

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

Shawnieka E. Pope, MSW, LSWE, Guardianship Director & Mediator  
Montgomery County Probate Court

THE SUPREME COURT *of* OHIO **2020**  
Dispute Resolution  
Conference

# The Impact of Trauma Histories

- OBJECTIVES
  - Shared Understanding of Trauma
  - Awareness and Prevalence
  - Shift in Thinking

# What is Trauma?

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



# Traumatic Events:

*(1) render victims helpless by overwhelming force;*

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

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

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

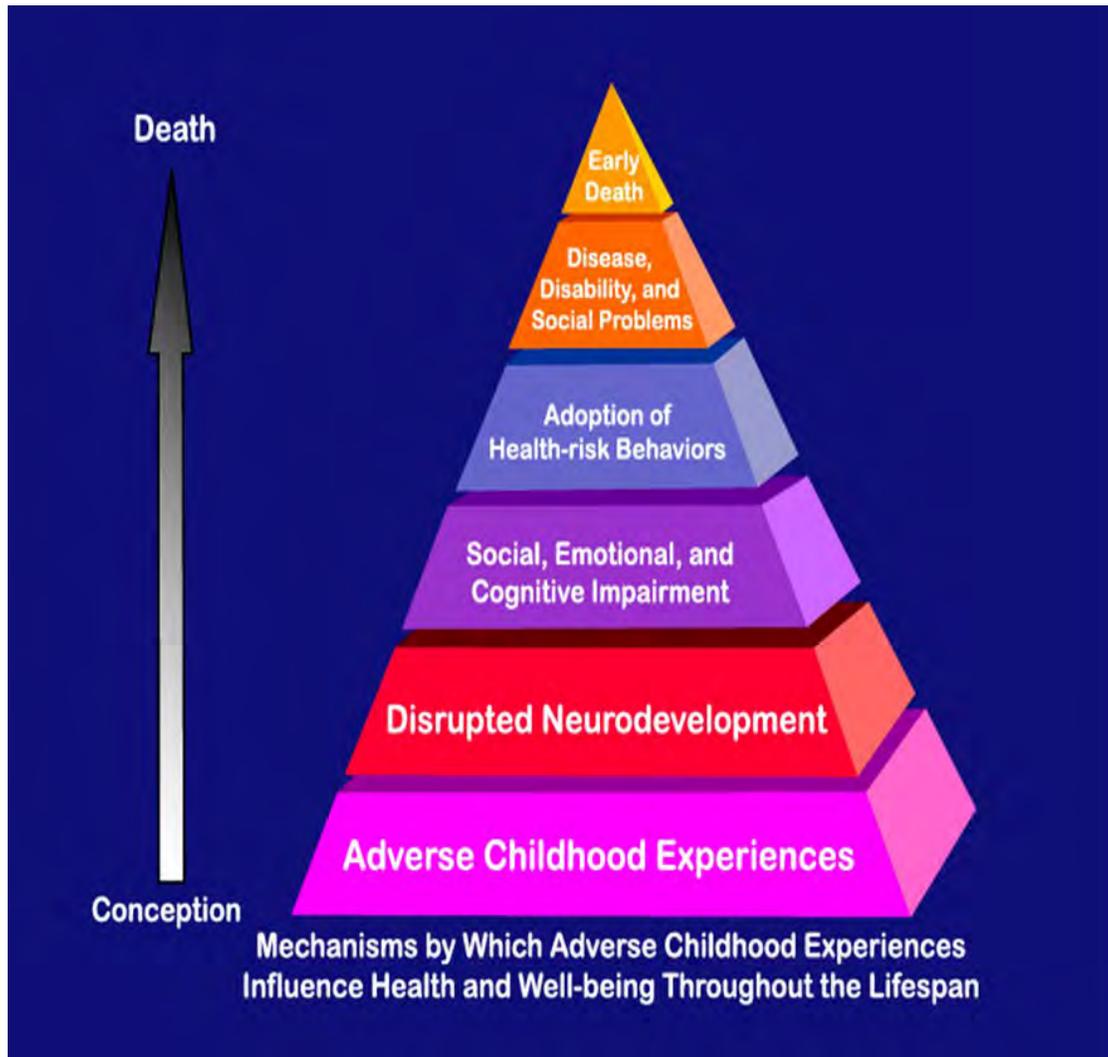
*(5) evoke the responses of catastrophe.*

*Judy Herman, Trauma and Recovery, (1992)*

# Potential Traumatic Events

| Abuse               | Loss             | Chronic Stressors                          |
|---------------------|------------------|--|
| Emotional           | Abandonment      | Poverty                                    |
| Sexual              | Neglect          | Racism                                     |
| Physical            | Separation       | Involved medical procedures                |
| Domestic Violence   | Natural Disaster | Community trauma                           |
| Witnessing Violence | Accidents        | Historical trauma                          |
| Bullying            | Terrorism        | Family members with substance use disorder |
| Cyberbullying       | War              |  |
| Institutional       |                  |  |

# ACE Study



The **Adverse Childhood Experiences Study (ACE Study)** is a research study conducted by Kaiser Permanente health maintenance organization and the Centers for Disease Control and Prevention (CDC). Participants were recruited to the study between 1995 and 1997 and have been in long-term follow up for health outcomes.

