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## Toward Trauma-Informed Professional Practices: What Legal Advocates and Journalists Can Learn from Each Other and Survivors of Human Trafficking

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**TOWARD TRAUMA-INFORMED PROFESSIONAL  
PRACTICES: WHAT LEGAL ADVOCATES AND  
JOURNALISTS CAN LEARN FROM EACH OTHER  
AND SURVIVORS OF HUMAN TRAFFICKING**

**Kirsten Foot, Ph.D.\***

ABSTRACT

Developments in the fields of law and journalism during the last two decades have led to greater awareness of the need for trauma-informed practices vis-à-vis survivors of violence, and correspondingly, the emergence of pedagogical resources for legal advocates and journalists. Due to traditional disciplinary silos, extant resources on trauma-informed practices in each field have been authored in relative isolation from each other, i.e., guides for legal advocates have been blind to guides for journalists and vice versa. This Article demonstrates that despite the obvious differences between lawyering and journalism, professionals in these two fields share some of the same aims as they interact with survivors of human trafficking in the course of their work, beginning with the shared aims of fact-finding and truth-telling. They also take on the role of representing the experience and perspective of survivors to others, albeit in distinct arenas. Because of those common aims and roles, this Article contends that lawyers and journalists also face similar challenges and risks—to themselves and to the survivors with whom they interact and represent—as they attempt to be trauma-informed in their work.

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Relatedly, many survivors of human trafficking have reported being retraumatized by their interactions with both lawyers and journalists. Drawing on multiple genres of publications and firsthand accounts, this Article interleaves insights from extant resources on trauma-informed practices from the fields of legal advocacy, prosecution, and journalism—and from survivors themselves—in order to articulate foundational practices that have potential to be beneficial to both professions, and to survivors.

### INTRODUCTION

Lawyers—especially personal attorneys and prosecutors—and journalists are addressed together in this Article because members of both professions must be trauma-informed when they engage with survivors of human trafficking in order to conduct their work ethically. Law professors Sarah Katz and Deeya Haldar explain that the hallmarks of a trauma-informed approach or set of practices

are when the practitioner . . . puts the realities of the clients' trauma experiences at the forefront in engaging with clients and adjusts the practice approach informed by the individual client's trauma experience. Trauma-informed practice also encompasses the practitioner employing modes of self-care to counterbalance the effect the client's trauma experience may have on the practitioner.<sup>1</sup>

Although they address lawyers, their explanation is relevant to journalists as well, for reasons described below. This Article first provides brief overviews of human trafficking and the traumas stemming from it, then articulates similarities between the professional aims and roles of lawyers and journalists regarding human trafficking survivors, as well as corresponding challenges and risks. Finally, insights from extant resources on trauma-informed practices

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1. Sarah Katz & Deeya Haldar, *The Pedagogy of Trauma-Informed Lawyering*, 22 CLINICAL L. REV. 359, 361 (2016).

developed originally for each profession are considered together in order to articulate foundational practices that have potential to be beneficial to both professions and to survivors.

Since 2000, human trafficking has been defined by both the United States and the United Nations as compelling someone into any form of work or service through force, fraud, or coercion, despite other variances between their definitions.<sup>2</sup> In many countries, the essence of human trafficking is understood to be the control and exploitation of one person by another. In human trafficking situations, some victims coerce others while under coercion themselves. Money may or may not be exchanged when a person is trafficked, and victims may be commercially exploited or used as personal slaves by the trafficker. In short, human trafficking takes a myriad of forms.

Human trafficking crimes are sometimes intertwined with other crimes, such as wage theft, human smuggling, and sexual exploitation, yet human trafficking crimes are legally distinct. They are defined by the fact that victims' agency and other human rights are violated through force, fraud, or coercion. Human trafficking is an extreme form of exploitation of the weaker and poorer by the stronger and richer. The possession of a person by another person, or the "control over a person by another such as a person might control a thing," is enslavement, whether that control is exercised through physical, verbal, or psychological forces and whether or not it involves the geographical movement of the controlled person.<sup>3</sup>

The fact that human trafficking can be fatal to those subjected to it must be stated upfront. The harms caused to victims who survive the

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2. Victims of Trafficking and Violence Protection Act of 2000, 22 U.S.C. § 7101; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, *opened for signature* Nov. 15, 2000, 2237 U.N.T.S. 319.

