

RESILIENT ADVOCACY: A SYSTEMS THEORY APPROACH TO TRAUMA INFORMED & ANTI- RACIST ADVOCACY

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Introduction

When I was 22 years old and a second-year law student, one of my first clients handed me her toddler's bloody shirt as evidence of the abuse they endured at the hands of her ex. She was desperate to convince me of the dangers she and her child remained in from her abusive partner. I still remember the color of the shirt, faded white with pale pink sleeves, dotted deep red with dried blood. Working with this client was traumatic for me, as a Korean-American survivor of violence with complex post-traumatic stress disorder. I can only imagine how traumatic it was for her and her daughters to live it day in and day out, as they turned to me seeking safety. She was the first of thousands who would turn to me throughout my career as an immigration attorney.

Direct services legal work²—both nonprofit and private—is steeped in trauma, and legal workers³—both attorneys and non-attorneys—are rarely equipped for it. Our clients come to us at moments of extreme crisis, such as when they are seeking protection from eviction or deportation, wanting to stave off the impending separation of their families by racialized structures. These moments of crisis form predictable cycles of poverty and trauma, resulting in systems that remain largely unchanged, even if there are individuals who manage to win some battles.

There are limits to what legal workers can achieve when striving to be trauma-informed in their practice. We cannot rewrite history and change the outcomes that the systems we work in have produced. We cannot wave a wand and ensure all our funding and policy asks come true and that we have the impact we intend. We cannot

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Their expertise is further informed by over a decade of professional experiences ranging from volunteer to director at numerous nonprofit organizations, including the Southern Poverty Law Center, Legal Services NYC, and various Catholic Charities organizations. Lorilei has been a strategic accomplice to migrants across the nation, including in rural farms in Upstate NY, migrant camps in Tijuana, and multiple detention settings—from unaccompanied minor shelters to rural for-profit mass incarceration facilities in the Deep South. Given their deep expertise in immigration law, Lorilei served as co-faculty for the 2021-22 New York Law School Asylum Clinic. They previously served as the Training Attorney for the Shriver Center on Poverty Law, where they designed and launched a national network of expert race equity legal advocates to lead sessions on racial justice advocacy. They also designed and led sessions in trauma-informed advocacy, community-driven advocacy, structural racialization, systems thinking, practice management, and supervision. Lorilei's experiences building power in local community groups and among colleagues within nonprofit workspaces are the foundation for their approach to building sustainable, collaborative direct services advocacy models.

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² I will use the terms “direct services legal work” and “direct services” to refer to any type of legal work in which legal workers are working directly with clients impacted by injustice. Most of this work is representing clients in their individual legal matters, such as defense against eviction and appealing public benefits denials, but can also include campaign advocacy, organizing, and other similar work. Moreover, I use these terms regardless of whether the organizational entity is a nonprofit, governmental, solo-practitioner, or private firm.

³ I use the term “legal worker” to refer to any person who is working to support direct services legal work. This includes both attorneys and non-attorneys, such as social workers, paralegals, and legal assistants. This also includes both employees and volunteers, including interns and pro bono counsel.

wish away the evils of all the industrial complexes and -isms that produce the heartbreaking outcomes we must witness. We can, however, make better choices in how we relate with our clients and each other as we try to survive this work another day.

In 2016, Sarah Katz and Deeya Haldar authored the seminal article “The Pedagogy of Trauma-Informed Lawyering,” in which they identify four hallmarks of trauma-informed lawyering: “(1) identifying trauma; (2) adjusting the lawyer-client relationship; (3) adapting litigation strategy; and (4) preventing vicarious trauma.”⁴ As a front-line nonprofit immigration attorney and supervisor, I found their work invaluable in guiding my daily work as I continued to seek ways to be a more effective and sustainable advocate and leader. This article, however, assumes differences in identity and experience between attorneys and the people we represent and for whom we advocate. As an attorney who also has personal experiences with domestic violence, child abuse, child migration, and racism, I find that many frameworks proffered by lawyers fail to address the complications of intersectionality and the frequent differences between those who are directly impacted by injustice and those who advocate on our behalf.

Gaps in privilege, power, and identity impact how legal workers, and in particular lawyers, engage in direct services legal work. According to a 2022 article by the American Bar Association, the profession continues to be dominated by white males. Notably, “[O]nly 4.7% of practicing attorneys are Black, with about 10% of attorneys falling into other racial minority groups.”⁵ Moreover, the legal profession is often inaccessible to people who have experienced injustices such as houselessness, domestic violence, and poverty given the high cost and commitments of university and law school. Thus, lawyers frequently do not know what it means to experience the very injustices they seek to shift.

On a macro level, this results in advocacy that inadvertently creates more problems for directly impacted people. For example, advocacy for cannabis legalization intended to reduce or eliminate criminalization may fail to address the historical and long-term impact of cannabis-related arrests. Oftentimes, this advocacy provides a path forward for revenue growth for cannabis companies largely owned and run by white male executives, while failing to address the disproportionate impact of cannabis-related arrests on Black communities.⁶ To address this, racial and restorative justice initiatives may include opportunities to minimize the harm of past cannabis-related convictions and invest in justice-involved BIPOC’s⁷ ownership of cannabis businesses.⁸

On a micro level, the differences in identity between lawyers and the people they serve can result in lawyers assuming strategies that directly harm their clients. A common example of this occurs in the removal defense of detained migrants. Migrants facing deportation may be detained in atrocious conditions, with poor food, little to no meaningful medical care, and constant exposure to health hazards.⁹ Zealous lawyers frequently assume that their advocacy must include reserving appeal. However, many detained migrants may prioritize their release from

4 Sarah Katz & Deeya Haldar, *The Pedagogy of Trauma-Informed Lawyering*, 22 CLINICAL L. REV. 359, 363 (2016).

5 John Harrity & Samantha Sullivan, *How to Improve Diversity in the Legal Profession*, AM. BAR ASS’N (July 18, 2022), https://www.americanbar.org/groups/law_practice/resources/law-practice-magazine/2022/how-improve-diversity-legal-profession/.

6 Jeremy Berke & Yeji Jesse Lee, *Top Executives at the 14 Largest Cannabis Companies Are Overwhelmingly White Men, an Insider Analysis Shows*, BUSINESS INSIDER (June 30, 2021, 9:30 AM), <https://www.businessinsider.com/cannabis-industry-diversity-executives-are-white-male-insider-inequity-analysis-shows-2021-6>.

7 Terms for communities of color, or the global majority that is not racialized “white” or of predominantly European descent, are in continuous evolution. In this article, I use the term BIPOC which stands for Black, Indigenous, and people of color. I use this term as I write about the American context, which has a history of rendering Black and Indigenous issues especially invisible. I use the term to remind myself to center my awareness not just on people of color generally, but to also emphasize the historic disenfranchisement of Black and Indigenous peoples in the United States of America.

8 Mayor Adams, Department of Small Business Services Announce New Initiatives to Equitably Grow Cannabis Industry in NYC, NYC.GOV (August 22, 2022) <https://www.nyc.gov/office-of-the-mayor/news/611-22/mayor-adams-department-small-business-services-new-initiative-equitably-grow>.

9 For more on the conditions of immigration detention, see Mizue Aizeki, Ghita Schwarz, Jane Shim & Samah Sisay, *Cruel by Design: Voices of Resistance from Immigration Detention*, IMMIGR. DEF. PROJECT & CTR. CONST. RTS. (February 2022), <https://www.immigrant-defenseproject.org/cruel-by-design-voices-of-resistance>.

detention over remaining in the U.S. if defending themselves from removal will result in prolonged or indefinite detention. By reserving appeal, lawyers may inadvertently subject their clients to an additional 30 days of detention because the federal government's policies are to not deport detained migrants during their window of appeal. This may be in direct contradiction to the detained client's wishes to be released from detention as soon as possible, even if that means deportation. Many detained migrants would rather be deported than spend one more night in the detention center, with their physical and mental health at continued risk.

