Supplemental Material

Tab #6: Tips for Discussions with Your Client[46]

The safety of clients is paramount throughout the family law process, including when asking about family violence. Consider the following recommendations when communicating or meeting with your clients.

1. Tips for safe and effective communication

In addition to the tips set out at the beginning of the **HELP Guide**, the following tips are aimed at promoting safe and effective communication with clients.

- Be attentive to your client's verbal and non-verbal cues, as well as your own cues, as you interact with them.
- It is important to be patient and ensure your body language is open and positive.
- Understand that some clients who have experienced trauma or violence may find physical proximity or contact uncomfortable, inappropriate or frightening (e.g. shaking hands, leaning toward them, sitting too closely), or may need to sit close to the door in order to feel safe.
- Listen carefully to your client's words and check in to make sure that you have understood them correctly.
- Recognize that the client may need breaks. As the discussion continues, it is helpful to ask the client how they are doing and whether they need to take a break from the discussion.
- Be aware that some clients may have difficulty verbalizing their experiences to you. You may want to ask a client if they would prefer to write things down.
- Display community resources in the waiting room and office. Sometimes, having materials about family violence available will help to initiate discussions about this issue. The materials should also be available for clients to take at any time, whether or not they have disclosed family violence. Another good practice is to have links to community resources available on your website; but remember that it is important to have a quick escape button (when this button is clicked, it will close the current page and open another page such as a weather website) and other built-in precautions for websites that serve victims of family violence. It can also be helpful to display overt signs of allyship

and inclusion, for example showing 2SLGBTQ+ posters or accessibility signage; these signs may help clients to feel more comfortable.

- Be aware of who is in the room. Where possible, the topic of family violence should first be raised with the client alone, even if they insist that the person accompanying them remain throughout the discussion. You can say that it is essential for you to have a few minutes alone with the client and that the person can rejoin after the discussion if this is the client's preference. Before continuing, it is essential to ensure that the discussion cannot be overheard by anyone, including a child.
- When you are alone with the client, explain to them that it is important for you to understand the role of the individual who has accompanied them. Explain that information about relationships can be highly sensitive and can involve safety and evidentiary issues. If appropriate, allow the client to make the decision to invite the support person (e.g. formal support worker, a trusted friend or family member) to rejoin you for the balance of the meeting and future meetings.
- If your client has a disability, they may require that a support person be present at all times to help with communication and to help them feel at ease. In this case, be alert to any warning signs of abuse from the support person, for example, speaking without permission.

2. Tips for effective email communication

Legal advisers frequently communicate with their family law clients by email. The following tips may be particularly helpful for emailing clients who have experienced trauma as a result of IPV or another traumatic event.

Consider how much written information your client can process through email. For example, does your client have any literacy and/or language barriers? In addition, remember that clients who have experienced trauma may have difficulty taking in advice or concentrating on the information in the email.[47] You may need to tailor your emails to be short and concise and focus on only a small number of topics and questions; some clients may not respond if the email is too long. Pay attention to the words that you use, as words and tone can be misinterpreted over email.

You can end your emails by offering to have a call to discuss any information outlined in the email. The client may become overwhelmed when reading the email and may not be able to process the information. By having a follow-up call, you can discuss the important parts of the email and receive responses to the questions you may have asked.

Be aware that you may receive multiple emails in response to the information and questions you sent out in one email. Your client might send several one-line response emails as opposed to one email. Be sensitive to the fact that this may be the only way your client can manage to provide you with the information you require to proceed with the case.

It is a good practice to **send summary emails after any calls or meetings** with your clients. These emails provide you the opportunity to acknowledge what was discussed in the call, which

will indicate to your client that you did listen to them and will provide a written record of decisions. The follow-up emails can also help you to confirm decisions before you move forward with any instructions.

3. Tips and suggestions for virtual meetings[48]

As virtual meetings become more common, awareness of the importance of good virtual legal practices has increased.

If you must have the discussion virtually rather than face-to-face, consider whether it would be more appropriate to have a video or phone call. Remind clients about potential safety risks, such as whether they might be overheard by someone.[49]

Choose a videoconference over a phone call when possible: This is the closest you can come to a face-to-face meeting and will make it much easier to develop a rapport with your client. If the initial consult occurs by phone, ask the client if it would be possible to arrange a videoconference for the next meeting. If your client has limited or no access to technology, try to find a solution, such as using the computer of a trusted friend or family member in a private location.

Be aware of your client's needs and circumstances: Some clients may have difficulty accessing technology (e.g. limited or no access to phone, computer or internet or digital literacy issues). It is important to ask your client how you can support them in participating in meetings that are not in-person.

Remember that situations can quickly escalate and risk can increase. A scheduled meeting may no longer be a safe time to call. Remind your client that they can stop the call at any time.

Before asking your client about their case or about whether they have experienced family violence, **it is important to ensure that they are alone and safe**. You could set up a safe word or signal that the client can use or you could ask closed-ended questions that only require "yes" or "no" answers from your client, for example:

- *"Are you alone?"*
- *"Are you at home with your ex-partner? Is your ex-partner in the same room?"*
- *"Is it safe to ask you about your relationship with your ex-partner?"*

For more information on technology safety, see **Tab #10: Safety Planning**.

Be patient: Leave a short pause after your client finishes speaking to ensure that you are not rushing them. This will also help avoid talking over each other, a challenge with video and audio calls.

You may need to **spend more time building rapport with your client** before asking them about family violence. Note that vulnerable clients, especially victims of IPV, may not trust as easily, so there may be additional challenges in trying to connect with them by phone or by videoconference.

Eye contact and **reacting to facial cues and other non-verbal clues** are important to building connections, but difficult to achieve in video calls.

Tip: Set up your video so the client is in the top third and centre of the screen. When you are looking at their image, it will seem more like you are making direct eye contact.