non-



immigration legal case needs. It was while sitting with the child at a benefits office, awaiting an appointment, that he finally disclosed some serious abuse that made him eligible for immigration relief. The child may never have shared that information with LSC were it not for Maxwell's work with him as his social worker.

To learn more about LSC's model, you can reach out to Erin Maxwell at erinm@lsc-sf.org.

The Young Center for Immigrant Children's Rights

Another model worth reflecting on is that utilized by the Young Center for Immigrant Children's Rights (Young Center). Their staff attorneys and staff social workers, along with their volunteers, are appointed as child advocates for unaccompanied children detained in federal custody. First established in 2004 in Chicago, the Young Center has since grown tremendously, and now has offices in 8 key cities.

The Young Center recruits volunteer bilingual child advocates to serve as child advocates for particularly vulnerable children facing deportation. Their volunteers are not necessarily attorneys, nor do they function as counsel to the children they serve, but instead focus on determining what is in a child's best interests. Volunteers have included doctors and nurses, child psychologists, speech pathologists, professors, teachers, stay at home mothers, and retirees just to name a few.

Much like pro bono attorneys, the volunteers must build trusting relationships with the children and learn many difficult details about their lives to best assist them. Those who sign up to volunteer as child advocates must undergo background checks. In addition, they are required to attend an intensive two-day training. Prior to the pandemic and social-distancing requirements, the training was held in person over a weekend. Nowadays, the training has been adapted and is virtual. We spoke with Pamela Nickell, Managing Attorney of the Young Center's Houston office, about the structure of their training program and its results.

"Given the reality of Zoom fatigue, we decided to offer a mix of pre-recorded sessions and live ones, but we try to stick to the same topics we covered when trainings were in person. It's been a bit of a learning experience for us to keep the now virtual trainings engaging and interactive," says Nickell.

Topics covered on the first day include an overview of who the children are and why they are making the journey to the U.S., as well as the role of the child advocate, and what information children are provided about the U.S. immigration process. The first day also includes an activity around gathering information from children in a trauma-informed manner using various tools like mobility maps, genograms, and flow diagrams. This activity is usually led by a social worker on staff with the Young Center. Volunteers are also asked to view several pre-recorded videos, such as the History of the Young Center, the Child Advocate Clearance Process, Unaccompanied Children in the United States, Role Play of the First Meeting with a Child, and Confidentiality, which discusses safeguarding case information as well as requirements for mandatory reporting.



The second day of training covers more logistics on the child advocate appointment process, and how the Young Center goes about matching child advocates with children, as well as other internal procedures. It also includes a guest speaker who is an expert on trauma in immigrant children. This speaker typically covers how trauma manifests in children's development, how to recognize behavior that might be resulting because of trauma, and how to recognize vicarious and secondary trauma. The second day rounds out with volunteers working to make a best interest determination in small groups based on mock case facts. The day ends with a panel of volunteers who discuss their experience having worked already on one or more Young Center cases.

In addition to the intensive two-day training, volunteers receive a digital child advocate manual. Included in the manual is information about trauma and its effects on children and their memory, as well as cultural sensitivity guidance. The manual offers practical tips that volunteers can implement easily.

The intensive volunteer training takes time to prepare and execute, and as a result, the Young Center's Houston office offers it twice a year. When held in person, the training was limited to about 40 participants. It has been limited to about 15 participants when offered virtually, to allow for more interactivity, and for Young Center staff to get a sense of volunteers' interests and skills. Feedback about the training has been overwhelmingly positive, and the education it offers is central to how the Young Center prepares its volunteers and keeps the children at the center of its work.

"It has been really important to us to do the required trainings, as far as how we can best support or advocate for the children. We really cannot be our best selves or best advocates without them. Children's behavior often gets labeled as bad behavior, but if we can come in with a different lens, recognizing where they are with development and trauma, then we can really rethink how the government is portraying this child. We just really want to be sensitive to that, and for our volunteers to be sensitive to that, because sadly we practice in an area where sometimes things children can't help are used against them," says Nickell.