As an attorney with direct experiences that overlap with many clients and communities I have served, these gaps in privilege, power, and identity have always been present and considered in my practice of law. I was acutely aware of many of the harms my clients experienced, and I sought to develop practice management strategies to ensure I collaborated with my clients and adapted strategically to shift justice in their favor. Systems theory has been a critical component of my contributions to the legal practice management frameworks used under these trauma-facing and racialized circumstances.

In May 2020, I developed "ACAT: A Trauma-Informed and Antiracist Approach to Legal Advocacy," later renamed to "Resilient Advocacy: A Systems Theory Approach to Trauma-Informed and Antiracist Advocacy." This training combines my learnings as an antiracist and abolitionist attorney with the resilience I have developed as a student and survivor of trauma. In my presentations, I expand on the critical work of experts before me to propose an antiracist approach to trauma-informed advocacy that names and acknowledges the trauma inherent in structures born from racial violence and empowers legal workers to challenge the very nature of our profession and legal education. I then borrow from other disciplines such as management science, systems theory & design, psychology, neuroscience, sociology, and communications to share tangible frameworks and tools to guide legal workers in their decision-making within their internal organizational systems and within the larger legal and social systems they work in.

I do not believe that I have discovered a magic trick that will suddenly make the work bearable. I have, however, developed frameworks rooted in cross-disciplinary expertise and informed by my unique perspective as a neuroatypical migrant and survivor of violence with experiences in management, systems thinking, psychiatric and epidemiological research, adult education, advocacy, organizing, and race equity efforts. While I will include citations to specific sources throughout the article, I must also acknowledge with gratitude the learnings I have gained from thought leaders like James Baldwin, Angela Davis, Kimberlé Crenshaw, and Dr. Ibram X. Kendi; my colleagues in the Shriver Center on Poverty Law's Racial Justice Institute Network who fight for racial justice across the nation in their own communities; my colleagues in the Southern Poverty Law Center Union to whom I will always be grateful for challenging us all to live our values; my colleagues in journalism who strive to shed light on the darkest corners of humanity; and, above all, the thousands of clients who have sat across a desk, plexiglass, or bars from me, who taught me more than I will ever be able to articulate.

The framework I seek to share is a necessarily complex one. My greatest challenge is to distill the information in a manner that is accessible while still holding the full complexity needed to craft meaningful, systems-oriented solutions. Thus, this article is divided into two parts.

In the first part, I will set the stage by introducing key concepts and language relating to systems thinking, trauma, and racism. This first part is divided into four sections:

- (A) In Section A, I introduce systems theory. This will provide a basis for the theory and analyses to follow and provide context for the frameworks offered.
- (B) In Section B, I introduce foundational concepts and language related to racism to ground the reader in a shared understanding of how racism is being named and discussed within this framework.
- (C) In Section C, I introduce trauma and how it may show up in people who are directly exposed to trauma or complex trauma, and who may be further impacted by intergenerational trauma.

(D) In Section D, I introduce the trauma exposure response—the response we may experience due to our exposure to trauma while providing direct services legal work.

In the second part, I will address my approach to resilient advocacy (affectionately dubbed “ACAT”) by addressing each of the four elements:

- (1) Awareness of trauma, race, and structural racism, including how this can show up for ourselves, our clients, and our colleagues.
- (2) Collaboration with clients and communities in their advocacy, whether it be in direct services, impact litigation, or other forms of creative advocacy.
- (3) Adaptation of legal strategies, often using creative strategies rooted in the lived experiences of the clients we serve.
- (4) Transformation of the trauma exposure response experienced by legal workers into enlightened resilience.

In each of these sections, I will use systems and design thinking tools to demonstrate how one might begin crafting adaptive, systems-oriented solutions that leverage systemic change intentionally and with greater sustainability.

I acknowledge that conversations on trauma and race are continuously evolving. Language and frameworks I use today to the best of my ability may be inadequate to describe our world in the future as our learnings and advocacy continue to deepen. I hope to continue learning and evolving along with these conversations and welcome continued dialogue on these topics.

I. Setting the Stage: Critical Concepts on Systems Thinking, Racism, and Trauma

A. An Introduction to Systems Thinking

*Modern systems theory, bound up with computers and equations, hides the fact that it traffics in truths known at some level by everyone.*¹⁰

Systems theory is the interdisciplinary study of systems. It is used frequently to analyze complex systems and devise solutions that leverage intentional change. For example, ecologists may use systems theory to devise strategies to protect local ecological systems. Alternatively, manufacturers may use systems theory to analyze their systems of production to reduce error and increase revenue. Systems theory applies abstract principles, models, and frameworks to both analyze the system as it is and to devise strategies and solutions to leverage intentional change within the system. Thus, the tools developed by systems theorists can also help lawyers understand the complex legal and social systems we work within and design change that actually shifts systems towards greater equity and fewer injustices. In this subsection, I provide a basic overview of systems theory as applied to the legal profession.

“A system is an interconnected set of elements that is coherently organized in a way that achieves something.”¹¹ An organization is a system, comprised of all its leaders, employees, volunteers, and clients. The criminal legal system is also a system, comprised of courts, jails, prosecutors, law enforcement, defenders, bondsmen, and more. We can intuit many characteristics of systems, such as the subsystems contained within systems and the overall nature of the system. However, systems theory can help us achieve far more than we could ever intuit. Systems thinkers have thus developed a lens through which we can “reclaim our intuition about whole systems . . . : hone our abilities to understand parts, see interconnections, ask ‘what-if’ questions about possible future behaviors, and be creative and courageous about system redesign.”¹²

¹⁰ DONELLA H. MEADOWS, THINKING IN SYSTEMS 3 (2008).

¹¹ Id.

¹² Id. at 6-7.

“A system must consist of three kinds of things: elements, interconnections, and a function or purpose.”¹³ In a legal services organization or law firm, the elements are the people that work within the system, such as paralegals, attorneys, middle managers, senior leaders, governing bodies, and volunteers. These elements are interconnected with each other within the organizational system. Decisions senior leadership make, for example, will impact the work a paralegal might perform with a client because of the interconnections between elements in the system. The true purpose of a system, however, is the actual pattern of behavior that emerges from the system, which may directly contradict the purpose articulated by players within the system. For example, a nonprofit’s stated goal may be to champion the fight for racial justice, and yet simultaneously they fail to hire, promote, and retain BIPOC middle managers, calling into question whether their stated goal is in fact the true purpose of that organization’s system.

Systems theory attempts to analyze systems with the use of models and frameworks to predict the patterns of behaviors and relationships systems produce, so we might make better decisions in the design and redesign of systems. Systems theorists have uncovered several common truths of systems by diagramming all sorts of diverse systems as elements, flows, and feedback loops.

