

# Grief and Trauma and the law

Practical tools to calm the storm

# Who We Are

- Roy and Jean Erasmus
- Certified therapists and life coaches
- Members of the Canadian Professional Counsellors Association
- Founders of Dene Wellness Warriors



**Vision:** Educating and Inspiring towards a life of wellness

**Mission:** Building a community of healthy people who create life - changing habits, using skills to overcome personal challenges.

# How do Grief and Trauma Affect Individuals?

What role do you have in supporting clients experiencing grief and trauma in the legal system?



# Trauma and Grief are Human Experiences

**Grief** : Deep sorrow, especially when caused by someone's death

**Trauma** : A deeply distressing or disturbing experience that affects your ability to cope

**Intergenerational Trauma** : The transfer of trauma from one generation to the next, without the person directly experiencing the original events or trauma.

# The Legal System

- A system rooted in colonialism
- Imposes European laws, policies and governance models
  - Doctrine of Discovery
  - Indian Act
  - Residential Schools and child welfare interventions
- Most people are unfamiliar with this environment
- Overrepresentation of incarcerated Indigenous peoples
- Associated with negative outcomes

# The Legal System

Indigenous Peoples continue to **navigate a legal system that was built against them**, historically used to regulate and control their lives, lands, and governance.



The scales of justice are not always balanced equally; **many Indigenous People face systemic barriers that can tip the scales against them** long before they enter a courtroom

# How does trauma and grief show up between lawyers and clients?

- Mistrust
- Can't focus
- Indecisiveness
- Stress
- Anxiety
- fear
- Challenges with Communicating
- Panic
- Dissociation
- Displaced Emotions
- Triggers

Nervous System Response: **Fight, Flight, Freeze, Fawn**



## 1. Fight

Anger, defensiveness, arguing, frustration, distrust of lawyers or court officials.

## 2. Flight

Missing appointments, avoiding phone calls, withdrawing from the legal process, wanting to leave court.

## 3. Freeze

Difficulty speaking, inability to answer questions, appearing disengaged, blanking on important details.

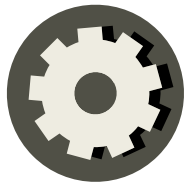
## 4. Fawn

Agreeing with lawyers or authority figures without fully understanding, avoiding disagreement, saying what they think others want to hear.

# Common Client Concerns

- Fear of judgment or not being believed
- Lack of communication and responsiveness from lawyer
- Difficulty understanding legal language and court processes
- Want to tell their story and to be heard by their lawyer
- See lawyers from opposite sides appearing friendly with one another

Addressing these concerns requires a safe and supportive environment where individuals feel heard, respected, and empowered to engage fully in the legal process.



# Tools for Clients

## Nervous System Regulation

### Box Breathing

Inhale 4 seconds  
Hold 4 seconds  
Exhale 4 seconds  
Hold 4 seconds  
Repeat 2-3x

### Eating and Staying Hydrated

Protein rich foods like nuts, drink cold water

### 5-4-3-2-1

5 things you can SEE,  
4 things you can TOUCH,  
3 things you can HEAR,  
2 things you can SMELL,  
1 thing you can TASTE

### Stomp Feet

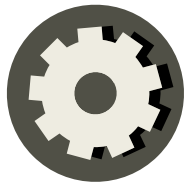
Stomp Left foot then right foot etc.  
Say left, right, left, right

### Ask for Breaks

Creating a plan for frequent breaks

### Wash Hands or Face

Warm water to calm,  
Cold water to shock



# Tools for Lawyers to Support Clients

## Nervous System Regulation

### Improve Communication

Avoid jargon that clients do not understand, use plain language, avoid using “Officer of the Court.”

### Support Regulation

Allow extra time for conversations, avoid rushing clients, focus on one issue at a time.

### Build Safety and Trust

Take time to build a relationship, return calls and emails promptly, avoid judgemental language.

### Recognize Trauma Responses

Recognize that anger, withdrawal and hesitation can be trauma responses.

### Increase Client Agency and Control

Involve clients in decision making, encourage questions, ensure clients understand their choices. Call victim services for support

### Promote Cultural Safety

Acknowledge systemic barriers, create space for clients to tell their story in their own way.



A lawyer is seen talking and laughing with the opposition.

How might this be interpreted by a client?





A client is visibly anxious and distressed before a court appearance.

As their lawyer, how can you support your client?





You are in a community of 500.  
Your client is visibly anxious,  
distressed and angry with you.

What would you  
consider?



Lawyers have a responsibility to foster relationships built on trust, respect, and humility.

For Indigenous clients, this includes recognizing the impacts of colonialism, trauma, and grief, and **creating a safe environment where clients feel heard, understood, respected and able to participate fully in their legal matters.**