<https://acestoohigh.com>

# Adverse Childhood Experiences are Common

Of the 17,000 Participants...

- **1 in 4** was exposed to **2** categories of ACEs
- **1 in 16** was exposed to **4** categories
- **22%** were **sexually abused as children**
- **66% of the women** experienced abuse, violence or family strife in childhood

# ACE'S

## ABUSE



Physical



Emotional



Sexual

## NEGLECT



Physical



Emotional

## HOUSEHOLD DYSFUNCTION



Mental Illness



Incarcerated Relative



Mother treated violently



Substance Abuse



Divorce

# Brain Development



<https://www.livescience.com/11337-top-10-mysteries-mind.html>

# Bottom Up Reactions to Fear



<https://www.livescience.com/11337-top-10-mysteries-mind.html>

# **TRAUMA CAN...**

**Cause short and long term effects**

**Affect coping responses, relationships, or developmental tasks**

**Impact physiological responses, well being and relationships**

# Cultural Issues

- Culture influences how an individual interprets and assigns meaning to the trauma
- Culture significantly influences how people convey traumatic stress through behavior, emotions, and thinking
- Culture affects what qualifies as a legitimate health concern and which symptoms warrant help
- Culture can provide a source of strength, unique coping strategies, and specific resources

## Shift in Thinking:

Instead of.....

**“What’s wrong with you?”**

how about.....

***“What happened to you?”***

# Shift in Thinking: Coping Mechanisms

## Mislabeled “Normal” Responses

| Survival Responses | Coping Behaviors   | Labeled by Systems   |
|--------------------|--|--|
| Fight              | Struggling to regain or hold on to power, especially when feeling coerced            | Non-compliant, In denial, Combative, Challenging Behavior, Resistant |
| Flight             | Disengaging completely: keeping to oneself, leaving services, abandoning the process | Chronic, Unmotivated   |
| Freeze             | Giving in to whoever/whatever is in a position of power                              | Passive, Can't be helped, Using the system                           |

# **SAMHSA's Six Key Principles**

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

# References

- *Anda, Robert F., MD. The Center for Disease Control and Prevention (CDC).*
- *Felitti, V. MD., "Snowbird Conference" of the Child Trauma Treatment Network of the Intermountain West.*
- Herman, Judith, MD.; *Trauma and Recovery*; Basic Books, 1992.
- Perry, B.D., Ph.D. ([www.childtrauma.org](http://www.childtrauma.org)).
- <https://www.samhsa.gov/trauma-violence>

# Trauma-Informed Approaches

Alex Sanchez, Esq., Manager & Mediator Franklin County Municipal Court  
Adam Wills, MSW, LISW-S, EAP Counselor, City of Columbus



COLUMBUS  
PUBLIC HEALTH

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70%  
anyone

# Single Event, Events, or Circumstances

Grief and Loss  
Abuse or Neglect  
Violence and Poverty  
Accidents and Disasters

