

## The Inclusive Office: What The Legal Aid Society of Rochester, N.Y. taught me

By: Special to The Daily Record Heather Neu December 29, 2020

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As George Washington, via Lin-Manuel Miranda, eloquently proclaimed, “I wanna talk about what I have learned — the hard-won wisdom I have earned.” Come January, I will be taking a position outside of traditional practice after spending the last almost four years working as a staff attorney for the Family Law Unit of The Legal Aid Society of Rochester, N.Y. (“LASROC”), and wanted to reflect on what LASROC taught me about diversity, equity, and inclusion.

- BELIEVE VICTIMS. BELIEVE WOMEN.

Victims and survivors of domestic violence are telling the truth. And since the overwhelming majority of victims and survivors that come forward are women, believe women.

I had almost 600 cases at LASROC, not including the hundreds of phone calls, meetings, or casual conversations with advocates from incredible agencies like Willow, the YWCA, IGNITE, and Lifespan. In that plethora of experiences, about five survivors did not accurately recount their abuse — and each one had an untreated mental illness or substance abuse disorder. The overwhelming majority of survivors told the truth — corroborated by contemporaneous statements, photographic evidence, actual witnesses, and truly shockingly often, the abusers’ own admissions delivered without remorse. There is also the unavoidable proof that hundreds of victims and survivors, overwhelming women in my cases, experienced the same violence. We shouldn’t need corroboration to believe survivors (the overwhelming number of them all saying the same things); but trust me, it’s there.

If a victim or survivor tells you about their experience, listen to them and assure them they have your ear and support. Do not judge or blame; do not offer solutions (ask how you can help; also put these numbers in your phone: LASROC’s DV Hotline — 204-1099, Willow Domestic Violence Center — 585-222-SAFE (7233)); and never, ever, ever ask

why they didn't "just leave." (The National Coalition of Domestic Violence states that 94-99% of abusive relationships involve financial abuse). Remind them that the abuse is not their fault and that they do not deserve to be abused; acknowledge their strength and bravery in talking about their abuse; and ask how you can help.

- Develop your client relationships with Trauma-Informed Care.

Studies show us that a person is statistically more likely that not to have experienced trauma in their life, and therefore, Trauma-Informed Care should be your guiding principle in working with clients. Trauma-Informed Care shifts the paradigm from "what is wrong with them?" to "what has happened to them?"

The Five Guiding Principles of TIC are Safety, Choice, Collaboration, Trustworthiness, and Empowerment. The first step of TIC is to ensure you address your client's physical and emotional safety. Next, the client needs to know that you are trustworthy, which can be demonstrated by establishing clear and consistent boundaries as well as clear expectations of both your and your client's responsibilities throughout the course of representation. Choice means allowing the client as much control as possible over their service experience while maintaining a collaborative approach. This can be offering them choices such as: meetings in-person, over the phone, or with Zoom; discussions of alternative dispute resolution options; or pleading an "old" ground for divorce while pleading no-fault in the alternative. Studies show that more control and collaboration results in increased participation by the client and increased satisfaction for services rendered. Finally, use positive reinforcement methods and identify your client's strengths and empower them to build on those strengths.

- We need to assess who we are not helping.

We know that there are populations who have long been left unaided by the systems designed to provide aid; we need to do the critical work of filling these gaps. For example, anecdotally, the majority of the over 30 member organizations of the Rochester Monroe County Domestic Violence Consortium ("DVC") report that their DV clients are overwhelmingly cisgender, heterosexual white women; however, the National Violence Against Women Survey reports that Black women experience DV at a rate 35% higher than that of white females. There are also increases of abuse incidents against Latinxs, Native Americans, and LGBTQIA+ people. The DVC's Diversity, Equity, and Inclusion Committee is looking into this, and I am confident the numbers will reflect what those working in the field observe every day. I don't have the solution to this, but it is vital we identify the gaps in services and most importantly, the barriers preventing those who need services from getting them and ways to overcome those barriers.

- Cultural competency (competence + humility) is a lifelong duty to keep learning.

I learn something that helps me interact with others every day (and I consider myself pretty well-educated on the issues of diversity, equity, and inclusion and have given multiple CLEs on the topic). There is literally always something more that can be learned, something more to help you better understand how your client's shoes fit. For example, a co-worker recently shared that clients may try to hide their struggles with literacy by saying they forgot their glasses. Without that knowledge, I could have had a client tell me they don't have questions and sign a document they couldn't read, likely in violation of the very covenants of which they were signing off; now, I know to give a very thorough (\*cough\* verbatim \*cough\*) summary of the document before getting sign-off. Society is evolving. Language is evolving. We need to make sure we're evolving along with it, or we won't be able to do our clients justice.

- Don't be afraid to admit you don't know something.

The good news is that lifelong journey of learning doesn't have to be independent study. Our clients are the experts of their own lives. Don't be afraid to ask them about it.

In a custody case, a grandmother once told me that her daughter was an unfit parent because she spent so much time "standing on the corner." Growing up, that was a euphemism for sex work; however, in the moment, I said: "Tell me what you mean by that." Turns out Gramma meant her daughter was lazy, hanging out with "those losers and deadbeats." I would not have served my client well had I been arguing completely incorrect facts.

"Tell me what you mean by that" has served me well at LASROC; it's a gentle way to gather information. And sometimes, I've had to take the not-so-gentle way and say things such as "Clearly, I'm white and there are things I can't possibly understand, so please help me" or my oft-used "I don't know how drugs work; please help me understand." I've never regretted asking these questions, and I've never received a negative response from my client — I believe they're happy that I care enough what they have to say to ask.

As lawyers, we're conditioned to always question, but not conditioned to admit when we don't know something. It's okay to admit that we are, in fact, human and to ask our clients how we can best serve them.

- "Never doubt that a small group of thoughtful, committed citizens can change the world."

As Margaret Mead's famous observation so perfectly captures, we can change the world. And if you don't believe her, let me tell you that I've seen it. The staff and attorneys at LASROC have changed the worlds of thousands of people — children facing abuse from those entrusted with their love and care; people hurt and harmed and held back by those claiming to love them; a parent exhausting every option to keep their children safe; people facing losing the roofs over their and their babies' heads; undocumented

Americans living with the threat of being ripped away from their children without warning — often in the face of systems stacking the odds against our clients and of the disdain and dismissal from those working within those systems. Yet, they show up every day, they fight every day, they win and they lose, but they keep doing their best. LASROC has taught me that I can change the world, and that there are scores of people doing it every day themselves, but who will still take the time to help you. If you're lucky, your co-workers will form a powerful group of warriors who support and cheer you, stand behind you against all enemies, and guard your flank, even when your inner critic is the enemy from whom you need protection. Find your group, and go change the world.

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