To learn more about the Young Center Houston's training for volunteers, you can reach out to Pamela Nickell at pnickell@theyoungcenter.org.

4. OTHER EXISTING TRAININGS AND RESOURCES

If looking to build your own program and/or materials, here are some great places to start gathering information and ideas:

Social Work Programs

ABA-ProBAR

- [*Blueprint for the Integration of Social Work within Immigration Legal Services \(April 2021\)*](#)

Child Trauma/Trauma in Unaccompanied Children



National Child Traumatic Stress Network

- [Trauma Types, Information & Resources](#)
- [Webinar Series, Trauma-Informed Care: Understanding and Addressing the Needs of Unaccompanied Children](#). The series is also available in Spanish.

Stanford Center for Health Education and UTRGV Toolkit for Attorneys and Professionals Working with Immigrant Children

- [Video Series, Trauma Informed Interviewing Techniques](#)

Trauma-Informed Legal Advocacy

National Center on Domestic Violence, Trauma & Mental Health, Trauma-Informed Legal Advocacy (TILA) Project, TILA Annotated Bibliographies -

- [CILA, Trauma Informed Representation in Asylum Cases: Asylum Interview/Asylum Merits Hearing Checklists¹](#)
- [Trauma-Informed Legal Advocacy in Asylum & Immigration Proceedings: A Curated Selection of Resources for Attorneys and Legal Advocates](#)
- [Trauma & Memory: A Curated Selection of Resources for Attorneys and Legal Advocates](#)
- [ABA, Understanding Trauma and its Impact on Child Clients](#)
- [ABA, Establishing a Trauma-Informed Lawyer-Client Relationship](#)

Podcast, Interview with Trauma Expert Bessel van der Kolk -

- [The On Being Project, Bessel van der Kolk, How Trauma Lodges in Body \(July 11, 2013\)](#)

Adolescent Brain Science

- [ABA Children & The Law Section, Resource, How Adolescent Brain Science Supports Youth Engagement in Court Hearings and Case Planning](#)

Cultural Sensitivity

- [CILA, Cultural Competency and Humility When Representing Unaccompanied Children](#)
- [CILA Webinar, Indigenous Peoples' Rights to Exist Self Determination, Language and Due Process in Migration: The Child's Perspective](#)
- [CILA Webinar, Making Interpretation Seamless: Best Practices for Attorneys](#)
- [New York Times, Anyone Speak K'iche' or Mam? Immigration Courts Overwhelmed by Indigenous Languages \(March 19, 2019\)](#)

¹ To access these materials, which are password protected online, simply write to CILA at cila@abacila.org for the password.



- [UNHCR, Children on the Run Report](#)
- [Jean Koh Peters, *Habit, Story, Delight: Essential Tools for the Public Service Advocate*, 7 Wash. U. J. L. & Pol'y \(2001\)](#)

Vicarious Trauma

- [Various Resources, American Friends Service Committee, *Vicarious Trauma in the Struggle for Immigrant Justice*, Information and Resources](#)
- [The Atlantic, *When PTSD is Contagious* \(December 14, 2015\)](#)
- [Silver, Marjorie A.; Portnoy, Sanford; and Peters, Jena Koh \(2015\) "Stress, Burnout, Vicarious Trauma, and Other Emotional Realities in the Lawyer/Client Relationship," Touro Law Review: Vol. 19: No. 4, Article 5](#)
- *Transforming the Pain: A Workbook on Vicarious Traumatization* (For helping professionals who work with traumatized clients), Karen W. Saakvitne and Laurie Anne Pearlman
- *Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others*, Laura van Dermoot Lipsky with Connie Burk

Books – Deeper Dive on Trauma

The Body Keeps the Score, Bessel van der Kolk

If your organization has a creative model for pro bono engagement or for helping support and train pro bono attorneys, contact cila@abacila.org to share your experience. Check out CILA's [webpage](#) on Creative Pro Bono Models for more ideas for pro bono programs.