Donella H. Meadows’ *Thinking in Systems* is a powerful overview and introduction to systems theory.¹⁴ I share quotes from her work in each section to ground our approach in systems theory. Here are a few key principles of her work:

- “A system is more than the sum of its parts.”¹⁵
- “Everything we think we know about the world is a model.”¹⁶
- “Our models do have a strong congruence with the world.”¹⁷
- “Our models fall far short of representing the real world fully.”¹⁸
- “Model utility depends not on whether its driving scenarios are realistic (since no one can know that for sure), but on whether it responds with a realistic pattern of behavior.”¹⁹
- “Complex behaviors of systems often arise as the relative strengths of feedback loops shift, causing first one loop and then another to dominate behavior.”²⁰

Systems theory is a deep, complex discipline of which I am merely scratching the surface. However, we can use a foundational understanding of systems theory to guide us in forming solutions to the urgent practice management and advocacy problems we face today. Before we can begin ideating and testing solutions, we must first understand the legal systems within which we work, including the context and history in which our systems operate. Thus, to analyze how we might engage in resilient advocacy, we must begin with developing an awareness of racism and trauma. These factors reveal the context and history from which our current legal systems stem and within which we operate as legal workers.

B. An Introduction to Racism

In the United States, racism is baked into our social and legal structures and greatly impacts legal out-

¹³ Id. at 11.

¹⁴ Id.

¹⁵ Id. at 188.

¹⁶ Id. at 191. Models are the diagrams, flowcharts, and other forms of graphic representation we use to map and analyze systems.

¹⁷ Id. at 191.

¹⁸ Id.

¹⁹ Id. at 48.

²⁰ Id. at 189. Feedback loops occur when changes in a stock of the system affect the flows into or out of the same stock. A stock is the present memory of the history of changing flows within the system. Id. at 25. For example, new cases accepted for representation can be diagrammed as a stock. In immigration law, when there is a new “crisis” such as a sudden and drastic increase in asylum seekers, a reinforcing feedback loop may occur when organizations suddenly and drastically increase their intake availability, thereby increasing the stock of new cases accepted for representation.

comes. The legal profession has recently experienced racial reckonings as legal workers seek to increase their awareness of how race fundamentally impacts justice.²¹ After the 2020 protests following George Floyd's murder, race equity trainers became inundated with sudden, urgent requests for training on racial justice, microaggressions, and bias. One of our biggest struggles as a legal community is that we come from vastly different levels of awareness and language development on racism. In this section, I share a few core concepts that are critical to define to ensure we proceed in our systems analysis with a shared understanding and usage of language.

First, we must define race. Race is a social construct or idea that:

- Has been built over time,
- Continues to evolve and change,
- Has concrete ramifications for people's lives, and
- Has many interconnecting sides or facets.²²

The process of racialization is one way that our society sorts communities and people to allocate resources and access to resources, and to deny the same.²³ For example, in the United States, BIPOC individuals are less likely to be homeowners in wealthy neighborhoods. By directly tying funding for education to homeownership and property taxes, the education system has become racialized, with race frequently being a key factor determining educational, and subsequently employment and economic, opportunities.²⁴

It can be helpful to think of racism as showing up in our lives on four different levels: internal, interpersonal, institutional, and structural.²⁵ As I expand on these levels, I use examples of my personal experience as a Korean-American trans non-binary person, but it is important to listen to and believe the experiences of others who may experience these levels differently, and often in more extreme and harmful ways, due to our societal tendencies towards anti-Blackness and anti-Indigeneity.

The first two levels we consider are on the individual level. Internally, we are impacted by the racialized conditioning we see all around us. For example, due to the United States' history of sexualizing Asian people perceived as femme, such as through the exploitation of Korean femmes by American soldiers, we are conditioned as a society to believe certain stereotypes about people we may perceive as Asian femmes—they are subservient, demure, and modest. Internally, both consciously and subconsciously, as a Korean perceived as femme, I began to strive for these characteristics as ideals even if they came at a personal cost to me. In those that interact with me, this internalized conditioning may subconsciously impact how they engage with me. For example, it can show up in a supervisor who may unconsciously treat me with kid gloves because they think I might not be able to handle the adversarial nature of litigation, as an alleged subservient, demure, and modest Asian femme. Notably, this racialized conditioning intersects with other societal norms, such as cisgender heteronormativity which drives us to assume the gender of others based on their perceived anatomy, thereby rendering the existence of transgender and non-binary people largely invisible and frequently misunderstood.

Interpersonal racism refers to the racism that shows up between individuals. A supervisor's racism, for example, may rise from internal to interpersonal because it is no longer contained internally within them, but

21 Eugene K. Chow, A Racial Reckoning, *FORDHAM LAW* (2021), <https://digital.law.fordham.edu/issue/fall-winter-2021/a-racial-reckoning>.

22 This definition was provided by the Racial Justice Institute at the Shriver Center on Poverty Law, a seven-month national leadership program through which fellows are trained in racial justice strategies in legal work and advocacy. For more information, see Racial Justice Institute Network, *SHRIVER CTR. POVERTY L.*, <https://www.povertylaw.org/advocacy-network/racial-justice-institute-network>.

23 *Id.*

24 Property taxation and school funding are closely linked in the United States and reveal great inequities within our society. See Derek W. Black & Axton Crolley, Legacy of Jim Crow Still Affects Funding for Public Schools, *THE CONVERSATION* (April 15, 2022, 8:12 AM), <https://theconversation.com/legacy-of-jim-crow-still-affects-funding-for-public-schools-181030>.

25 The four levels of racism are borrowed from Race Forward, a nonprofit whose mission is to catalyze movement building for racial justice. For more information on the different levels of racism and other concepts related to racism and bias, see What is Racial Equity?: Understanding Key Concepts Related to Race, *RACE FORWARD* <https://www.raceforward.org/about/what-is-racial-equity-key-concepts>.

instead is showing up interpersonally. An example of this is when a supervisor remarks to an Asian attorney after interviewing an Asian job candidate, “Oh, they [the candidate] are just like you. They’re Asian and speak perfect English,” revealing biased assumptions about race and linguistic ability. Interpersonal racism can show up in a range of ways, from instances of racial microaggressions to expressions of direct violence and harm.

The second two levels we consider are systemic in nature: institutional racism and structural racism. Institutional racism occurs within institutions and entities. A nonprofit, for example, may fail to retain or meaningfully empower BIPOC managers in leadership. A nonprofit may also exhibit institutional racism in its advocacy, if, for example, it has a pattern of only representing Spanish-speaking migrant communities, leaving other migrant communities without access to nonprofit services despite having a large presence in the region and desperate needs for social and legal services. In these examples, institutional outcomes (such as the retention of BIPOC supervisors or the provision of nonprofit services) are racialized. Retention and access to services are more accessible to some, and more restricted for others, based on race. This may be contrary to the intent and wishes of the individual people within these institutions but produces institutional racism, nonetheless.

Structural racism occurs as institutions interconnect and reinforce racialization across systems. Elder law units at legal aid organizations, for example, often have white clients at greater proportions than other units within the same organization. Clients of other units—such as education, immigration, and housing—are often largely BIPOC. A deeper analysis will frequently reveal issues of racialization in access to legal services. For example, perhaps the elder law unit receives all new clients through referrals from Adult Protective Services (APS). If, however, access to APS is racialized (perhaps BIPOC communities in that area perceive APS to be related to law enforcement and thus unsafe for them to ask for help), then that racialization will be compounded as access is further limited to the legal aid organization. Thus, the institutional racism of various organizations within this system work in reinforcing ways to produce structural racism, even if this is contrary to the stated goals of individuals within the institutions.

Our systems and structures are highly racialized in the United States. I encourage the reader to explore our legal, political, and social structures further. Racialization, while sometimes cleanly explained on paper, produces horrific daily harms to people across the nation. Racialization is the fuel of our prison industrial complex, military industrial complex, and modernized imperialism, and leaves countless named and nameless BIPOC bodies in their wake. This necessarily causes a ripple of trauma that impacts us all as humans, including those of us who are legal workers.