3. Members of the Research Network on the Legal Parameters of Slavery, *The Bellagio-Harvard Guidelines on the Legal Parameters of Slavery*, YALE U. (Mar. 3, 2012), [https://glc.yale.edu/sites/default/files/pdf/the\\_bellagio-harvard\\_guidelines\\_on\\_the\\_legal\\_parameters\\_of\\_slavery.pdf](https://glc.yale.edu/sites/default/files/pdf/the_bellagio-harvard_guidelines_on_the_legal_parameters_of_slavery.pdf) [<https://perma.cc/FZ34-5FYE>]. This brief summary is drawn from the Bellagio-Harvard Guidelines on the Legal Parameters of Slavery. *Id.* These guidelines are available online in multiple languages on various websites. *Id.*

phase of active exploitation are multifaceted and multilevel, sometimes resulting in life-threatening health conditions or rendering the survivor vulnerable to other forms of violence or self-harm.<sup>4</sup> As with any victims of crime, trauma is a universal harm with which trafficking survivors must contend because the debilitating effects of trauma are profound and long-lasting.<sup>5</sup> Trauma, defined by the Substance Abuse and Mental Health Services Administration (SAMHSA) as “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,”<sup>6</sup> is a common experience for trafficking survivors, both in the short term and long term.<sup>7</sup> It also has “a direct relationship to how they relate to their attorneys and the courts, because trauma has a distinct physiological effect on the brain, which in turn affects behavior[.]”<sup>8</sup> further elaborated below.

Mental health experts distinguish between three types of trauma.<sup>9</sup> The first type is acute, i.e., typically resulting from a single incident.<sup>10</sup> The second type, chronic trauma, results from repeated and prolonged exposure to a pattern of psychologically-damaging experiences, e.g., domestic violence.<sup>11</sup> Distinct from the first two types yet potentially

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4. Ligia Kiss et al., *Exploitation, Violence, and Suicide Risk Among Child and Adolescent Survivors of Human Trafficking in the Greater Mekong Subregion*, JAMA PEDIATRICS ONLINE, Sept. 8, 2015, at 1, 2. See generally ANNA MARIA BULLER ET AL., LABOUR EXPLOITATION, TRAFFICKING & MIGRANT HEALTH: MULTI-COUNTRY FINDINGS ON THE HEALTH RISKS AND CONSEQUENCES OF MIGRANT AND TRAFFICKED WORKERS (Int’l Org. for Migration & London Sch. of Hygiene & Tropical Med. eds., 2015).

5. See generally BULLER ET AL., *supra* note 4; Abigail English, *Human Trafficking of Children and Adolescents: A Global Phenomenon with Horrific Health Consequences*, JAMA PEDIATRICS ONLINE, Sept. 8, 2015, at 1; Susan Stevens et al., *Understanding the Mental Health Impact of Human Trafficking*, 31 J. AM. ASS’N NURSE PRAC. 699 (2019).

6. SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., SAMHSA’S CONCEPT OF TRAUMA AND GUIDANCE FOR A TRAUMA-INFORMED APPROACH 7 (2014) [hereinafter SAMHSA].

7. See generally BULLER, *supra* note 4; English et al., *supra* note 5; Stevens et al., *supra* note 5.

8. Katz & Haldar, *supra* note 1, at 366.

9. See, e.g., EARLY CHILDHOOD MENTAL HEALTH, MO. DEP’T MENTAL HEALTH, <https://dmh.mo.gov/healthykids/providers/trauma> [https://perma.cc/F6K9-467R] (last visited Mar. 12, 2020).

