

SHARP Workplaces

Service- centred & Violence-informed Lawyering

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Ending Violence Association of BC

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SHARP Workplaces offices are located on the traditional, unceded, and ancestral territories of the hən'q'əmin'əm' (Hulquminum) speaking x^wməθk^wəy'əm (Musqueam) and sə'lilw'ətaʔt (Tsleil-Waututh) Nations, and the S_kwx_wú7mesh sníchim (Squamish Snichim) speaking S_kwx_wú7mesh Úxwumixw (Squamish) Nation.

Outline

- Inter-cultural Competency Skills
- Service-centred & Violence-informed Lawyering
- Engaging Strength-based and Resilience-based Approaches

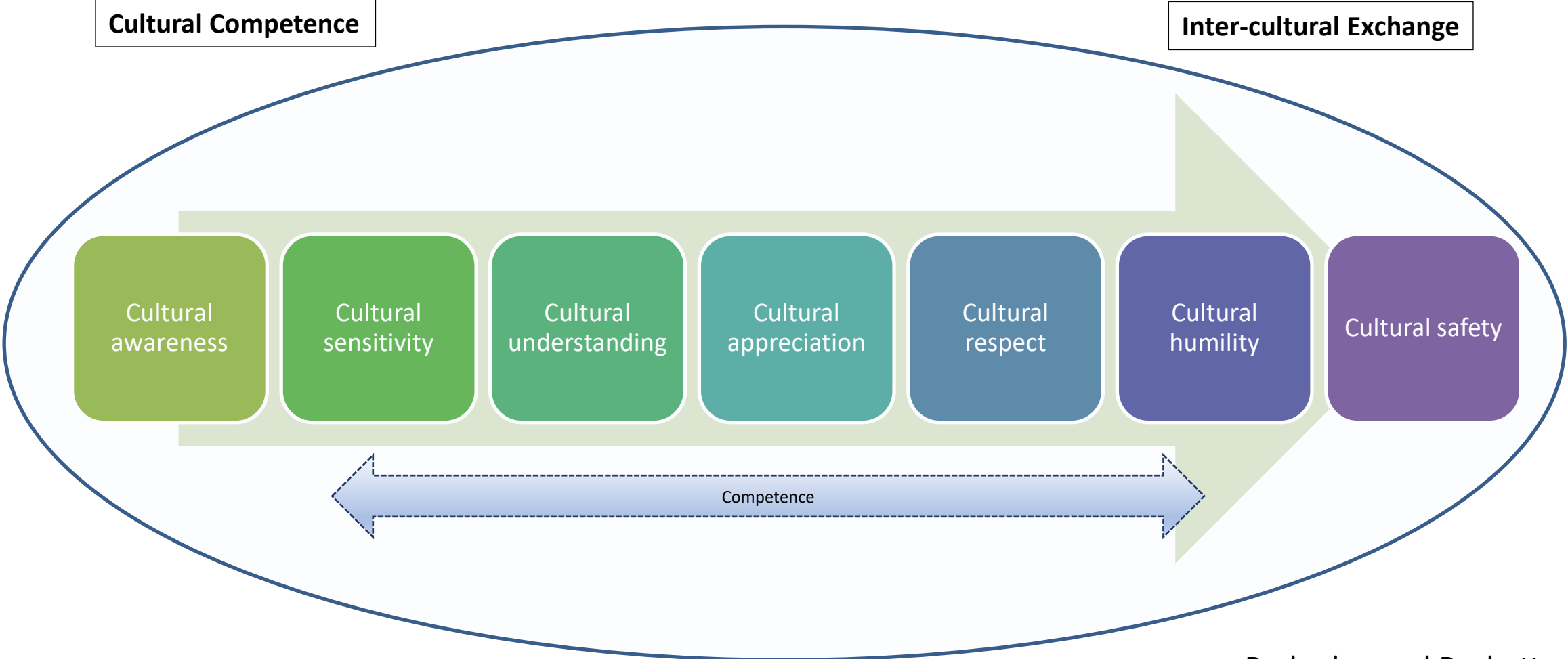
Cultural Competency

Cultural competence addresses the ability to effectively work with and across different groups of people, but it does not position you as an expert of another's culture. Development of cultural competency skills is an **ongoing process** recognizing that the person in front of you is the expert.

SKILLS FOR COMPETENT INTER-CULTURAL EXCHANGE

How competent you are at an intercultural exchange depends on the context, but you must possess certain competencies (building blocks): knowledge, skills and attitudes to be able to reach each of these “stages” on the spectrum of cultural competence.