C. An Introduction to Trauma

To continue our analysis of the history and context of our legal systems, we must also explore what trauma is and how it impacts individuals within the systems—both clients and legal workers alike—and the systems at large. Trauma is a complex concept that can be difficult to define. Trauma has existed for as long as life; however, as a concept in the Western field of psychology, it remains evolving. Moreover, as a non-medical professional and advocate, my interests in trauma are shaped by my role—not to heal my client, but to communicate more effectively with them and in turn advocate for them in a manner least harmful to them as survivors of trauma. While I will use some medical definitions of trauma, I encourage the reader to see these definitions as offerings of context clues that can empower you to relate to yourself, your colleagues, and your clients more effectively. The purpose of exploring these definitions is not to pathologize others or to presume their medical or social needs; it is to seek a greater understanding of the context and history in which we find ourselves in relationship to clients, colleagues, and communities within legal systems. In this subsection, I share key concepts related to trauma that can help legal workers better understand what clients and communities we serve may experience, and what legal workers themselves may have experienced.

The DSM-V defines trauma as when an individual person is exposed “to actual or threatened death, se-

rious injury, or sexual violence.”²⁶ The American Psychological Association defines trauma as “an emotional response to a terrible event like an accident, rape, or natural disaster.”²⁷ Other experts characterize trauma even more broadly, as “a sudden and forceful event that overwhelms a person’s ability to respond to it, recognizing that a trauma need not involve actual physical harm to oneself; an event can be traumatic if it contradicts one’s worldview and overpowers one’s ability to cope.”²⁸ While these definitions give us a base understanding of what could constitute events deemed to be traumatic, it is important to note that trauma can rise to the level of complex trauma when traumatic events are:

- “(1) repetitive, prolonged, or cumulative
- (2) most often interpersonal, involving direct harm, exploitation, and maltreatment including neglect/abandonment/antipathy by primary caregivers or other ostensibly responsible adults, and
- (3) often occur at developmentally vulnerable times in the [survivor’s] life, especially in early childhood or adolescence, but can also occur later in life and in conditions of vulnerability associated with disability/disempowerment/dependency/age/infirmity, and so on.”²⁹

A number of adversities may cause the development of complex traumatic stress reactions, frequently through a cumulative effect, including poverty, homelessness, incarceration, disenfranchisement for ethno-racial, religious, and/or sexual minority status, displacement/relocation, and exposure to death, dying, and the grotesque in emergency response work.³⁰

Western researchers are also beginning to understand facets of intergenerational trauma, the trauma that passes down from one generation to affect the health and well-being of future descendants. Studies show that the children of parents who had experienced trauma are likely to exhibit higher levels of depressive symptoms, post-traumatic stress, anxiety, and attention deficit, while also being more likely to have experienced emotional abuse and neglect.³¹ While these studies attempt to analyze the impacts of intergenerational trauma using Western scientific methods, indigenous communities around the world have long recognized and honored the devastating impacts of trauma shared by communities across generations. Koreans, for example, have the concept of han, an expression of shared grief, resentment and intergenerational trauma widely recognized in Korean culture and the Korean diaspora as the Korean people have survived devastation through Japanese colonialism, American imperialism, and a literal split in our homeland that continues to this day as a direct result of international intervention and exploitation.³² Similarly, Indigenous scholars in the U.S. have developed the term “soul wound” to refer to the collective trauma experienced by Indigenous communities in North America throughout generations via various forms of genocide, both physical and cultural.³³

Legal workers, thus, are necessarily meeting their clients—who are likely already impacted by shared, intergenerational trauma—during acute moments of adversity that may be triggering, worsening, or causing the development of complex trauma. To even be eligible for most nonprofit services, one must be experiencing a level

26 DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, AM. PSYCHIATRIC ASS’N 271 (5th ed., 2013) (describing trauma within criteria for posttraumatic stress disorder).

27 Trauma, AM. PSYCHIATRIC ASS’N, <https://www.apa.org/topics/trauma>.

28 SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., TRAUMA-INFORMED CARE IN BEHAVIORAL HEALTH SERVICES (pt. 3, sec. 1: A Review of the Literature) (2014), <https://www.ncbi.nlm.nih.gov/books/NBK207192> (citing TREATMENTS OF PSYCHIATRIC DISORDERS: A TASK FORCE REPORT OF THE AMERICAN PSYCHIATRIC ASSOCIATION 2065-2082 (Mardi J. Horowitz ed., 1989)).

29 Christine A. Courtois, Understanding Complex Trauma, Complex Reactions, and Treatment Approaches, AM. ACAD. OF EXPERTS IN TRAUMATIC STRESS (2020), <https://www.aacts.org/traumatic-stress-library/understanding-complex-trauma-complex-reactions-and-treatment-approaches>.

30 Id.

31 See Cindy C. Sangalang & Cindy Vang, Intergenerational Trauma in Refugee Families: A Systematic Review, 19 J. IMMIGR. MINOR. HEALTH. 745 (2017); SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., *supra* note 27, at 59-91.

32 Sandra So Hee Chi Kim, Korean Han and the Postcolonial Afterlives of “The Beauty of Sorrow”, 41 KOREAN STUD. 253 (2017).

33 Eduardo Duran, Bonnie Duran, Maria Yellow Horse Brave Heart & Susan Yellow Horse-Davis, Healing the American Indian Soul Wound, in INTERNATIONAL HANDBOOK OF MULTIGENERATIONAL LEGACIES OF TRAUMA 341 (1998).

of adversity high enough to survive the gatekeeping of income eligibility, residency, and migration status, and/or have fallen victim to a legal issue significant enough to have been accorded funding and resources. Nonprofit legal workers are in fact trauma workers. Trauma is not limited to nonprofit legal workers, however, as in many practice areas legal workers at private firms also work tirelessly to serve clients escaping dire circumstances.

Where traumatic stressors occur, we can predict to some degree the changes that are likely to occur in the impacted individual's mind and body. Researchers have identified common experiences and responses to trauma. Survivors generally experience similar initial reactions to trauma, including exhaustion, confusion, sadness, anxiety, agitation, numbness, dissociation, confusion, physical arousal, and blunted affect (they may appear numb or "spaced out").³⁴ Survivors may also experience delayed responses to trauma, such as persistent fatigue, sleep disorders, nightmares, flashbacks, depression, and avoidance of anything that may remind us of the trauma (also known as triggers).³⁵

Dr. Christine Courtois expands our understanding of trauma by offering an additional lens through which to view the impact of complex trauma.³⁶ She lays out seven categories of aftereffects that can impact trauma survivors:

1. Alterations in the regulation of affective impulses, including difficulty with modulation of anger and of tendencies towards self-destructiveness.
2. Alterations in attention and consciousness leading to amnesias and dissociative episodes and depersonalization.
3. Alterations in self-perception, predominantly negative and involving a chronic sense of guilt and responsibility, and ongoing feelings of intense shame.
4. Alterations in perception of the perpetrator, including incorporation of [their] belief system.
5. Alterations in relationship to others, such as not being able to trust the motives of others and not being able to feel intimate with them.
6. Somatization and/or medical problems. These somatic reactions and medical conditions may relate directly to the [trauma] or be more diffused. They have been found to involve all major body systems and to include many pain syndromes, medical illnesses, and somatic conditions.
7. Alterations in systems of meaning. Chronically abused and traumatized individuals often feel hopeless about finding anyone to understand them or their suffering. They despair of being able to recover from their psychic anguish.³⁷

Most survivors can recover from trauma and return to their lives. According to Western researchers, only a small percentage of people impacted by trauma will meet the heightened criteria for trauma-related stress disorders.³⁸ As trauma workers, however, we necessarily work within systems that cause trauma in the first instance. It then follows that our clients may be: (1) currently and actively experiencing trauma directly related to matters we must work with them on; (2) in the immediate aftermath of trauma and impacted by initial reactions to trauma; (3) impacted by delayed responses to trauma; (4) living with symptoms severe enough to meet diagnostic and treatment criteria for trauma-related disorders, likely without adequate medical treatment and support; or, (5) all of the above, because with complex trauma, there may be no beginning, middle, or end to the trauma—it simply always is.