10. *Id.*

11. *Id.*

including both, complex trauma results from “varied and multiple traumatic events, often of an invasive, interpersonal nature.”<sup>12</sup> Survivors of human trafficking have typically suffered all three types of trauma while being trafficked and are likely to experience post-traumatic stress for years afterwards.<sup>13</sup>

The profound and long-lasting effects of trauma can include many physiological effects and can negatively affect the trauma sufferer’s memory, cognition, ability to trust others, perception of (un)safety, and emotion regulation.<sup>14</sup> These effects can influence how survivors interact with others, including allies in antitrafficking efforts, attorneys, and journalists.<sup>15</sup> Mental health experts on trauma have cited these and other effects in explicating why professionals who want to minimize harm and interact constructively with survivors of any kind of trauma must employ trauma-informed approaches in their work.<sup>16</sup>

Early efforts to develop trauma-informed approaches emerged within and for professions related to social services and were not applied specifically to the needs of trafficking survivors. More recently, victim specialists in U.S. government agencies, nongovernmental organizations, and advocacy groups have articulated trauma-informed recommendations specifically for those who interact

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12. *Id.*

13. *See generally* BULLER, *supra* note 4; Kiss et al., *supra* note 4; Annie Lewis-O’Connor et al., *The State of the Science on Trauma Inquiry*, WOMEN’S HEALTH, no. 15, 2019, at 1; Stevens et al., *supra* note 5.

14. SAMHSA, *supra* note 6, at 8.

15. *See generally* KIRSTEN FOOT, COLLABORATING AGAINST HUMAN TRAFFICKING: CROSS-SECTOR CHALLENGES AND PRACTICES (2016).

16. *See generally* NEW DIRECTIONS FOR MENTAL HEALTH SERVS., USING TRAUMA THEORY TO DESIGN SERVICE SYSTEMS (Maxine Harris & Roger D. Fallot eds., 2001). These authors are credited with coining the phrase “trauma-informed.” *Id.*

with trafficking survivors, including lawyers<sup>17</sup> and journalists.<sup>18</sup> Key themes in these will be summarized below.

An extensive manual for multi-professional, antitrafficking task forces, produced by the U.S. Office for Victims of Crime Training and Technical Assistance Center, expresses the necessity and core elements of a trauma-informed approach to trafficking survivors in this way:

A trauma-informed approach begins with understanding the physical, social, and emotional impact of trauma on the individual, as well as on the professionals who help them. This includes victim-centered practices. It incorporates three elements:

1. Realizing the prevalence of trauma.
2. Recognizing how trauma affects all individuals involved with the program, organization, or system, including its own workforce.
3. Responding by putting this knowledge into practice.<sup>19</sup>

It is worth noting that this conceptualization of a trauma-informed approach includes the impact of survivors' trauma on those who seek to assist them. Such impact is frequently referred to as indirect or

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17. See, e.g., TRAUMA CTR. AT JUSTICE RES. INST., UTILIZING TRAUMA-INFORMED APPROACHES TO TRAFFICKING-RELATED WORK (2014), [http://www.traumacenter.org/resources/H-O%20Trauma-Informed%20Case%20Study\\_final\\_2.pdf](http://www.traumacenter.org/resources/H-O%20Trauma-Informed%20Case%20Study_final_2.pdf) [<https://perma.cc/F8M5-G4W9>]; *Using a Trauma-Informed Approach*, OFF. JUST. PROGRAMS, <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/41-using-a-trauma-informed-approach> [<https://perma.cc/V4DY-H4Q3>] (last visited Apr. 13, 2020) [hereinafter *Trauma-Informed Approach*].

18. U.N. Office on Drugs & Crime, The Arab Initiative to Build Nat'l Capacities to Combat Human Trafficking in the Arab Countries, Human Trafficking Toolkit for Journalists (2016), [https://www.unodc.org/documents/human-trafficking/2018/Toolkit\\_HT\\_Final\\_Book\\_Finish\\_2017\\_English\\_comp.pdf](https://www.unodc.org/documents/human-trafficking/2018/Toolkit_HT_Final_Book_Finish_2017_English_comp.pdf) [<https://perma.cc/V5ZT-HLW6>] [hereinafter Human Trafficking Toolkit]; Minh Dang, *Putting the Human into Human Trafficking Reporting: Tips for Interviewing Survivors*, IRINA PROJECT, <http://www.theirinaproject.org/tips-for-interviewing-survivors.html> [<https://perma.cc/JSQ9-ZNY4>] (last visited Apr. 13, 2020).

