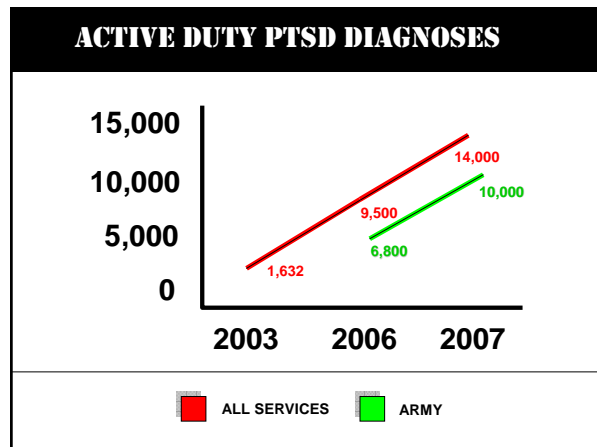
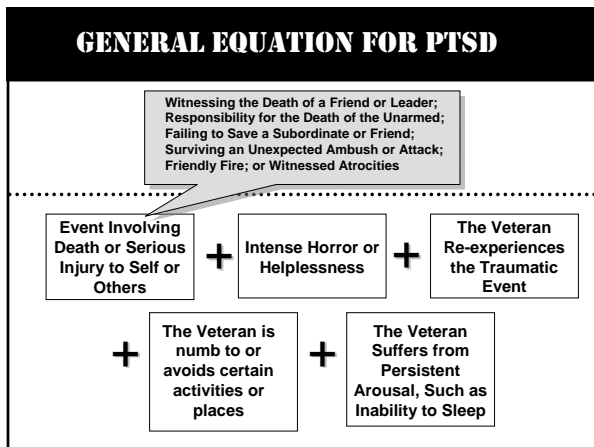


Professionalism: Working with the Legal Assistance Client Suffering from PTSD

Captain Evan R. Seamone
4 March 2010


AGENDA

1. Key Facts About Posttraumatic Stress Disorder
2. The Attorney's Legal Screening Function: The "PTSD First Responder" Perspective
3. How Posttraumatic Stress Disorder Affects Client Counseling
4. Techniques to Effectively Represent Combat Veterans with Posttraumatic Stress Disorder: "The Lawyer as Counselor Perspective"



5 SHATTERED ASSUMPTIONS

- 1) The world is benevolent;
- 2) the world is meaningful;
- 3) the self is worthy;
- 4) I am safe and my life is not in immediate danger; and
- 5) a moral order exists in the universe that discriminates right from wrong.



DSM-IV Criteria for Posttraumatic Stress Disorder

A. Traumatic Stressor: The person has been exposed to a traumatic event in which both of the following were present:

- (1) the person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others
- (2) the person's response involved intense fear, helplessness, or horror. **Note:** In children, this may be expressed as disorganized or agitated behavior.

B. Experiencing: The traumatic event is persistently experienced in one (or more) of the following ways:

- (1) recurrent and intrusive distressing recollections of the event, including images, thoughts, or perceptions. **Note:** In young children, repetitive play may occur in which themes or aspects of the trauma are expressed.
- (2) recurrent distressing dreams of the event. **Note:** In children, there may be frightening dreams without recognizable content.
- (3) acting or feeling as if the traumatic event were recurring (includes a sense of reliving the experience, illusions, hallucinations, and **dissocialize** flashback episodes, including those that occur on awakening or when intoxicated). **Note:** In young children, trauma-specific reenactment may occur.

- (4) intense psychological distress at exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event
- (5) physiological reactivity on exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event

C. Avoidance and numbing: Persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness (not present before the trauma), as indicated by three (or more) of the following:

- (1) efforts to avoid thoughts, feelings, or conversations associated with the trauma
- (2) efforts to avoid activities, places, or people that arouse recollections of the trauma
- (3) inability to recall an important aspect of the trauma
- (4) markedly diminished interest or participation in significant activities
- (5) feeling of detachment or estrangement from others
- (6) **restricted range of affect (e.g., unable to have loving feelings)**
- (7) sense of a foreshortened future (e.g., does not expect to have a career, marriage, children, or a normal life span).

D. Hyper arousal: Persistent symptoms of increased arousal (not present before the trauma), as indicated by two (or more) of the following:

- (1) difficulty falling or staying asleep
- (2) irritability or outbursts of anger
- (3) difficulty concentrating
- (4) **hyper vigilance**
- (5) **exaggerated startle response**

E. Duration of the disturbance (symptoms in Criteria B, C, and D) is more than 1 month.

F. The disturbance causes clinically significant distress or impairment in social, occupational, or other important areas of functioning.

PTSD Checklist - Military Version (PCL-M)

Instruction to patient: Below is a list of problems and complaints that veterans sometimes have in response to stressful experiences. Please read each one carefully, and an "X" in the box to indicate how much you have been bothered by that problem in the last month.