D. An Introduction to the Trauma Exposure Response

Trauma does not just impact the individuals directly exposed to traumatic stressors; it can also greatly affect those who are regularly exposed to trauma in their work. In this subsection, I share what we as legal workers may experience as a direct consequence of our exposure to trauma in our work.

³⁴ SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., *supra* note 29, at 59-91.

³⁵ *Id.*

³⁶ Courtois, *supra* note 30.

³⁷ *Id.*

³⁸ SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., *supra* note 27, at 59-91.

Given the roles we play as direct service providers, we are necessarily a part of the systems that cause trauma to our clients, regardless of our intent, identities, or personal experiences with trauma. As legal workers, we are frequently not the first professionals to encounter our clients during their moment of need. As an immigration attorney, my clients had frequently already been let down and harmed by government officials, law enforcement, medical professionals, and other nonprofit workers and attorneys. Based on their experiences, I could be someone to help guide them to safety, but I could just as easily be yet another person to cause them pain. Understanding this helped me to extend grace to clients in the most challenging moments of mental anguish. While I was able to extend grace to my clients frequently, years of trauma exposure seemed to drain from me completely the ability to extend grace to anyone who was not a survivor of horrific torture and violence. I began to experience changes in the way I perceive the world and physiological changes because of my exposure to trauma, both directly and indirectly – responses directly stemming from my constant exposure to trauma in my work.

In *Trauma Stewardship*, Laura van Dernoot Lipsky defines the trauma exposure response as “the transformation that takes place within us as a result of exposure to the suffering of other living beings or the planet.”³⁹ Laura warns trauma workers that to heal and continue in our work, we must “realize and re-realize that our trauma exposure response is not going away unless we give it proper attention.”⁴⁰ Our goal as trauma workers must be to consider our trauma exposure response from both a healing and preventive standpoint. In her book, Laura lays out sixteen warning signs of the trauma exposure response:

1. Feeling helpless and hopeless
2. A sense that one can never do enough
3. Hypervigilance
4. Sense of persecution
5. Addictions
6. Anger and cynicism
7. Chronic exhaustion/ physical ailments
8. Dissociative moments
9. Inability to listen/ deliberate avoidance
10. Diminished creativity
11. Inability to empathize/numbing
12. Inability to embrace complexity
13. Grandiosity: an inflated sense of importance related to one’s work
14. Guilt
15. Fear
16. Minimizing⁴¹

In reading *Trauma Stewardship*, it became clearer to me the importance of addressing the trauma exposure response. In law school, I don’t recall a single conversation with any mentor, professor, or colleague about protecting ourselves from trauma exposure; instead, it was expected that one would enter public interest work as if riding into battle. We are to grin and bear each blow our minds and bodies take, for that is the heroic and noble way as the “saviors” of our clients, until we collapse and lay to rest as martyrs for a cause. Using a systems theory approach, the true purpose and patterns of these systems reveal themselves: the systems of oppression that cause our clients harm remain intact, while we join our clients in being left battered and discarded by legal systems that predictably create this pattern year in and year out.

How much of this cycle is impacted by our failure to address our own trauma exposure response? If we are exhibiting predictable and identifiable warning signs such as diminished creativity, grandiosity, fear, and min-

³⁹ LAURA VAN DERNOOT LIPSKY & CONNIE BURK, *TRAUMA STEWARDSHIP: AN EVERYDAY GUIDE TO CARING FOR SELF WHILE CARING FOR OTHERS* 41 (2009).

⁴⁰ Id. at 45.

⁴¹ Id. at 47-116.

imizing, we cannot expect to achieve our broader, shared goals—alleviating the harm and suffering of others and actually making the world a better place. It is essential for our collective well-being that we raise our awareness and continuously refine our strategies to account for our own limitations as traumatized trauma workers.

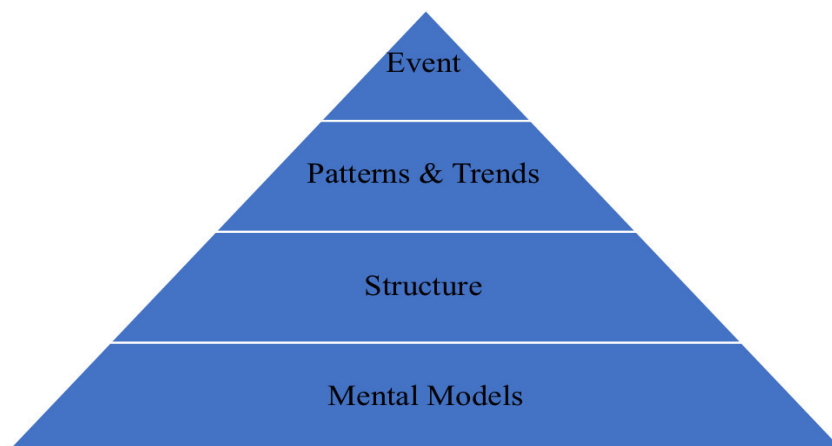
II. ACAT: A Systems Theory Model for Trauma-Informed & Antiracist Legal Advocacy

A. Awareness: Developing Awareness of Trauma, Racialization, and Intersectionality

There are no separate systems. The world is a continuum. Where to draw a boundary around a system depends on the purpose of the discussion.⁴²

The first part of the ACAT Model is to raise our own internal awareness of trauma, racialization, and intersectionality and their impact on ourselves and our clients, colleagues, and communities. We may do this already by seeking trainings to deepen our understanding of concepts related to trauma, racialization, and intersectionality. We can also use systems theory to deepen this awareness, as systems theory is a way to understand what many of us can already intuit about the world—using models that help us dive more deeply into systems beyond what we can understand on surface levels. In this section, I use systems theory and a common pattern in legal services organizations to highlight important opportunities for legal workers to improve our analysis of how trauma, racialization and intersectionality impact our clients and the systems we work within.

One modeling tool loved by systems theorists is the Iceberg Model. While there are many variations on the Iceberg Model, it can generally be summed up in four stages. An iceberg generally has a small portion of it visible above the surface of the water. The bulk of its mass generally lies below the surface, invisible to those on the surface. The Iceberg Model visualizes one level above the surface, and three below.



Above the surface, we see events. These are occurrences that are readily visible to the casual observer. For example, we may observe an intake staff person who quits their job at a legal organization suddenly, citing burnout and feeling overwhelmed as their reasons. In the first level directly below the surface, we find patterns and trends that contributed to the event. Continuing with this example, the organization may discover that there is a pattern of higher turnover and greater reports of burnout from intake staff. Thus, this individual's resignation is indicative of a greater pattern of intake staff experiencing burnout.

As we continue down the iceberg, submerged below patterns and trends is the structure of the system—the tangible processes, policies, and workflows that produce the patterns and trends above. As we analyze the processes, policies, and workflows that impact intake staff, we discover that intake staff receive calls from

⁴² MEADOWS, *supra* note 9, at 97.

people in need and either pass on the callers to the relevant practice area for representation or are tasked with letting callers know that the organization cannot help them. Both intake staff and clients are drained from these interactions, as intake staff ask intrusive questions to determine base eligibility for services and are largely not empowered to provide any positive responses or support to callers. Intake staff have no opportunity to contribute to representation or advocacy, leaving them to serve as messengers of trauma without contributing to work that would make them feel accomplished and helpful.