19. *Trauma-Informed Approach*, *supra* note 17.

vicarious trauma, or secondary traumatic stress, that occurs through exposure to difficult or disturbing images and stories about the trauma someone else has experienced directly.<sup>20</sup> Another way to understand vicarious trauma is as “a state of tension or preoccupation with [someone else’s] stories of trauma.”<sup>21</sup> It is well-established that both lawyers<sup>22</sup> and journalists<sup>23</sup> are prone to vicarious trauma as an occupational hazard and that it can lead to compassion fatigue as well as subpar work.

In sum, all professionals who engage with trafficking survivors should do so in a trauma-informed way, both for their own sake and for the sake of the survivors. However, there are at least three reasons that lawyers and journalists, in particular, must adopt trauma-informed practices in their interactions with survivors. First, for people from both professions, trauma-informed practices will help avoid the retraumatization of survivors, and thereby uphold key principles

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20. *Defining Vicarious Trauma and Secondary Traumatic Stress*, TEND, <https://www.tendacademy.ca/resources/defining-vicarious-trauma-and-secondary-traumatic-stress/> [https://perma.cc/PCM2-AX9X] (last visited Apr. 13, 2020).

21. Katz & Haldar, *supra* note 1, at 368.

22. See, e.g., Linda Albert, *Keeping Legal Minds Intact: Mitigating Compassion Fatigue Among Legal Professionals*, INSIDETRACK (St. B. Wis., Madison, Wis.), Apr. 15, 2009; Andrew P. Levin, *Secondary Trauma and Burnout in Attorneys: Effects of Work with Clients Who Are Victims of Domestic Violence and Abuse*, A.B.A. COMMISSION DOMESTIC VIOLENCE WINTER ENEWSLETTER (A.B.A., Chicago, Ill.), 2008, [https://www.americanbar.org/content/dam/aba/publishing/cdv\\_ewsletter/LevinWinter2008.pdf](https://www.americanbar.org/content/dam/aba/publishing/cdv_ewsletter/LevinWinter2008.pdf) [https://perma.cc/GMM9-EYW9]; Aaron Reuben, *When PTSD Is Contagious: Therapists and Other People Who Help Victims of Trauma Can Become Traumatized Themselves*, ATLANTIC (Dec. 14, 2015), <https://www.theatlantic.com/health/archive/2015/12/ptsd-secondary-trauma/420282/> [https://perma.cc/W78W-M3SD]; E. Benjamin Skinner, *Modern-Day Slavery: A Necessary Beat—with Different Challenges*, NIEMAN REP. (Jan. 10, 2011), <https://niemanreports.org/articles/modern-day-slavery-a-necessary-beat-with-different-challenges/> [https://perma.cc/V8FT-QTBB].

23. See, e.g., Randal A. Beam & Meg Spratt, *Managing Vulnerability: Job Satisfaction, Morale and Journalists’ Reactions to Violence and Trauma*, 3 JOURNALISM PRAC. 421 (2009); Hal Himmelstein & E. Perry Feithorn, *Eyewitness to Disaster: How Journalists Cope with the Psychological Stress Inherent in Reporting Traumatic Events*, 3 JOURNALISM STUD. 537 (2002); Elena Newman et al., *Trauma Exposure and Post-Traumatic Stress Disorder Among Photojournalists*, VISUAL COMM. Q., Winter 2003, at 4; Chloe Angyal, *The Trauma of Writing About Trauma: Reporters on the Nightmares They Get from Covering War, Racism, and Rape*, NEW REPUBLIC (Apr. 20, 2015), <https://newrepublic.com/article/121585/how-writing-about-trauma-can-give-journalists-nightmares-or-worse> [https://perma.cc/LSZF-BPRT]; Lyn Barnes, *The Trauma of News Journalism Is Finally Being Acknowledged*, SPINOFF (Mar. 11, 2019), <https://thespinoff.co.nz/media/11-03-2019/the-trauma-of-news-journalism-is-finally-being-acknowledged/> [https://perma.cc/C689-SL4D].