# Long-Term Impact

## Physical

Cortisol Released  
Brain Shrinks  
Fight, Flight, Freeze

## Psychological

Stress Control  
Memory & Concentration  
Decision-Making

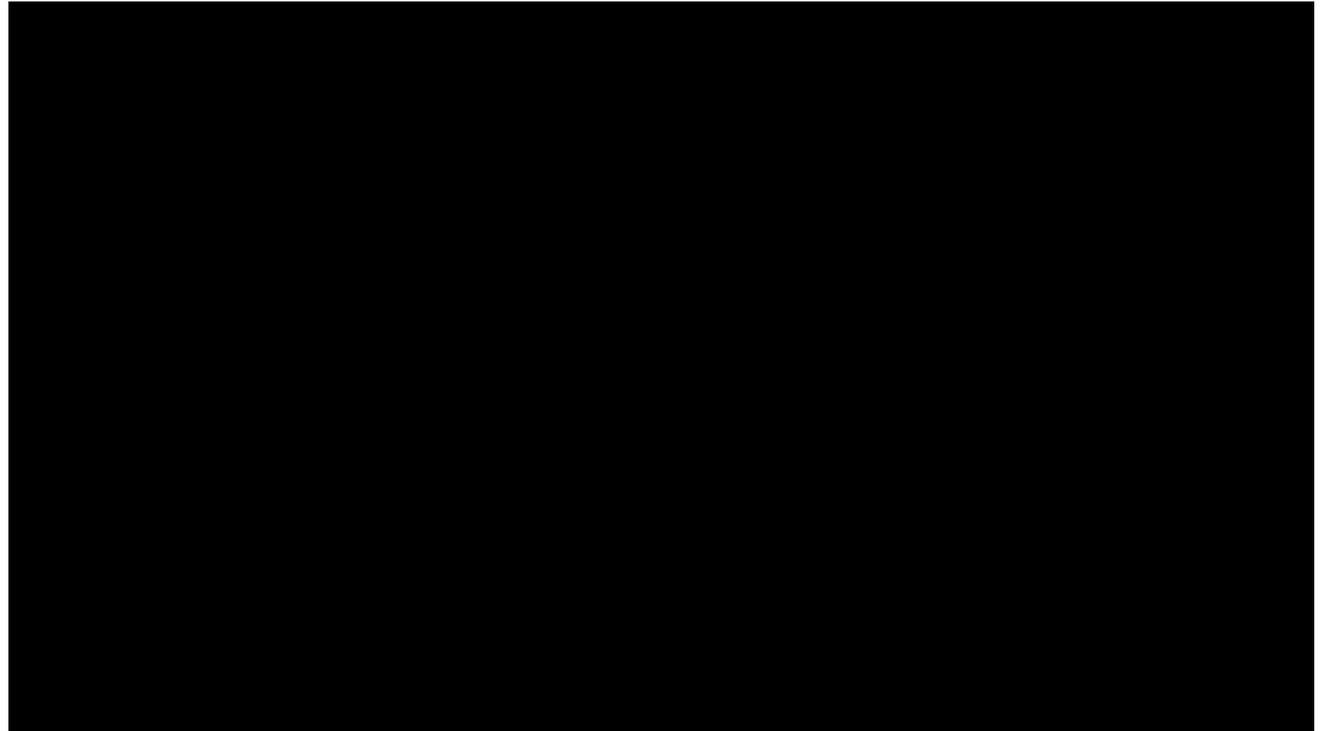
# Implications: Health & Wealth Disparities

## Risk-Reward

Slower Decision-Making

Difficulty Adjusting Behavior

Neurological Differences



# Recognize Stress and Trauma

## LIFE EVENTS CHECKLIST (LEC)

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

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

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| 1. Natural disasters (e.g., earthquake, hurricane, tornado)           |  |  |  |  |  |
| 2. Fire or explosion  |  |  |  |  |  |
| 3. Transportation accident (e.g., car accident, boat crash)           |  |  |  |  |  |
| 4. Serious accident (e.g., recreational boating)                      |  |  |  |  |  |
| 5. Exposure to dangerous chemicals                                    |  |  |  |  |  |
| 6. Physical assault (e.g., attacked, hit)                             |  |  |  |  |  |
| 7. Assault with a weapon (e.g., shot, stabbed, bombed)                |  |  |  |  |  |
| 8. Sexual assault (e.g., forced or threatened)                        |  |  |  |  |  |
| 9. Other unwanted sexual experience                                   |  |  |  |  |  |
| 10. Combat or exposure to war (e.g., military or as a civilian)       |  |  |  |  |  |
| 11. Captivity (for example, kidnapped, held hostage, prisoner of war) |  |  |  |  |  |
| 12. Life-threatening illness or injury                                |  |  |  |  |  |
| 13. Severe human suffering  |  |  |  |  |  |
| 14. Sudden, violent death (for example, homicide, suicide)            |  |  |  |  |  |
| 15. Sudden, unexpected death of someone close to you                  |  |  |  |  |  |
| 16. Serious injury, harm, or death you caused to someone else         |  |  |  |  |  |
| 17. Any other very stressful event or experience                      |  |  |  |  |  |



Intake  
Behaviors  
Conversations

# Trauma-Informed Approach

## Legal Professionals & Court Staff

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

# Trauma-Informed Docket

| Judge's Comment                                   | Perception | Trauma-Informed Approach  |
|---|------------|---|
| "Your drug screen is dirty."                      | Negative   | "Your drug screen shows the presence of drugs."   |
| "Did you take your pills today?"                  | Judgmental | "Are the medications your doctor prescribed working well for you?"                        |
| "I'm sending you for a mental health evaluation." | Punitive   | "I'd like to refer you to a doctor who can help us better understand how to support you." |

# Trauma-Informed Mediation

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

# Solution-Focused Approach

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

*“What would you like to see happen?”*

# Contact Information

Shawnieka E. Pope, MSW, LSW

Guardianship Director, Montgomery County Probate Court

Adjunct Instructor at Wright State University

Email: [shawnieka.pope@wright.edu](mailto:shawnieka.pope@wright.edu)

# Contact Information

## Alex Sanchez, Esq.

Manager and Mediator, Franklin County Municipal Court, Small  
Claims Division and Dispute Resolution Department

375 S High St, Columbus, OH

Phone: 614-645-8611

Email: [sancheza@fcmcclerk.com](mailto:sancheza@fcmcclerk.com)

# Contact Information

Adam Wills, MSW, LISW-S

Employee Assistance Program Counselor, City of Columbus

Columbus Public Health,  
240 Parsons Ave, Columbus, OH

Phone: 614-645-6894

Email: [adwills@columbus.gov](mailto:adwills@columbus.gov)