

Communication, Court Environment, Self-Awareness: What Hurts and What Helps?¹

	What hurts?	What helps?
Communication	Interactions that are humiliating, harsh, impersonal, disrespectful, critical, demanding, and judgmental	<p>SHOW RESPECT. Promote interactions that express respect, kindness, patience, reassurance, and acceptance.</p> <ul style="list-style-type: none"> • Instead of talking at the person by saying, “Let me give you some advice,” talk with the person by saying, “What do you think?” or “What can we do to solve the problem?” • Use “please” and “thank you” frequently. • Use the name of the people before you, addressing them by their surnames preceded by “Mr.” or “Ms.” • Ask the person before you if he or she has any questions. • Use short encouraging statements such as: “Your commitment really shows,” “It’s clear you are trying to change;” or “Despite what happened in court last time, you have been able to...” • Provide praise that is concrete, specific, and delivered with a neutral tone. “I heard that you earned a one month token in AA. I know you worked hard for that;” “I read in the court report that you followed last month’s visitation schedule without any problems. This will help your child.” • Instead of “I’m sending you for a mental health evaluation,” try “I’d like to refer you to a doctor who can help us better understand how to support you.” • Instead of “You are going to a commitment program; we are done with you. There is nothing more we can do,” try “Maybe what we’ve been doing isn’t the best way for us to support you. I’m going to ask you not to give up on recovery. We’re not going to give up on you.”
	Distracted listening	<p>LISTEN. Use active listening.</p> <ul style="list-style-type: none"> • Maintain eye contact. • Listen without judgment. • Examine your body language. Are you conveying attention? • Also, pay attention to the speaker’s body language. This is a facet of true listening. • While listening, do not plan what you will say next. Think only about what the person is saying. • Provide regular feedback by reflecting and paraphrasing the content. For example, “I can see you are confused” or “It sounds like you are saying...” • Refrain from looking at the computer or reading the case file while the person is speaking.
	Thinking and/or asking “What’s wrong with you?”	<p>UNDERSTAND. Think and ask, “What has happened to you?”</p> <ul style="list-style-type: none"> • Recognize that some behaviors (hypervigilance, dissociation, avoidance) can be self-protective coping strategies - the trauma “symptoms” may be adaptations. • Instead of discussing sensitive issues related to trauma in open court, ask the attorneys and parties to approach the bench and conduct a sidebar conversation. Or, if rule and statute permit and the attorneys agree, clear the courtroom.
	Becoming aggressive and hostile when confronted with aggression and hostility	<p>REMAIN CALM. Use a quiet tone of voice and a slow pace of speaking that encourages stability and physiological regulation.</p> <ul style="list-style-type: none"> • Recognize that the displayed anger could be increased activation of the arousal systems associated with survival, that the behavior could be self-protective, and that victims of trauma can often over exaggerate the “threat.” This doesn’t justify the behavior but it can provide insight; insight leads to compassion and problem-solving. • Gently name the person’s behavior in a nonjudgmental way. For example, say “I can hear how upset you are.” • Ask questions to clarify the issue. This shows a willingness to understand. However, avoid “why” questions and use “what” or “how.” Use active listening as mentioned above. • If necessary, call a recess to allow the person an opportunity to self-regulate. • Do not threaten; inform of consequences.
	Allowing court processes to be unknown and unexpected	<p>BE TRANSPARENT. Use clear, simple language to let people know what is happening and why.</p> <ul style="list-style-type: none"> • Explain the purpose of each hearing and who is in the courtroom. • Use non-technical language.

¹ Adapted from <http://www.flcourts.org/core/fileparse.php/517/urlt/Whathurtsandwhathelpscontinuous.pdf>

		<ul style="list-style-type: none"> • Explain the procedures: for example, instead of conducting sidebar conversations without explanation, tell the person that a sidebar conversation will occur and why, saying, “We have to discuss some issues related to your case. We just need a minute to do it on the side.”
Court Environment	Congested, noisy waiting areas	Reduce stress prior to the hearing by offering a calm and quiet space to wait. <ul style="list-style-type: none"> • Advocate for a well-maintained and clean waiting area and facility. • Notice the lighting and temperature; make sure they are adequate and comfortable. • Ask for security staff to be present in the waiting areas.
	Congested, noisy courtrooms	Ensure that the overall noise level of the courtroom is kept to a minimum, along with the level of movement and activity. <ul style="list-style-type: none"> • Advocate for a well-maintained and clean courtroom. • Notice the lighting and temperature; make sure they are adequate and comfortable. • Keep the noise limit low enough so that the noise is not distracting. • Ensure a calm environment is provided.
	Confusing signage	Reduce anxiety prior to the hearing by offering clear directions to the courtroom and posting simple courthouse rules. <ul style="list-style-type: none"> • Walk through the courthouse and notice if signage is clear. Are there courthouse maps that are easy to read? Are the courtrooms clearly labeled? Do you need signage in multiple languages? • Are simple rules about noise and courtroom decorum posted and easily understood?
	Not feeling safe and secure	Advocate for adequate courthouse security and ensure safety in your courtroom. <ul style="list-style-type: none"> • Follow a security protocol to protect victims of domestic violence and limit possible contact with accused perpetrators. • Review safety and security measures and audits with your trial court administrator. • Have routine conversations with your bailiff about safety expectations. Seek ideas and recommendations from your bailiff.
	Long periods of wait time before appearing before the judge	Institute time-specific docketing to reduce anxiety and agitation.
	Vast physical distance between the judge and the parties	Consider conducting family court hearings at a table.
	An elevated bench between the judge and the parties	Move from behind the bench and instead sit at the head of a table.
	Intimidating behavior by the bailiffs	Eliminate forms of nonverbal intimidation (jingling handcuffs or keys).
	Recalling traumatic events, memories, and feelings in open court	Use caution when questioning about traumatic events. Consider having a trained mental health professional on-site to debrief with families and children after court.
Self-Awareness	Personal bias	Be vigilant in your awareness of your own personal biases as they can alter your perception of the impact of trauma. <ul style="list-style-type: none"> • Take note of any “baggage” you hold from your own traumatic experiences or the trauma events experienced by loved ones. • Identify your potential biases and how they might color your interpretations without your even being aware of it. • Understand and appreciate the culture, race, ethnicity, economic situation, religion, and place of residence of court-involved families. • Ask whether proposed case plans/probation sanctions/visitation orders are reasonably tailored to the specific needs of the child and family. Research has shown that many parents need practical help, but this kind of assistance is not always a priority of the court. • Be open to and encourage appropriate connections to religious, community, and cultural institutions. • If you are working with a youth or adults whose sexual orientation/identification differs from yours, get training to understand their needs and how the system might affect them.

Source material:

- *Using Trauma-Informed Practices to Enhance Safety and Security in Women’s Correctional Facilities*, National Resource Center on Justice Involved Women, Alyssa Benedict
- *Essential Components of Trauma-Informed Judicial Practice*, Substance Abuse and Mental Health Services Administration
- *Safeguards Against Bias*, National Court Appointed Special Advocate Association
- *Pasco County Circuit Court Trauma Audit*, National Council of Juvenile and Family Court Judges