articulated in the codes of ethics of their respective professions, e.g., to seek to minimize harm in the practice of journalism,<sup>24</sup> and to “exemplify the legal profession’s ideals of public service” as attorneys.<sup>25</sup>

Second, being trauma-informed enables lawyers and journalists to listen better and thereby engage in collaborative dialogue with survivors whose experiences and perspectives they seek to understand.<sup>26</sup> This in turn equips journalists to be better able to synthesize, assess, and represent accurately the information that is most important to report, i.e., what the public as a whole needs to know to stop human trafficking and support survivors, versus what some segments of the public want to know, e.g., prurient details of exploitation. For lawyers, trauma-informed listening facilitates a more holistic understanding of the multiple types of harm experienced by trafficking survivors, which lawyers must articulate compellingly for survivors to receive justice and recompense.

Third, interacting with survivors in trauma-informed ways makes it possible for the ideals of each profession to be actualized. For journalists to advance the good of the public regarding human trafficking, their overarching aims in reporting must be to catalyze the end of trafficking and restore survivors’ voice, agency, and holistic well-being. Employing a trauma-informed lens while interviewing survivors, researching, and reporting on any aspect of human trafficking is how those aims can be made manifest.

Correspondingly, trauma-informed practices enable lawyers to support survivors more effectively as they seek to exercise their legal rights and can encourage survivors to participate in the prosecution of perpetrators. In the words of the authors of the U.S. Human Trafficking Task Force E-Guide:

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24. *SPJ Code of Ethics*, SOC’Y PROF. JOURNALISTS, (Sept. 6, 2014, 4:49 PM), <https://www.spj.org/ethicscode.asp> [<https://perma.cc/8N9Q-V4X4>].

25. MODEL RULES OF PROF’L CONDUCT pmb1. (AM. BAR ASS’N 2020), [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_preamble\\_scope/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope/).

26. Elizabeth Parks & Kirsten Foot, *Conceptualizing Listening as Voice and Its Affordances for Collaboration Scholarship*, in VOICES: ICA INTERNATIONAL COMMUNICATION ASSOCIATION ANNUAL CONFERENCE THEME BOOK SERIES (Patricia Moy & Donald Matheson eds., 2019); Foot, *supra* note 15.

Using a trauma-informed approach also helps produce better case results for law enforcement. For example, it leads to more effective interviews of victims and witnesses; it maximizes the chances of cooperation with law enforcement; and it helps structure the search for evidence to present a trauma-informed story in court to the fact-finder (judge/jury) and for the purposes of pretrial litigation. In the end, the jury will need to understand the effects of trauma to properly evaluate testimony and credibility in reaching a just verdict.<sup>27</sup>

Multi-year criminal or civil justice proceedings are typical in trafficking cases and can be quite daunting for survivors.<sup>28</sup> It is possible that the survivors on whom a case hinges will decide to stop participating and seek to withdraw charges before the legal proceedings have played out. Similarly, the survivors who are key informants for a journalist might decide to retract their account and stop communicating before the journalist publishes the story. As one survivor explained, “I have to ask myself before any event . . . ‘Do I really want to speak today?’ Because slavery is about not having a choice, I give myself a choice.”<sup>29</sup> Attorneys and journalists who enact a trauma-informed approach are better able to help the survivor–clients and respondents who want to continue speaking out to do so.

When journalists or lawyers are not trauma-informed, their interactions with trafficking survivors—even when well-intentioned—can inadvertently cause harm. Survivors who have spoken publicly or in private research interviews about their interactions with lawyers and journalists have described an array of painful experiences. For instance, one survivor described the

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27. *Trauma-Informed Approach*, *supra* note 17.

28. OFFICE OF JUSTICE PROGRAMS, HUMAN TRAFFICKING TASK FORCE E-GUIDE ch. 6.4 (e-Guide), <https://www.ovcttac.gov/taskforceguide/eguide/6-the-role-of-courts/64-innovative-court-responses/> [https://perma.cc/QAV6-R2Q8] (last visited Apr. 13, 2020).

