How Trauma Histories Impact the Dispute Resolution Process and What Can Be Done to Generate Positive Case Outcomes

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Montgomery County Probate Court
The Impact of Trauma Histories

• OBJECTIVES
  • Shared Understanding of Trauma
  • Awareness and Prevalence
  • Shift in Thinking
What is Trauma?

- Individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, emotional, or spiritual well-being.
Traumatic Events:

(1) render victims helpless by overwhelming force;

(2) involve threats to life or bodily integrity, or close personal encounter with violence and death;

(3) disrupt a sense of control, connection and meaning;

(4) confront human beings with the extremities of helplessness and terror; and

(5) evoke the responses of catastrophe.

Judy Herman, Trauma and Recovery, (1992)
# Potential Traumatic Events

<table>
<thead>
<tr>
<th>Abuse</th>
<th>Loss</th>
<th>Chronic Stressors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emotional Abuse</td>
<td>Abandonment</td>
<td>Poverty</td>
</tr>
<tr>
<td>Sexual Abuse</td>
<td>Neglect</td>
<td>Racism</td>
</tr>
<tr>
<td>Physical Abuse</td>
<td>Separation</td>
<td>Involved medical procedures</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>Natural Disaster</td>
<td>Community trauma</td>
</tr>
<tr>
<td>Witnessing Violence</td>
<td>Accidents</td>
<td>Historical trauma</td>
</tr>
<tr>
<td>Bullying</td>
<td>Terrorism</td>
<td>Family members with substance use disorder</td>
</tr>
<tr>
<td>Cyberbullying</td>
<td>War</td>
<td></td>
</tr>
<tr>
<td>Institutional</td>
<td></td>
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</tr>
</tbody>
</table>
The **Adverse Childhood Experiences Study** (**ACE Study**) is a research study conducted by Kaiser Permanente health maintenance organization and the Centers for Disease Control and Prevention (CDC). Participants were recruited to the study between 1995 and 1997 and have been in long-term follow up for health outcomes.
Adverse Childhood Experiences are Common

Of the 17,000 Participants...

• 1 in 4 was exposed to 2 categories of ACEs

• 1 in 16 was exposed to 4 categories

• 22% were sexually abused as children

• 66% of the women experienced abuse, violence or family strife in childhood
ACE'S

**ABUSE**
- Physical
- Emotional
- Sexual

**NEGLECT**
- Physical
- Emotional

**HOUSEHOLD DYSFUNCTION**
- Mental Illness
- Incarcerated Relative
- Mother treated violently
- Substance Abuse
- Divorce
Brain Development

https://www.livescience.com/11337-top-10-mysteries-mind.html
Bottom Up Reactions to Fear

https://www.livescience.com/11337-top-10-mysteries-mind.html
TRAUMA CAN...

Cause short and long term effects

Affect coping responses, relationships, or developmental tasks

Impact physiological responses, well being and relationships
Cultural Issues

- Culture influences how an individual interprets and assigns meaning to the trauma.

- Culture significantly influences how people convey traumatic stress through behavior, emotions, and thinking.

- Culture affects what qualifies as a legitimate health concern and which symptoms warrant help.

- Culture can provide a source of strength, unique coping strategies, and specific resources.
Shift in Thinking:

Instead of......

“What’s wrong with you?”

how about......

“What happened to you?”
## Shift in Thinking: Coping Mechanisms

### Mislabeled “Normal” Responses

<table>
<thead>
<tr>
<th>Survival Responses</th>
<th>Coping Behaviors</th>
<th>Labeled by Systems</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fight</strong></td>
<td>Struggling to regain or hold on to power, especially when feeling coerced</td>
<td>Non-compliant, In denial, Combative, Challenging Behavior, Resistant</td>
</tr>
<tr>
<td><strong>Flight</strong></td>
<td>Disengaging completely: keeping to oneself, leaving services, abandoning the process</td>
<td>Chronic, Unmotivated</td>
</tr>
<tr>
<td>Freeze</td>
<td>Giving in to whoever/whatever is in a position of power</td>
<td>Passive, Can’t be helped, Using the system</td>
</tr>
</tbody>
</table>
SAMHSA’s Six Key Principles

1. Safety
2. Trustworthiness and Transparency
3. Peer Support
4. Collaboration and Mutuality
5. Empowerment, Voice, and Choice
6. Cultural, Historical, and Gender Issues
References

• Anda, Robert F., MD. The Center for Disease Control and Prevention (CDC).