Finally, the level of the iceberg deepest below the surface is where we find mental models, the intangible culture, beliefs, and practices of individual actors participating in the system. In our example, we uncover that intake staff are more likely to be BIPOC and not attorneys, leaving them to experience an organization's culture negatively. In most legal organizations, white dominant culture persists and those who are not attorneys are frequently devalued and not empowered to contribute meaningfully to organizational design. We thus uncover that these mental models and organizational culture may be significant contributing factors to the burnout of intake staff.

Most organizations may wrongly assume that burnout is directly related to the frequency of interactions with callers and clients, but a deeper analysis reveals other significant contributing factors, such as workplace culture. If workplace culture remains unaddressed, other organizational strategies to prevent the burnout of intake staff may fail. Thus, the Iceberg Model can be a tool helpful for mapping a system's events, patterns, structures, and mental models, and can lead users to develop strategies that produce intended outcomes.

This model and example demonstrate the importance within an organization of mental models and culture, factors which are greatly impacted by our awareness of how trauma, racism, and intersectional oppression show up in our work as legal workers. Thus, the first step to resilient advocacy is to work on developing our collective awareness of how trauma, racism, and intersectional oppression show up in the systems we work in.

B. Collaborate: Strategies for Clients, Communities, and Colleagues

The bounded rationality of each actor in a system may not lead to decisions that further the welfare of the system as a whole.⁴³

Bounded rationality is the logic that leads to decisions or actions that make sense within one part of a system but are not reasonable within a broader context or when seen as a part of the wider system.⁴⁴

Systems theory is filled with learnings reminiscent of fables of childhood. One systems theory fable that teaches us why systems and people behave in seemingly unpredictable ways is that of bounded rationality. Bounded rationality reminds us that decisions individuals make and actions they take are logical to them, even if they confuse or astound the rest of us. We must thus leave space for each other's bounded rationality and seek meaningful ways to communicate and collaborate across differences in identity and trauma exposure.

Examples of bounded rationality in direct services legal work abound. Frequently, a new client may be hesitant to disclose things about their case to their attorney (or may even misrepresent material facts), despite the attorney's best efforts to reassure them that everything they say is protected by attorney-client confidentiality. To the attorney, their client's actions may seem illogical because they actively hinder the attorney's ability to zeal-

⁴³ Id. at 110

⁴⁴ Id. at 187. For example, the leader of an organization may agree to increased funding that requires a high volume of deliverables because the funding would enable the organization to hire new staff. This may be logical to the leader of the organization, but they may also fail to consider delays that occur from using a hiring process that promotes equity, onboarding that promotes adequate training and preparation of new staff, and outreach that may require lengthy periods of relationship-building to bring in new matters associated with the deliverables. The leader's bounded rationality is not reasonable when seen as a part of the wider system of the organization.

ously represent their client. The client, however, is demonstrating their own bounded rationality. Perhaps in the past, legal professionals promised confidentiality, support, and trust but instead left the client in a worse position. Perhaps the client doesn't see the attorney as separate and apart from the legal system the attorney works within and doesn't trust anyone who spends most of their time in courtrooms, regardless of whose side they're on. We now see the client's actions as logical, in ways that make sense based on the client's position within this system, even if they seem unreasonable to the attorney, given the larger context of their circumstances.

Bounded rationality thus teaches us that we cannot assume each actor's experiences within a system, as each actor will be impacted by their position within the system, and their perspectives will be directly impacted by their lived experience within the system. From an academic perspective, this harmonizes with researchers' findings on communication and emotions.

Brené Brown is well-known for her decades-long research on emotions. In her book *Atlas of the Heart: Mapping Meaningful Connection and the Language of Human Experience*, she shares important learnings from her work.⁴⁵ There are a few concepts that I find especially helpful:

- The pain centers in our brains are the same for physical pain and emotional pain from feeling socially excluded, rejected, or isolated.⁴⁶
- Language doesn't just communicate—it shapes actual affect and emotion.⁴⁷
- Emotion consists of four parts: biology (how it shows up in our bodies), biography (how it shows up in our families and communities), behavior (how we respond to emotion), and backstory (the context of the emotion).⁴⁸
- Culture shapes meaning and language—and by extension, emotion.⁴⁹
- We cannot read emotion in other people. We must listen to and believe what others share regarding their emotions.⁵⁰

I find this last point to be especially powerful and reflective of my experiences in lawyering and advocacy. We cannot assume to know what emotions our clients are experiencing, nor can we assume to know what actions they may take within their own bounded rationality. Thus, we must avoid “centering” our clients in ways that may be limited by our own bounded rationality as legal workers. Instead, we must seek to actively collaborate with our clients, colleagues, and communities in ways that respect each other's integrity and autonomy.

There are many tools we can use to collaborate with others, stemming principally from the communications and behavioral sciences fields. While I share just a few tools here, I invite the reader to seek additional tools and resources that will help you engage in deeper collaboration with others.

First, consider using the framework for active listening as you collaborate with others:

1. Begin by paying attention. Do not multitask. Be present with the speaker and devote your attention to them.
2. As you listen to the speaker, withhold judgment. This is especially important when communicating with clients who are sharing experiences with us that are laced in trauma and shame.
3. As you continue listening, reflect back the points the speaker is sharing with you. This helps ensure that you're understanding what they intend to communicate with you.
4. As you reflect back what the speaker shares with you, ask clarifying questions. Many miscommunications can be prevented by ensuring we ask clarifying questions as we go, instead of assuming we understand what's

45 BRENE BROWN, *ATLAS OF THE HEART: MAPPING MEANINGFUL CONNECTION AND THE LANGUAGE OF HUMAN EXPERIENCE* (2021).

46 *Id.* at 171.

47 *Id.* at xxii.

48 *Id.* at xxix-xxx.

49 See Brené Brown: *Atlas of the Heart* (HBO Max 2022), <https://www.hbomax.com/series/urn:hbo:series:GYivWaAXEZMLDw-wEAAACz>.

50 BROWN, *supra* note 44, at 264.

being communicated.

5. Then, summarize what you understand from the speaker's communication.
6. Finally, share an appropriate response to foster connection with the speaker and help ensure they feel heard and seen by you. This last step is also a critical opportunity to engaged in trauma-informed communication with clients by sharing with them how their communication will impact their case, how the legal worker will use it, and what steps lie ahead.⁵¹

While the framework for active listening can be a helpful reminder as we engage in interpersonal communication and attempt to collaborate with each other, it does not help us in addressing the differences that occur because of our political and social power, varying access to privilege, and our positions within systems. The model of power identities can help us to address these differences.⁵²

In the model of power identities, we consider the various aspects of our identities and access to privilege. We hold “power up” identities when we have access to systemic privilege. This may occur with identities we easily understand as integral to ourselves, such as being cisgender male, white, or heterosexual; but this can also occur with aspects of our identities that are temporal or highly dependent on context, such as when we are attorneys (as opposed to non-attorneys) at a legal organization or a supervisor or manager in the workplace. “Power down” identities occur when we lack access to systematic privilege. For example, being transgender or gender non-conforming, BIPOC, or queer. In the context of legal organizations, supervisees, non-attorneys, and clients may hold power down identities.