29. Interview by Kirsten Foot with Survivor (2013) (on file with author). The survivor’s name and interview location are withheld for confidentiality and ethical reasons.

nonverbal and verbal reactions of shock and horror a reporter expressed while listening to the survivor's account, which made the survivor feel "othered" and ashamed.<sup>30</sup> Many survivors have described being asked intrusive questions by reporters and lawyers about their sexual histories and intimate relationships that were irrelevant to the trafficking crimes committed against them.<sup>31</sup> Many have also decried the fact that they have been asked the same, painful memory-evoking questions in multiple interviews with attorneys from different agencies that were supposedly working cooperatively on their cases—leaving them feeling drained, disrespected, and distrusted.<sup>32</sup> A survivor of commercial sexual exploitation articulated how infuriated and demeaned she felt when a reporter characterized her in a published news article as having been a "sex slave" rather than a victim of human trafficking.<sup>33</sup> Even worse, when the survivor contacted the reporter after the article was published to request that the demeaning and inaccurate phrase be replaced, the reporter took umbrage and criticized the survivor for trying to dictate the article.<sup>34</sup> Such interactions add layers to the trauma burdens under which survivors already struggle, as well as triggering them to relive traumas they experienced while being trafficked.

In contrast, when lawyers and journalists are trauma-informed, their interactions with survivors are less likely to cause harm and can be transformational in positive ways. One illustrative example came from a journalist who trains others on trauma-informed practices. While interacting with a survivor over a couple years for an in-depth report on survivors' experiences over time, the journalist witnessed a profound change in the survivor.<sup>35</sup> Early in their relationship, the survivor expressed a paralyzing sense of futility regarding the

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30. Kirsten Foot, Fieldnote Written in the Course of Author's Participant Observation Research (2020) (on file with author). Participant names are withheld for confidentiality and ethical reasons.

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. Foot, Fieldnote, *supra* note 30.

“normalness” of the crimes she had suffered, and irritation when the journalist asked her to explain.<sup>36</sup> With time she became more receptive to the journalist’s questions and more reflective in her responses.<sup>37</sup> A key turning point came when the survivor chose to influence a group of others who had been victimized by the same perpetrator to collectively turn him in—resulting eventually in a conviction on multiple charges and an appropriate sentencing.<sup>38</sup> When the journalist asked the survivor why she had taken the lead with other victims and spoken against the perpetrator at all, the survivor referenced conversations with the journalist, saying that questions the journalist had asked had caused her to realize she wanted to speak up and take action against exploitation.<sup>39</sup> In another instance, a different trafficking survivor characterized the understanding and support she felt from the attorney who investigated her case and brought charges against the people who exploited her as “a lifeline.”<sup>40</sup> She described the sense of empowerment that she developed as stemming from having been believed and “fought for” by her lawyer, “even when I could hardly look anyone in the eye because I thought I was worthless.”<sup>41</sup>

### *I. Guidelines for Trauma-Informed Practice as a Lawyer or Journalist*

In this part, an illustrative selection of extant resources on trauma-informed practices addressed to lawyers or journalists are compared. Most of these resources are primarily, if not exclusively, focused on helping members of the addressed profession conduct themselves in ways that minimize harm to survivors—for all the reasons discussed in the preceding section.

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36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. Foot, Fieldnote, *supra* note 30.