Development of Cultural Competency Skills



WHO ARE YOU?

CONTEXT:

Which community do you work with?

Who is your client?

What is your role?

Where do you practice?

In what area do you practice?

Truth-telling

Address continued barriers and the legacy of colonialism embedded in the Canadian legal system

Looking inward at ourselves as legal professionals and practitioners

Admitting biases and how / why these are replicated through institutional processes and policies, as well as the work we do with our clients and the ways we use the law

Acknowledging and committing to change...

Choosing engagement and acknowledging your power:

→ knowledge is not neutral, and it is a powerful source of narratives in our society

→ making a choice to consciously use our professional engagements with people to promote change

Expanding our view of to include Indigenous philosophy and world view

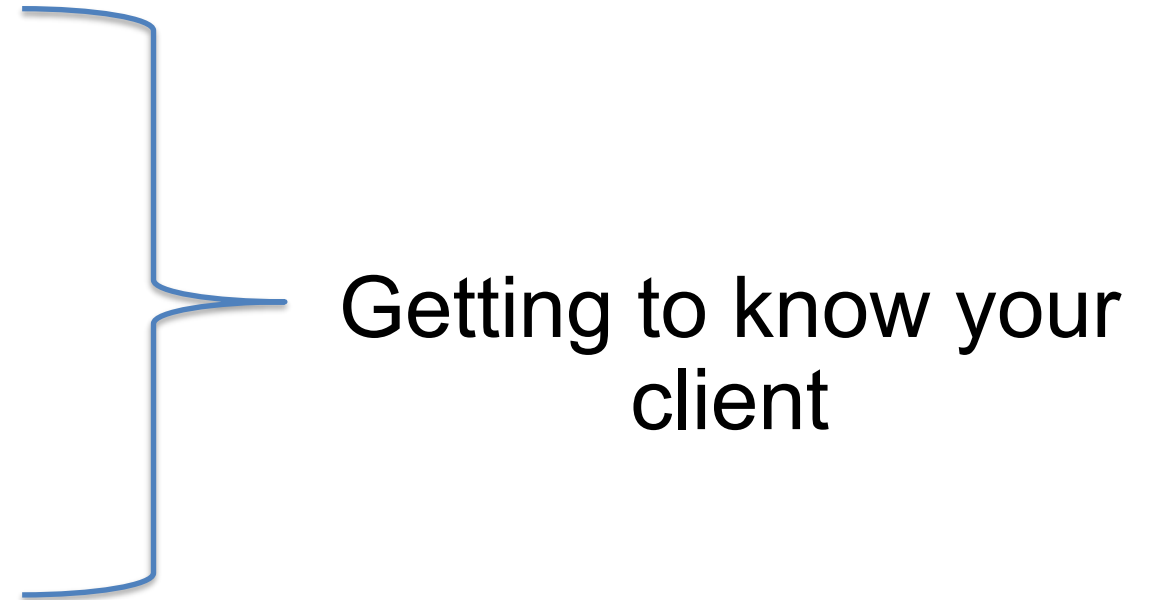
Indigenous peoples have the right to be protected by our own laws

Our laws reflect our cultures, values, and legal structures

Culturally Competent Inter-Cultural Exchanges for Service-Centred Lawyering

The primary principle underlying an approach to competent inter-cultural exchanges is building relationships with your clients.

A “relational approach” is diametrically opposed to a “transactional approach” which is too often preferred by lawyers and some advocates.



Cultural Humility

Cultural humility has been defined as “a process of self-reflection and discovery in order to build honest and trustworthy relationships.”

Cultural Humility

At its essence, cultural humility is developed by letting go of assumptions about a person based on their culture and creating space for learning who they are as a person.

What is Bias?

Learned stereotypes which are not consistent with the values we believe we have

Common Biases

Affinity bias: The tendency to get along with those who are like us, commonly characterized as “culture fit”

Halo effect: The tendency to think everything about a person is good because you like that person

Perception bias: The tendency to form stereotypes and assumptions which make it impossible to make objective judgements

Confirmation bias: The tendency for people to seek information that confirms pre-existing beliefs or assumptions

Gender normativity: The idea that there are certain roles for men and certain roles for women.



SERVICE-CENTRED & VIOLENCE-INFORMED LAW PRACTICE

What is a Violence-Informed Approach?