• Felitti, V. MD., Snowbird Conference” of the Child Trauma Treatment Network of the Intermountain West.

• Herman, Judith, MD.; Trauma and Recovery; Basic Books, 1992.

• Perry, B.D., Ph.D. (www.childtrauma.org).

• https://www.samhsa.gov/trauma-violence
Trauma-Informed Approaches

Alex Sanchez, Esq., Manager & Mediator Franklin County Municipal Court
Adam Wills, MSW, LISW-S, EAP Counselor, City of Columbus
70% anyone
Single Event, Events, or Circumstances

Grief and Loss
Abuse or Neglect
Violence and Poverty
Accidents and Disasters
Long-Term Impact

Physical
- Cortisol Released
- Brain Shrinks
- Fight, Flight, Freeze

Psychological
- Stress Control
- Memory & Concentration
- Decision-Making
Implications: Health & Wealth Disparities

Risk-Reward

Slower Decision-Making

Difficulty Adjusting Behavior

Neurological Differences

Recognize Stress and Trauma

Intake Behaviors Conversations

LIFE EVENTS CHECKLIST (LEC)

Listed below are a number of difficult or stressful things that sometimes happen to people. For each event check one or more of the boxes to the right to indicate that: (a) it happened to you personally, (b) you witnessed it happen to someone else, (c) you learned about it happening to someone close to you, (d) you're not sure if it fits, or (e) it doesn't apply to you.

Be sure to consider your entire life (growing up as well as adulthood) as you go through the list of events.

1. Natural disaster, hurricane, tornado, or flood
2. Fire or explosion
3. Transportation accident, bus crash
4. Serious accident or injury
5. Exposure to dangerous animals or insects
6. Physical assault
7. Assault with a weapon
8. Having to perform in public
9. Other unusual experiences
10. Combat or exposure to military or as a child
11. Captivity (example: kidnapped, held hostage, prisoner of war)
12. Life-threatening illness or injury
13. Severe illness
14. Sudden, violent death (example: homicide, suicide)
15. Sudden, unexpected death of someone close to you
16. Serious injury, harm, or death of someone close to you
17. Any other very stressful event or experience
Trauma-Informed Approach

Legal Professionals & Court Staff

- Dissipate Stress
- Solicit Information
- Foster Safety & Trust
- Explain Legal Information
- Be Mindful of Power Balance
## Trauma-Informed Docket

<table>
<thead>
<tr>
<th>Judge’s Comment</th>
<th>Perception</th>
<th>Trauma-Informed Approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Your drug screen is dirty.”</td>
<td>Negative</td>
<td>“Your drug screen shows the presence of drugs.”</td>
</tr>
<tr>
<td>“Did you take your pills today?”</td>
<td>Judgmental</td>
<td>“Are the medications your doctor prescribed working well for you?”</td>
</tr>
<tr>
<td>“I’m sending you for a mental health evaluation.”</td>
<td>Punitive</td>
<td>“I’d like to refer you to a doctor who can help us better understand how to support you.”</td>
</tr>
</tbody>
</table>
## Trauma-Informed Mediation

<table>
<thead>
<tr>
<th>Traditional Court Environment</th>
<th>Impact</th>
<th>Online Dispute Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Busy, crowded, difficult to hear.</td>
<td>Anxiety</td>
<td>Participant controls own environment.</td>
</tr>
<tr>
<td>Face-to-face with opposing party or judge.</td>
<td>Fear/Shame</td>
<td>Private, no public speaking, participant controls process.</td>
</tr>
<tr>
<td>Defendant segregated from staff and attorneys</td>
<td>Perceived Bias</td>
<td>Mediator is a resource that promotes feelings of equality and fairness.</td>
</tr>
</tbody>
</table>
Solution-Focused Approach

An understanding of the origins of a problem is not always necessary to finding a solution.

“What would you like to see happen?”

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