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Beyond the Claim: Integrating Trauma-Informed Principles into Injury Law Practice

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I. Introduction

Personal injury attorneys routinely encounter individuals who are navigating challenging and deeply vulnerable moments. The physical injuries, psychological shocks, and sudden life disruptions that accompany accidents and medical crises often trigger trauma responses that shape the attorney-client relationship in subtle, but consequential

ways. Trauma may impair memory, disrupt communication, impede decision-making, and affect a client's comfortability in placing trust in others. Despite this reality, conventional personal injury practice often overlooks the psychological impacts and has historically centered on liability, causation, and damages alone. Trauma-informed lawyering seeks to address this gap by recognizing the client as a whole person, rather than just their claim. This article addresses the importance of trauma-informed lawyering in personal injury cases, reviews communication issues that can arise with clients impacted by trauma, and presents practical ways to implement trauma-informed lawyering within law firms.

II. Understanding Trauma and Its Legal Relevance

Trauma is commonly defined as an emotional or psychological response to a distressing, frightening, or threatening event. In personal injury cases, trauma commonly arises from motor vehicle crashes, major medical events, domestic violence, and chronic pain conditions. Its manifestations often extend well beyond the trauma-inducing incident, and can significantly affect a client's ability to participate in litigation.

Substance Abuse and Mental Health Services Administration's (SAMHSA) 6 guiding principles to a trauma-informed approach – Safety, Trustworthiness and Transparency, Peer Support, Collaboration and Mutuality, Empowerment Voice and

Choice, and Cultural, Historical, and Gender Issues – provide a framework for understanding how trauma can affect both clients and professionals. Trauma can influence how clients remember events, manage their emotions, and communicate with counsel. As a result, attorneys must account for these impacts to meet their professional obligations of competence, diligence, and informed communication with clients.

III. Communication Challenges with Traumatized Clients

Trauma can profoundly influence how clients communicate, often resulting in behaviors that may be misinterpreted by attorneys. Memory fragmentation can lead to inconsistent timelines, while cognitive overload may make processing complex legal information challenging. Clients may also exhibit fight, flight, or freeze responses, manifesting as anger, irritability, or silence. Avoidance behaviors such as unreturned calls or delayed submission of paperwork are common in personal injury cases with clients who have experienced trauma. Clients can experience heightened sensitivity to tone or perceived criticism. For example, a client who freezes during deposition preparation may be mistakenly perceived as unprepared. A client who has experienced trauma may omit key details during a deposition, not out of deceit, but because memory gaps or stress interfere with their recollection. Another example can be seen with a crash survivor who avoids discussing the accident altogether because it triggers upsetting memories or anxiety. When attorneys mistake these behaviors for resistance, evasiveness, or unreliability, they can unintentionally damage trust, slow case preparation, and make it harder to build a strong working relationship with their clients. Understanding that these behaviors stem from trauma, not intention, is key to providing effective support and representation.

IV. Implementing Trauma-Informed Practices in Personal Injury Firms

Integrating trauma-informed principles into a law firm does not mean turning the office into a therapeutic setting. Instead, it's really about making small, practical changes that help cli-

ents feel safer and more supported during your representation. Intake staff can be trained to ask questions calmly and without pressure, avoiding the need for clients to relive every detail right away. Giving clients choices about how and when meetings happen can help them feel more in control. Firms can ensure that client meetings are quiet, private and without time limitations. Remote meetings can accommodate clients with anxiety, safety concerns, or physical limitations. In practice, our team has found that providing clients with brief written follow-up summaries after key discussions significantly reduces confusion, supports memory gaps, and increases trust. This is a trauma-informed adjustment that requires little effort but meaningfully improves the attorney-client relationship.

Initiating more frequent breaks during depositions, mediations, or long meetings can help clients stay focused and engaged. Using both email and text reminders is another simple way to help clients keep track of deadlines and appointments. It's also important to remember that attorneys and staff can experience secondary stress when working with clients who have experienced significant trauma. Providing opportunities for peer support, debriefings, and guidance from supervisors is key to supporting your staff's well-being and resilience.

V. Professional Duties Through a Trauma-Informed Lens

Trauma-informed practice aligns closely with already established professional and ethical obligations. By recognizing how trauma can impact memory, attention, and emotional regulation, attorneys can better fulfill their duty of competence under Rule 4-1.1 of the Florida Rules of Professional Conduct ensuring legal advice is communicated clearly and effectively. Rule 4-1.4 further underscores the importance of communication, requiring attorneys to make sure clients genuinely understand settlement terms, procedural requirements, and strategic advice provided by attorneys.

Some practical ways to meet ethical responsibilities in trauma-informed lawyering include pacing interviews, adjusting your tone, offering words of encouragement, and taking breaks to avoid re-traumatizing clients. It's also important to watch for signs that a client is overwhelmed or confused and to provide clear and repeated explanations of deadlines and settlement options, if necessary, so clients can make informed decisions. Attorneys can support trauma-informed practices across the profession by participating in CLE programs and collaborating with domestic violence advocates, mental health professionals, and community providers to help improve how the legal system responds to trauma. Several FAWL chapters work closely with domestic violence support organizations that offer resources to individuals who may later become clients. Building partnerships with these types of groups and familiarizing yourselves with the

services available can help attorneys gain a deeper understanding of their clients' experiences and the challenges they have faced.

VI. Looking Ahead: A More Human Practice

Trauma-informed lawyering strengthens client participation and trust while improving the overall quality of representation. It promotes more accurate fact-gathering, smoother case development, better cooperation, and higher client satisfaction. Implementing these practices doesn't require sweeping changes. Making small adjustments in your practice can make a meaningful difference. This approach puts professionalism into practice by prioritizing respect, dignity, and client-driven representation.

As the legal profession evolves, trauma-informed principles help us practice with greater clarity, compassion, and effectiveness. At Kogan & DiSalvo, these approaches increasingly shape how we communicate, prepare clients, and support our teams, reinforcing our commitment to ethical, human-centered advocacy across Florida.

Tiffany Fanelli is a litigation attorney at Kogan & DiSalvo, representing clients in personal injury and negligence cases across Florida. She also accepts referrals for litigation matters and partners with attorneys statewide to ensure timely, ethical, and effective case outcomes. She currently serves as the 2025-2026 FAWL Chapter Representative for the South Palm Beach Chapter of FAWL.

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