Violence-informed approaches acknowledge not just the violence a person has experience, but also the ongoing violence of colonialism and the inherent violence of the legal system on survivors and works to support and empower clients in their encounters with legal actors and systems.

Violence-Informed

A lawyer should be sufficiently knowledgeable about rape myths, victim blaming, social stigmas, discrimination risks, physical risk factors, retaliation risks, cultural taboos related to the topic of sex and safety needs + available resources.

This is key to a violence-informed approach.

Justice Langston in *R. v. Holmes*, 2018 ABQB
916:

“This is an Aboriginal offender. She is in a system which is imposed upon Aboriginal people, and I use that word deliberately. Our history, in relation to Aboriginal people, is one of deliberate destruction. We have systematically destroyed their culture, their way of living. We have done everything we can to take from them their sense of spirituality and identity. I’m not saying anything new.”

**Recognizing the
experiences of
Indigenous
people:**

**Deliberate
destruction**

Why is recognition so important?

Justice Langston went on to recognize the uniqueness of Indigenous people within the context of a justice system which has “over run Indigenous people, Indigenous communities, Indigenous families, Indigenous culture and Indigenous spirituality”

The recognition offered by Justice Langston is significant for three reasons:

- 1) it acknowledges the flaws inherent within our legal processes;
- 2) it validates the harm the justice system does to Indigenous people;
- 3) it offers an opportunity to do better.

Violence-Informed Approaches Acknowledge Harm/s

Why is it necessary to offer recognition that the law and the justice system has been used as a colonial tool when it comes to Indigenous people - from the start of a process – early in your career as an advocate?

Trauma

An event that “is **extremely upsetting**, at least temporarily **overwhelms the individual’s internal resources**, and **produces lasting psychological symptoms**”

(Briere & Scott, 2015, p. 10)

Intergenerational Trauma

Intergenerational trauma is the transmission of historical oppression and its negative consequences across generations. There is evidence of the impact of **intergenerational trauma** on the health and well-being and on the health and social disparities facing Aboriginal peoples in Canada and other countries.

Intergenerational Injustice

The legacy of injustice experienced through generations as a result of colonization.

Recognizing the potential for truth to surface

We cannot know what sort of experiences of violence or injustice someone has experienced or what their triggers are but we can anticipate that an interview (whether complainant, respondent or witness) can be a stressful or fearful experience which has the potential to trigger a traumatic response.

Recognizing the potential for resistance to violence and injustice to surface

You can help minimize the triggers by examining and adjusting your own behaviours and responses.

Preparation is Everything

Maintain self awareness

Be flexible & respectful

Make distraction aids available

Pay attention to body language

Be transparent and clear

First 5 Minutes

Invite your client to make key decisions about the time, space and the manner in which communication occurs:

- Ask as many questions as they want about what will happen with their evidence/testimony/information
- Determine where they sit in relation to you and where you sit

First 5 Minutes

- Decide when and how often breaks are taken
- Deliver answers in their own time
- Decide whether the lights are turned up or turned down
- Bring a support person (who sits in a waiting area or in the interview room – if permissible)

Interviewing

- Ask open ended questions and explain why you need to clarify vague or confusing responses (in a disarming, non-judgmental manner)
- When something doesn't make sense, preface your specific inquiry with “help me understand why you chose....” or “I appreciate it's been a while since...” or “I realize this incident has been hard on you so take your time in answering my next question...”
- Where memory or recall is fragmented – and in the absence of direct or corroborative evidence – look to the peripheral details to see whether they support the core complaint of sexual misconduct

Engaging Strength-based and Resilience-based Approaches

- The client is always right about their experiences and how they want to proceed
- You are there to support and service the client
- The client's expertise should guide your service and direct your advice, approach, and attitude

**The client is the expert –
PERIOD.**

Recognizing Resilience

Resilience recognizes that the ability to learn how to overcome adversity.

Witnessing resilience and holding space for your client's resiliency practices is vital.

Working With Resilience

Resiliency in the face of severe trauma and other adversities enables survivors of trauma to be able to survive through strategies of coping and by relying on successful adaptive processes.

These processes can be engaged through a service-centred and violence-informed practice that relies on skills for culturally-competent inter-cultural exchange.

SUPPORTS AVAILABLE

- **VictimLinkBC**
Call 1.800.563.0808
Text 604.836.6381
- **Ending Violence Association of BC**
www.endingviolence.org/needhelp
- **WorkSafeBC Crisis Support Line**
Call 1.800.624.2928 (toll free)