No.	Response	Not at all	A little	Moderate	Quite a bit	Very much
1	Repetitive, disturbing memories, thoughts, or images of a stressful military experience from the past?					
2	Repetitive, disturbing dreams of a stressful military experience from the past?					
3	Suddenly acting or feeling as if a stressful military experience were happening again (as if you were reliving it)?					
4	Feeling very upset when something reminded you of a stressful military experience from the past?					
5	Having physical reactions (e.g., heart pounding, trouble breathing) or sweating when something reminded you of a stressful military experience from the past?					
6	Feeling startled or having racing thoughts about a stressful military experience from the past or about having feelings related to it?					
7	Feeling distant or cut off from others because they remind you of a stressful military experience from the past?					
8	Thinking about things that you could do to avoid?					
9	Loss of interest in things that you used to enjoy?					
10	Feeling distant or cut off from other people?					
11	Feeling emotionally numb or being unable to have loving feelings for those close to you?					

3 Suddenly acting or feeling as if a stressful military experience were happening again (as if you were reliving it)?

4 Feeling very upset when something reminded you of a stressful military experience from the past?

“PSYCHO LEGAL SOFT SPOTS” IN FAMILY LAW

Dr. Sanford Portonoy’s “common junctures in the legal process that **set off reactions** in clients,” include:

- Serving of Papers
- Temporary Orders
- First Settlement Proposals
- Conferences Involving Spousal Contact

TECHNIQUES USED BY SOME DEFENSE COUNSEL

Professor Abbe Smith cites the use of “trust, fear, guilt, sadness . . . grief . . . **ganging up, hounding, and outright bullying.**” She clarifies,

By bullying, I mean applying pressure. Forceful language is sometimes necessary, even verbal abuse, **even yelling.** Badgering, cajoling, needling, filing, inciting—are all methods that might help a client finally see the light. Again, I seldom worry about exerting too much pressure. I worry instead about failing to exert enough.

By manipulation, I mean a range of techniques that might work to **get under the client’s skin, get them to lower their defenses,** and ultimately get them to change their minds. . . .

LIMITATIONS TO THE PROPOSAL

CAUTION CAUTION

- Relaxation and Breathing Exercises
- Structured Plans to Identify PTSD Psycho legal Soft Spots
- Notebooks, Peer Support Networks, and Other Devices to Maintain Continuity in the Representation
- Techniques to Identify and Neutralize Litigation-Related Distorted Thoughts
- Techniques to manage crisis and stress responses in the office setting

CAUTION

- 1) Conducted with informed consent; and
- 2) Vetted by mental health professionals for self-directed use

APPLIED EXAMPLE IN COUNSELING SETTING



ATTRIBUTES OF THE ATTORNEY'S COUNSELING FUNCTION

- Use of Audio-Recorded Guided Relaxation Exercises Prior to Legal Counseling
- Use of a "Hearing Notebook" to Keep Continuity
- Directing the Client to Write Important Deadlines in a Single, Accessible Place
- Homework Assignments in Which the Client Anticipates Stress Responses to Aspects of the Litigation, Prior to the Litigation
- A System in Which the Client Knows in Advance to Alert the Attorney to Upsetting Bodily Sensations
- Knowledge and Use of Methods to Deal With Stress Reactions in the Attorney's Office

The Value of Breathing Exercises

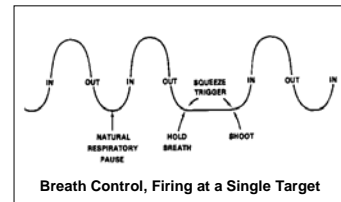


- Reactions to PTSD Triggers Cause Limbic Responses
- It Takes Days to Recover from a "Wild Ride"
- Simple Breathing Exercises Can Counteract Reactions to PTSD Triggers
- Relaxation Exercises Prior to Client Counseling can Also Counteract Reactions to PTSD Triggers

Fred Miller's Counting Backwards Exercise

- Sit comfortably and close your eyes. Then take three deep breaths to calm down and clear your mind.
- Breathing easily, inhale. Now exhale, silently saying, "fifteen."
- Inhale again. This time while exhaling, silently say, "fourteen."
- Continue inhaling and counting down a number with each exhale.
- After you reach zero, take a few gentle breaths, all the while noticing how you feel. When you are ready, open your eyes.

The Army Endorses Breathing Exercises in Many Situations



The PTSD Trigger Awareness Plan

Prompts for PTSD Trigger Awareness Plan

Litigation Trigger List: (Evaluate Issues that Would Cause Anxiety if Those Matters Arose; Rate Expected Anxiety Level from 1-10; Identify the Physical Reaction You Expect to Experience for Each Trigger) (Identify Related Thoughts During Reactions.):

(Specify) (Rate) (Physical Reactions) (Related Thoughts)

Photographs
Letters
Content of Testimony
Seeing a Witness
Seeing a Spectator in the Courtroom
Discussions of Potential Defenses
(Judge, Prosecutor, Plaintiff, Defendant, Attorney)
Smells or Sounds
Anniversary Dates Expected During Representation
Mental Images Unrelated to Litigation Expected



The PTSD Trigger Awareness Plan (cont'd)

Measures to Decrease Anxiety: (For each of the above issues, propose a method that could reduce or eliminate the anxiety specific to each of these issues and rate the expected success rate for the measure. For example, if substituting a positive mental image, like a trip to the beach, would decrease anxiety indicate the positive image and the rating for it.)

External Factors (List the Expected Frequency of Activities and the Expected Level of Adherence to Estimated Frequency 1-10):

(Specify) (Rate)

Daily Hours of Sleep Planned
Types of Exercise Planned
Social Activity Planned
Participation in Group or Individual Therapy Planned