In interpersonal communication, power identities are important because generally, those with power up identities will focus on their intent at the expense of their impact on power down identities. This is an important reminder that when we find ourselves in moments of tension—which frequently occur when we engage in advocacy and legal representation on behalf of clients and communities who lack the power, privilege, and positionality we may hold as legal workers—we have an opportunity to examine whether we might be focusing on our intent at the expense of the clients and communities we purport to serve.

As legal workers engage in more collaborative communication strategies in our advocacy, many will experience stronger emotions as we make space to honor each other's experiences. We must avoid appropriating others' experiences by taking them on as our own until we are overwhelmed with sadness, fear, helplessness, and hopelessness. Legal workers should instead engage in empathy with boundaries that remind us of our bounded rationality and that we cannot assume each other's emotions and experiences. Legal workers can use the following framework for empathy

1. First, we begin by engaging in diverse perspective taking. Again, we must listen and believe each other as we share our experiences.⁵³
2. Similarly to the active listening framework, we must withhold judgment and remember that we each experience bounded rationality within systems differently.⁵⁴
3. We must recognize the emotion expressed by others and that we experience ourselves. This is critical so that we do not confuse our own emotions with the emotions we perceive others to experience. When listening to a client recount an incident traumatic to them, our own reactions of sadness, despair, and outrage need to be separated from the experiences the client is sharing with us. Their emotions may be different—they may

51 These points are adapted from *How to Use Active Listening Skills to Coach Others*, CENTER FOR CREATIVE LEADERSHIP (Feb. 2, 2023), <https://www.ccl.org/articles/leading-effectively-articles/coaching-others-use-active-listening-skills>.

52 This framing is sourced from Impactive Consulting Group's workshop *Self and Systems*, which is now a part of the Groundwater Institute, an organization focused on training and organizing racial equity advocates, grassroots organizers, strategy consultants, and institutional leaders on addressing root causes of inequities. For more information, see THE GROUNDWATER INSTITUTE, <https://www.groundwaterinstitute.com>.

53 BROWN, *supra* note 49, at 122.

54 *Id.*

instead be experiencing anger, numbness, or even empowerment from recognizing their own resilience and ability to survive.⁵⁵

4. To connect with others in our attempt to engage in empathy, we should then communicate our understanding of their emotions to them.⁵⁶
5. Finally, to take these steps effectively, we must practice mindful self-compassion by engaging in self-kindness, remembering our common humanity by recognizing that everyone makes mistakes and feels pain, and mindfulness by slowing down enough to observe and accept our experiences, emotions, and reactions.⁵⁷

By using tools such as active listening, power identities, and empathy, legal workers will be better able to separate their own experiences from the experiences of their colleagues, clients, and communities, thereby providing a path towards active and authentic collaboration. With this approach, we will be better able to understand the various levels of the systems we engage in and the bounded rationality of their actors, including ourselves.

C. Adapt: Using a Systems Theory and Design Thinking Approach

*The least obvious part of the system, its function or purpose, is often the most crucial determinant of the system's behavior.*⁵⁸

*System structure is the source of system behavior [not necessarily the behavior of individuals]. System behavior reveals itself as a series of events over time.*⁵⁹

Systems theory teaches us that systems are complex and often produce results contrary to the intent of the individual actors in a system. The true purpose of a system is not necessarily its stated purpose, but the patterns and outcomes that are predictably produced by the system over time. This may explain why our quick fixes often produce unintended results. For example, after the protests stemming from George Floyd's murder in 2020 and the inequities revealed by the COVID-19 pandemic, many organizations began expressing commitments to racial justice and equity alphabet soup—justice, equity, diversity, and inclusion (JEDI). At the same time, legal services nonprofits saw an explosion of unionization, demonstrating that despite JEDI efforts, employees at organizations across the nation are frustrated with their workplace conditions. Despite the good intentions of individual actors at these organizations, their organizational systems are producing harmful results. In this section, I introduce the concept of design thinking and discuss how both systems theory and design thinking can be used to help us adapt strategically to the systems problems we confront.

Borrowing from the work of behavioral scientists who study creativity, we can use the process of design thinking as we redesign the structure of systems, both internally at our organizations and externally in our advocacy and litigation. Many of the obstacles we run into in systems design can be considered wickedly difficult⁶⁰—there's no standard that can be followed and no true/false solutions. The design thinking process is a non-linear process that consists of the following steps:

1. First, we begin by empathizing with the individual actors impacted by the system we are re-designing.
2. We then define the parameters of the system we are re-designing and the concerns we hope to address.
3. Next, we begin ideating possible solutions and designs that we wish to implement. During this stage, we also

⁵⁵ Id.

⁵⁶ Id. This point relies on the work of Theresa Wiseman. See Theresa Wiseman, A Concept Analysis of Empathy, 23 J. ADV. NURSING 1162 (1996).

⁵⁷ Id. This point relies on the work of Kristin Neff. See Kristin Neff, Definition of Self-Compassion, SELF-COMPASSION.ORG, <https://self-compassion.org/the-three-elements-of-self-compassion-2>.

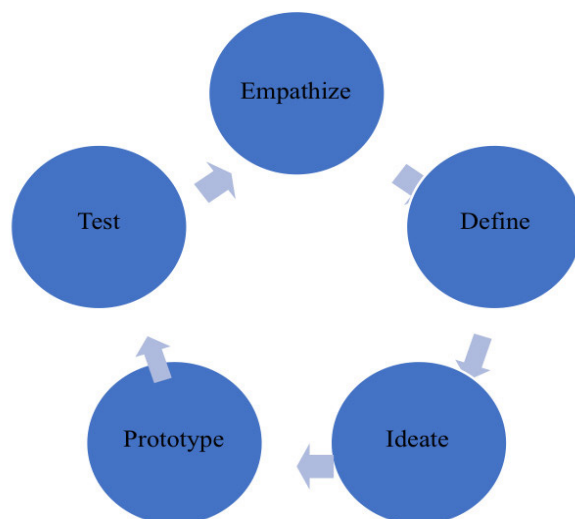
⁵⁸ MEADOWS, supra note 9, at 16.

⁵⁹ Id. at 89.

⁶⁰ “Wicked” problems are defined in design thinking as problems with many interdependent factors that may make them seem impossible to solve. Solving wicked problems requires a deep understanding of the stakeholders involved and an innovative approach provided by design thinking because the factors of the problem are often incomplete, in flux, and difficult to define. Interaction Design Foundation, What are Wicked Problems?, <https://www.interaction-design.org/literature/topics/wicked-problems>.

have an opportunity to think critically about which voices are being included to ensure our designs are effective.

4. We then develop a prototype of the system, process, policy, or other solution we are designing.
5. We then test and evaluate the effectiveness of our design, returning to other phases in the design process as we learn from our designs and continue striving for effective solutions.⁶¹



To illustrate this, I share an example from my own experience. While directing a small unit of immigration attorneys in nonprofit direct services, I used systems theory and design thinking principles to guide us in redesigning our unit's intake process. My goal was to strategically adapt our intake process to empower our unit to increase its impact in the communities we serve while also making our work as sustainable as possible.

First, we used the Iceberg Model to understand our client's experiences within the immigration legal system, including our organization as a component of that system. Through that analysis, we not only explored their experiences with immigration agencies (fears of apprehension, the insular nature of certain migrant communities, long adjudication periods, and legal processes that change often, leaving both migrants and their legal workers confused and frustrated), but also their experiences with social service agencies and other legal systems (fears of eviction, lack of access to transportation, and employment that generally does not offer paid time-off so they may attend appointments and court dates). We included in our analysis the experiences of our attorneys as well, as we were experiencing more frequent burnout under the insidious attacks of the Trump administration.

