



BET TZEDEK

**HOLOCAUST SURVIVORS
JUSTICE NETWORK**

Person-Centered, Trauma-Informed Care: Advance Planning Legal Services for Holocaust Survivors

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Center on Aging
and Trauma



The Jewish Federations®
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Trigger Warning

We'll be discussing trauma, case examples, and potential trauma triggers throughout this presentation, so please take space at any point during this presentation if needed.



Today's Objectives

- Understand the concepts of person-centered, trauma-informed advocacy;
- Understand how past and present trauma can impact clients' approach to their current legal issues and receiving services;
- Connect behaviors to trauma responses;
- Discuss best practices and appointment flow when meeting with clients.

Importance of Advance Planning for Survivors

- A large number of survivors don't have advance planning documents in place, relying on children to make health decisions.
 - “Cycle of Silence” might exist within families, leaving families unsure of survivors' wishes.
 - Having these documents in place, therefore, helps to give survivors control over their future and lifts burden off their loved ones.
- Advance health care directives and wills are important tools to make sure dignity is preserved in times of illness or incapacity.

MJHS 2011 Survey of Survivors

MJHS Hospice and Palliative Care (NY) found large differences between survivors and non-survivors:

- 100% of survivors reported fear of becoming a burden
 - 2% of non-survivors reported this fear
- 8% of Second Generation reported initiated healthcare conversations with survivor parent(s)
 - 77% of adult children of non-survivors reported initiated conversation
- 75% of survivors relied on children for healthcare decisions
 - 81% of non-survivors relied on doctors

Holocaust Survivors in the U.S.

- An estimated 80,000 Holocaust survivors live in the U.S.
 - Approximately 25-30% of survivors live at or below poverty line.
- Survivor community isn't one homogenous group
 - Different communities and persecution histories exist between Holocaust survivors from the former Soviet Union ("FSU") and Western Europe.
 - Survivors from FSU continued to experience totalitarian oppression well after the Holocaust.
 - Language barriers can exist with older adults from FSU

PCTI Legal Services: Explained

- Promotes the dignity, strength, and empowerment of Holocaust survivors by incorporating knowledge about the role of past trauma in survivors' lives into the attorney-client relationship and legal practice approach.
- Provides you with the knowledge and awareness necessary to prevent retraumatizing survivor clients.

Trauma-Informed Legal Practice

- Acknowledges trauma's continuing impact, adjusts the attorney-client relationship and legal strategy, and prevents retraumatization.
 - Attorneys are traditionally trained to remove emotions when analyzing legal matters.
- Connects clients' behaviors to a trauma response, not to a character flaw.
- Also recognizes resiliency in clients.

Person-Centered Legal Practice

- A collaborative partnership that combines the expertise of attorney and client.
- Prioritizes the clients as decision-makers and takes non-legal aspects of clients' lives into account.
 - Remember: Your client is the one who will have to live with the consequences of the decision made in their case.

What are “Triggers”?

- Triggers are situational or environmental stimuli that remind survivors of past traumatic events.
 - These can be obvious or a surprise to both you and the client, and are often tied to senses.
 - Contextual examples:
 - End of life planning
 - Discussing finances with a stranger
 - Discussing disposition of bodily remains
- Retraumatization occurs when triggers induce the emotions and reactions associated with the original event.

Indicators of Trauma

Common indicators of trauma in the legal services setting:

- Avoidance of stressful topics
- Anxiety, hyper-vigilance, paranoia
- Anger, irritability, defensiveness
- Emotional detachment
- Difficulty making decisions and trusting others
- Difficulty thinking clearly



Best Practices in Legal Services for Holocaust Survivors

COVID-19 Meeting Adjustments

- Discuss safety protocols beforehand so clients aren't surprised by signage, advocates in masks, etc.
 - Also discuss any vaccination policies.
- For both home visits and clinics, have a kit that includes:
 - Clipboard to ensure hard surface is available for document signings;
 - Pens with free-flowing ink friendly for arthritic hands;
 - Sanitizing wipes and extra face masks;
 - Multiple clean copies of documents if no access to printer/copier.
- Recognize this demographic is comprised of older adults who might have hearing impairments, so phone calls and virtual meetings may pose issues.

Building a Collaborative Attorney-Client Partnership

- Limit the amount of legalese you use.
 - Consistently using understandable terms will make the client more comfortable and will squash the perceived hierarchy that exists between attorney and client.
- Remember: how you communicate can be more powerful than what you actually say.
 - Facial expressions, tone of voice, and vocabulary can sometimes imply judgement.

Building a Collaborative Attorney-Client Partnership

- Whether video/telephonic or socially distanced, make space feel comfortable and safe.
 - Be punctual and start with generous greeting.
 - Make a plan if call or internet goes out.
- The first interactions survivors have might help them determine whether they will be open to receive additional services in the future.

Building a Collaborative Attorney-Client Partnership

- If you require an interpreter, avoid using a family member or friend of the client.
- Look and speak to your client (not the interpreter), and don't refer to your client in the third-person.
 - Even though you don't speak the same language, you can still gain a sense of how your client is doing by reading their body language.

The Meeting Process

- Introduce everyone present and what their role will be.
- Explain your confidentiality policy at the very start to alleviate concerns.
 - Discussing personal information is a very vulnerable exercise, and survivors might be worried about how their information will be used.
- An explanation of seemingly routine things helps to build trust.

The Meeting Process

- A “meeting roadmap” at the very start can be helpful.
- Make sure the meeting has a logical flow, and explain transitions as move through meeting sections/documents.
- Engage in active listening and avoid repeating questions.
- Pay attention to clients’ body language.

The Meeting Process

- Frame the discussion of these documents in an empowering light.
 - Emphasize that the agent only has authority if the client cannot speak for themselves.
 - Remind them that they can change their decisions at any time.
 - Having an advance health care directive and simple will in place will ensure the client's voice will always be heard, even if it is their loved one speaking for them.

The Meeting Process

- If a client exhibits a little red flag, pause and check in.
 - Don't continue as normal.
 - Ask if they need a break, offer a tissue if they need one, ask if they need to move on to a different section and come back to topic that brought up that reaction.
 - Sometimes slipping in small talk can reduce emotions and ground the client.
- Patience, focus, and compassion help gain trust.
 - Case example: Terrie

The Meeting Process

- At the close of your meeting, make sure they are leaving with all their questions answered.
- Describe what will happen next.
 - Explain why it is helpful to discuss the choices they have just outlined with their loved ones and doctors.
- Thank your client.
 - They might have just revealed very personal details to you, a stranger, and might be feeling vulnerable.

My Contact Information

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