Effective Lawyering with Clients Leaving Abusive Relationships

Presentation Learning Objectives & Resources

Module 1: Understanding Intimate Partner Abuse

Learning Objectives - Part 1

- Typologies of intimate partner abuse
- Gendered nature
- Rates of abuse, including homicide

Learning Objectives - Part 2

- Cyclical pattern
- Common tactics
- Post-separation abuse & its impact

Resources

- In the Manual Appendix
    - Separation Red Flags

- Differentiation Among Types of Intimate Partner Abuse
  Joan B. Kelly and Michael P. Johnson, 2008

- Ontario Domestic Violence Death Review Committee 2018 Annual Report
  Office of the Chief Coroner of Ontario, 2021

- Post Separation Power and Control Wheel (PDF)
  Domestic Violence Intervention Programs

Module 2: Converging Issues

Learning Objectives

- Intersectionality lens
- Cultural fluency

- Overlapping legal issues

Resources

- Professor Kimberlé Crenshaw defines intersectionality
  2019

- Going the distance
  Luke's Place, 2022

- Understanding barriers to accessing legal support for family violence faced by immigrant, refugee and non-status women
  Family Violence and Family Law Brief 35, 2025

- Understanding intersectionality
  Luke's Place, 2017

- *Rules of Professional Conduct*, Rule 3.3-1b
  Law Society of Ontario

- *Child and Family Services Act*, Section 72(8)

Module 3: Intake & Screening

Learning Objectives

- Why women are reluctant to disclose abuse
- Signs of abuse in clients
- Tips about how to support clients in disclosing abuse
- Basic risk assessment
- Identify high risk situations
- Safety planning

Resources

- In the Manual
  - Intake, Screening, Risk Assessment, Safety Planning

- In the Manual Appendix
  - Abuse and Abuser Indicators

- HELP toolkit: Identifying and responding to violence for family law legal advisers
  Dept. of Justice, Government of Canada, 2022

- Legal response guide
  Dept. of Justice, Government of Canada, 2022

- Inventory of spousal violence risk assessment tools used in Canada
  Dept. of Justice, Government of Canada, 2013
  http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/rr09_7/toc-tdm.html

- Creating a safety plan
  Peel Committee Against Woman Abuse, 2020

Module 4: Practice Management

Learning Objectives

- Why you need different client interviewing techniques when working with survivors of abuse
- What some of those techniques are
- What a legal advocate is & why it is important to work with one
- Why working with an advocate does not destroy solicitor-client privilege

Resources

- In the Manual
  - Working with Clients Who have Experienced Trauma
  - Working with Support People

- In the Manual Appendix
  - Lawyer Appointment Checklist
  - Discretionary Increase Template
  - The Impact of Third Parties on Solicitor/Client Privilege

- Guidelines for better legal information in Ontario
  Community Legal Information Ontario, 2021

- *Rules of professional conduct, Rule 3.3*
  Law Society of Ontario

Module 5: Common Issues in Cases Involving Intimate Partner Abuse

Learning Objectives

- Challenges can arise when your client is experiencing trauma
- Communicating
  - Presenting legal options
  - Giving legal advice
  - Dealing with resistance to legal advice
  - Taking instructions
- Legal bullying
  - How to identify a legal bully
  - Tips for managing
- Challenges associated with ADR

Resources

- In the Manual
  - Working with Clients Who have Experienced Trauma
  - Legal Bullying
  - Litigation vs. Alternative Dispute Resolution

- In the Manual Appendix
  - Managing a Legal Bully Tip Sheet

- Family court and beyond: The family court survival workbook for women leaving abusive relationships
  Luke's Place, 2021
  https://familycourtandbeyond.ca/

- Steps in a family law case
  Community Legal Education Ontario (CLEO), 2023

- Current case law relevant to cases involving intimate partner
  Luke's Place, 2025

Module 6: Evidence

Learning Objectives

- The relevance of intimate partner abuse in various family court proceedings
- How to place that abuse before the court effectively
- Assisting clients tell their stories of abuse

Resources

- In the Manual Appendix

  - Changing the Locks
  - Gathering Evidence Checklist
  - Sample Affidavit

- The law and parenting arrangements after separation
  Luke's Place, 2021

Module 7: Professional responsibility

Learning Objectives

- File management tips
- Vicarious trauma
  - How to recognize & manage it
- Keeping yourself safe
- Managing an unrepresented abusive opposing party

Resources

- In the Manual
  - Support for You

- The trauma-informed lawyer podcast
  Myrna McCallum

- Teaching law students: Lessening the potential effects of vicarious trauma
  Lynne Jenkins, 2013

- Shelter Safe

- Professional Resources and Supports
  - Law Society of Ontario – Well-being Resource Centre
  - Law Society of Ontario's Member Assistance Program
  - Advocates Society
  - Family Lawyers Association