



Working Effectively in Representation of Clients with Mental Disabilities and Challenging Behaviors



This training is presented by Mental Health
Advocacy Services, Inc. (www.mhas-la.org)
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An Attorney's Obligation

- ◆ **California Business & Professions Code § 6068(h)**
- ◆ It is the duty of an attorney “...never to reject, for any consideration personal to himself, the cause of the defenseless or the oppressed.”
- ◆ **ABA Model Rule 6.1 – Pro Bono Aspirational Goal**
- ◆ The attorney's professional responsibility as a lawyer is to provide 50 hours of pro bono legal service each year to clients of limited means.



Creating a Welcoming Environment – The Language We Use



- ◆ “People first” language is an objective way of communicating about disabilities.
- ◆ Using “people first” language supports our approach to the client as a person first, not his disability.
- ◆ It avoids use of medical diagnoses.
- ◆ It avoids negative words such as “suffers from” or “is afflicted with.”
- ◆ It emphasizes strengths, not limits.
- ◆ It avoids euphemisms.

Why We Use “People First” Language

“People first” language demonstrates respect and affirms personal dignity. Examples of “people first” language are as follows:

- ◆ People with disabilities, rather than the handicapped
- ◆ People without disabilities, rather than healthy or normal people
- ◆ Person with autism, rather than autistic person
- ◆ Person who has a condition, not a disease
- ◆ Person who has an emotional disorder, not person who is crazy or insane



Effective Client Consultation - General Accommodation Strategies



- ◆ Speak slowly. Avoid legalese.
- ◆ Avoid slang and terms with multiple meanings.
- ◆ Ask specific questions. Avoid open-ended questions.
- ◆ Provide space in conversation for client to process and respond.
- ◆ Avoid meeting in distracting environments.
- ◆ Use active listening strategies to guide the client to useful information.
- ◆ Use repetition when necessary to get across important points.



Client-centered Interviewing Strategies



What is client-centered interviewing?

- ◆ Client-centered interviewing occurs when the advocate gives up some control of the conversation to help better understand the client's perspective.
- ◆ Client-centered interviewing encourages client participation in an active way, rather than receptive or reactive only.
- ◆ Traditional attorney interviewing strategy occurs when the attorney “controls the floor” through much of the interviewing process.



How your Perspective might Differ from that of your Client



- ◆ Your clients are generally low income. Basic life approaches may be different from yours due to coping strategies for daily financial insecurity.
- ◆ Cultural differences can result in unforeseen confusion or conflicts during client interviewing.
- ◆ Generational differences can cause difficulty.
- ◆ Mental health disabilities may necessitate a client's need for more time, frequent breaks and other interview interruptions that are challenging to the attorney's attempt to maintain continuity and control.



Basic Client-centered Interviewing Techniques, Issues and Strategies



- ◆ Gauge Introductory Chat
- ◆ Controlling the Floor?
- ◆ Early Revelations and Missed Information
- ◆ Active Listening Versus Active Listening Techniques
- ◆ Sensitive Topics
- ◆ Taking Breaks
- ◆ Normalizing Responses

What Are Active Listening Techniques?

Active listening techniques help you clarify and acknowledge the client and his story.

- ◆ Repeating verbatim what you have heard
- ◆ Paraphrasing what you have heard
- ◆ Restating what you have heard in your own words
- ◆ Additional Strategies: eye contact, alert body language, note-taking



What Do You Do if You Have an Unreliable Narrator?



- ◆ Speak with client on different occasions at different times of day to clarify facts.
- ◆ Clients may resist telling “bad” facts for fear you will not represent them. Explain that you need all facts so that you can deal with every fact as you prepare the case.
- ◆ Clients have confidentiality concerns. Explain the special nature of attorney/client confidentiality.



What Do You Do if You Have an Unreliable Narrator?



- ◆ Review as many documents as possible to clarify facts.
- ◆ If working on the telephone, consider an in-person meeting to get a better understanding of facts.
- ◆ Identify places and locations the client has lived that may provide record request possibilities.



Basic Accommodations to Consider



- ◆ Speak slowly and use basic terms. Avoid legalese.
- ◆ Avoid slang and phrases/words with multiple meanings.
- ◆ Provide space in the conversation for client to process.
- ◆ Find a quiet place to meet with few distractions.



General Meeting Strategies



- ◆ Work with client's schedule.
- ◆ Be flexible.
- ◆ Build rapport.
- ◆ Set parameters.
- ◆ Identify workplace resources in advance.
- ◆ Consider alternate meeting locations where appropriate.



General Communications Strategies



- ◆ Communicate regularly.
- ◆ Be clear and concise about what you can do.
- ◆ Manage expectations with limited scope agreement arrangements.
- ◆ Remember your role—attorney, not therapist.
- ◆ Be careful and specific in your language.



General Communications Strategies



- ◆ Acknowledge information received but use questions to direct conversation to needed information.
- ◆ If you think client is not hearing important information, use the “broken record” method of repeating that information multiple times until client confirms receipt.



Stressful Meeting Moments – How to Deescalate a Situation



- ◆ Talk softly.
- ◆ Listen a little longer than you otherwise might.
- ◆ If you are in the office, move slowly as the conversation progresses and move toward the door.



Setting Limits



- ◆ The first thing to remember: It is okay to set limits.
- ◆ You can set limits about how many times a day a client can call.
- ◆ You can set email limits.
- ◆ You can end telephone calls.



Using Limited Scope Representation Agreements



- ◆ Limited scope representation agreements clarify and manage client expectations.
- ◆ They help you “draw a box” around the representation services you agree to provide so the client understands the specific services he will receive.
- ◆ Be careful and targeted in the language you use to describe services to be provided.

Closing Thoughts

- ◆ Listen.
- ◆ Focus client on his legal concern: What do you want?
- ◆ Remain calm.
- ◆ Be flexible.
- ◆ Set parameters.