Our analyses led us to develop a multi-pronged approach to outreach and intake that increased our accessibility to the communities we served while caring and planning for our own capacity and resources as legal workers. We began offering multiple forms of initial screening and intake. Potential clients who did not want to lose a paid day of work had the option of telephonic intake, scheduled in predictable windows for attorneys that enabled us to be more organized and prepared in our work. Potential clients who were wary of sharing personal details over the phone and preferred to meet with attorneys in person were invited to come to our organization on select days for legal screenings following a brief Know-Your-Rights presentation. By creating more predictable flows of new cases, our team had more capacity to also partner with host organizations to offer Know-Your-Rights presentations and brief screenings as events in evenings and on weekends, giving our unit opportunities to strengthen our relationships with various migrant communities.

To ensure our designs were appropriate and continued to reflect the needs of the communities we hoped to serve, we regularly discussed our intake strategies at weekly unit meetings and our annual retreat. This redesign of our unit's intake system led to our ability to meet grant deliverables early within any contract and increased ca-

61 Interaction Design Foundation, What is Design Thinking?, <https://www.interaction-design.org/literature/topics/design-thinking>.

capacity to engage in creative litigation and advocacy strategies, leading us to have a high number of complex cases and contributing to important, system-shifting changes in the legal and political systems impacting the clients and communities we serve.

This is merely one example of how a law practice can adapt strategically to the issues it confronts. There are an infinite number of ways these strategies might be used for any situation legal workers may confront. When confronting complex systems, legal workers should consider how they might analyze their system fully, considering both events and patterns that may be more readily visible and the hidden structures and mental models that may often be taken for granted. As solutions are devised, legal workers should use the design thinking process to remind themselves to empathize with impacted individuals within a system and engage in a cyclical design of solutions that prom

D. Transform: Transforming & Mitigating Trauma Responses Into Multilevel Resilience

*Hierarchical systems evolve from the bottom up. The purpose of the upper layers of the hierarchy is to serve the purposes of the lower layers.*⁶²

*Systems need to be managed not only for productivity or stability; they also need to be managed for resilience.*⁶³

*There are always limits to resilience.*⁶⁴

We have thus laid out three elements critical to resilient advocacy: awareness, collaboration, and adaptation. Systems theory also defines resilience itself for us as “the ability of a system to recover from perturbation [and] the ability to restore or repair or bounce back after a change due to an outside force.”⁶⁵ Systems theory teaches us that we should not limit our foci to the productivity and stability of our systems. We must remember that there are limits to resilience, and design resilience in our systems with this in mind. In resilient advocacy, this means transforming our trauma responses into resilience on multiple systemic levels.

Within organizations, we can design this transformation on the organizational, team, and personal levels. On the organizational level, this means implementing trauma-informed policies and practices within the ten implementation domains offered by the Substance Abuse and Mental Health Services Administration:⁶⁶

1. Governance & Leadership
2. Policy
3. Physical Environment
4. Engagement & Involvement of organization members
5. Cross Sector Collaboration
6. Screening, Assessment, & Service Provision
7. Training & Workforce Development
8. Progress Monitoring & Quality Assurance
9. Financing
10. Evaluation

⁶² MEADOWS, *supra* note 9, at 85.

⁶³ *Id.* at 78.

⁶⁴ *Id.* at 76.

⁶⁵ *Id.* at 188.

⁶⁶ Trauma and Justice Strategic Initiative, SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach, SUBSTANCE ABUSE AND MENTAL HEALTH SERVS. ADMIN. 12 (2014), <https://store.samhsa.gov/sites/default/files/d7/priv/sma14-4884.pdf>.

In practice, this means ensuring there is equitable and transparent decision-making on behalf of accountable leaders; meaningful and accountable JEDI efforts; clear and strong organizational mission, vision, and values; accountable and supportive working conditions, including meaningful investment in equitable pay, benefits, and culture; and investment in employee success. These goals are always a work in progress at organizations, as they address wicked problems within systems.

Even if we have not yet designed the right structures, policies, workflows, and habits to reach these goals at the organizational level, we also have opportunities to model this within our units and departments, with those we work with most closely on a daily basis. Within our smaller teams, team leaders have opportunities to model strong, supportive relationships among team members that honor boundaries and to invest in quality supervision and support of team members. One critical opportunity for system success on the team level is to also ensure we are connecting the mundane to the essential; in other words, reiterating with each other the importance of seemingly administrative tasks, such as timekeeping, task-tracking, and effective usage of case management systems. These tasks are directly related to our ability to reach our ultimate goals of serving our clients and communities. Without them, we would not have funding to support our work, nor could we ensure compliance with our ethical responsibilities and accountability to our clients for work performed.

Finally, as we collectively work towards organizational and team resilience, we can then incorporate strategies for increased personal resilience. Working towards personal resilience brings us full circle back to the step of awareness. Increasing our awareness on how trauma, racism, and intersectional oppression impacts each other within these systems can be deeply painful. For those with more privilege, we may be wrestling with feelings of guilt or shame when we realize the harms we may have caused in the past and for not having been more aware sooner. For those who experience greater marginalization, we may be wrestling with feelings of hopelessness, helplessness, or shame as our experiences with trauma, racism, and intersectional oppression are highlighted for us as survivors of systemic harms. Regardless of our identities and respective access to power and privilege, engaging in deep personal excavation that raises our awareness is incredibly painful. Thus, we must remember to actively invest in the cultivation of joy, so we may develop personal resilience as we transform our trauma responses.⁶⁷

Strategies that may support personal resilience include: developing rituals (such as mindfulness breaks after especially challenging client meetings or hearings); creative outlets that help us wrestle with concepts relating to our trauma and trauma exposure; community support spaces (such as affinity groups, professional associations, and personal friendships); ancestral spiritual practices (such as religion, meditation, and cultural rituals); and, sensory tools (such as essential oils that stimulate olfactory senses or fidget toys that stimulate our sense of touch). We may also develop greater personal resilience by engaging in social justice activities outside of the confines of our employment, unrelated to our income and how we provide for our families. Volunteering for causes that we care about and that use other skills can help connect us to a greater sense of community and support systems that equip us with greater personal resilience in the face of adversity.

By continuously working towards resilience on multiple levels —organizational, team, and personal—we can begin to develop greater sustained resilience to trauma and trauma exposure, empowering legal workers to continue showing up as they engage in incredibly difficult work. With greater sustained resilience, together we will be able to craft more intentional, strategic, and transformative solutions to the complex systems problems we confront in our work.

67 See, e.g., Elaine Nichols, *Black Joy: Resistance, Resilience and Reclamation*, NAT'L MUSEUM AFR. AM. HIST. & CULTURE, <https://nmaahc.si.edu/explore/stories/black-joy-resistance-resilience-and-reclamation>.

Conclusion

I believe that my approach to resilient advocacy helps to build bridges among legal workers, clients, and communities that then leads to greater, more intentional transformation of systems of injustice. By raising our awareness on trauma, racialization, and intersectionality, we will be better able to communicate and collaborate across differences and through varying degrees of trauma exposure. This alone, however, will not lead to the development of systems transformation. We must be strategic in our advocacy and always remember that as legal workers, we too are parts of the systems that must be analyzed and transformed to design change. Thus, we must also design strategies that move our organizational systems towards greater resilience in the face of trauma. By incorporating these approaches, we can truly engage in the practice of resilient advocacy—improving the resilience of our clients, colleagues, and communities, in addition to our own individual resilience. Together, as resilient advocates, we can transform anything and build the presence needed to abolish systems of injustice.