Several guides for journalists have passages consistent with the following, regarding the importance of reporters requesting interviews with survivors to

be transparent with the survivor regarding the interview—to explain the purpose of the story you are planning to write, to inform the survivor of the details of the interview, such as it’s time, place, location, and medium (phone, video, in person, etc). In addition, ask the survivor for permission to report the story, and whether or not they wish for their identity to remain confidential.<sup>42</sup>

Correspondingly, lawyers are instructed that “[a]ny approach to the victim should be a gradual and nonthreatening process. Be sure the victim has some control in the situation (breaks, water, seating placement)” and that “[v]ictims . . . feel safe at all times. Interviewers should introduce themselves and explain their role at the beginning of every interview.”<sup>43</sup>

Some guides for lawyers and journalists include information about trauma effects that an interviewer might observe in a survivor, such as this excerpt for investigators:

The effects of trauma can influence behavior of a victim during an interview. Memory loss, lack of focus, emotional reactivity, and multiple versions of a story can all be signs of trauma exhibited during interviews. Interviewers should be familiar with the signs of trauma and not assume the victim is evading the truth. For example, lack of linear memory is often a sign of trauma, so it may be helpful during initial interviews to ask “What else happened?” instead of “What happened next?”<sup>44</sup>

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42. MONTEREY CTY. RAPE CRISIS CTR., SEXUAL ASSAULT, HUMAN TRAFFICKING, AND CHILD ABUSE 2018 MEDIA GUIDE 5 (2018) [hereinafter MONTEREY MEDIA GUIDE].

43. OFFICE OF JUSTICE PROGRAMS, *supra* note 28, at ch. 5.3.

44. *Id.*

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Such trauma effects should be expected and responded to kindly by journalists and lawyers.

Many aspects of the advice to and guidelines for lawyers and journalists in these resources connote that they are stating in positive terms the opposite of negative interactions survivors have had previously. For instance, the following advice for journalists, if implemented, would prevent the situation described above where a survivor was characterized as a former sex slave in a news article, despite the survivor's request to be described in more accurate and respectful terms:

For those [survivors] that . . . choose to be interviewed, it is then crucial to allow these survivors to share their story in their own way, their own words, and their own time. Remember that permission to write the story or to interview survivors may be withdrawn at any time, even if they had initially agreed.<sup>45</sup>

Survivors need to assert personal boundaries to be respected by all.

A second instance of a positively stated tip is the recommendation that “where an interview [with a survivor] is required, there should be cooperation among jurisdictions within the state to avoid a survivor having to be interviewed multiple times.”<sup>46</sup> Due to many survivors having the distressing experience of answering the same questions repeatedly in multiple interviews, many survivors will likely appreciate the fact that this recommendation came from a prosecutor.

Correspondingly, this passage of advice for journalists covering human trafficking explains the following:

Some trafficked persons may be survivors of rape or torture.

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45. MONTEREY MEDIA GUIDE, *supra* note 42, at 6.

46. JESSICA KITSON & KATE MOGULESCU, SURVIVOR REENTRY PROJECT, WORKABLE SOLUTIONS FOR CRIMINAL RECORD RELIEF: RECOMMENDATIONS FOR PROSECUTORS SERVING VICTIMS OF HUMAN TRAFFICKING 11 (2019).

Maintain extra sensitivity and prepare yourself in advance. . . . Always remain calm and present, as your own emotions may trigger memories. When phrasing your questions, be aware of any expressions or attitudes that may seem judgmental.<sup>47</sup>

If this advice is followed, it will help prevent survivors from feeling othered and shamed, as described by a survivor above.

In contrast to guidance that focuses on minimizing harm to survivors, some extant resources aim to inspire journalists or lawyers to do their work in ways that inspire others to join the effort to end human trafficking. A prime example is this passage from a toolkit for journalists developed by the Arab Initiative to Build National Capacities to Combat Human Trafficking in the Arab Countries that exhorts journalists to expand the conversation around human trafficking, observing the following:

Positive coverage related to issues about human trafficking is also possible. It can also help build awareness in a way that is more accessible to broader audiences.

Successful media coverage of human trafficking can highlight the efforts being made against human trafficking, the partnerships in place working to stop the crime[,] and the success stories of survivors, social workers, law enforcers[,] and many other people doing tremendous work. The stories that can inspire people to focus on solutions rather than problems are a powerful way to reach the public.<sup>48</sup>

The potential of solutions-oriented news stories to inspire more people to join the effort to end trafficking is outside the scope of this Article but should be explored further.

In the same toolkit for journalists, the authors make this observation:

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47. Human Trafficking Toolkit, *supra* note 18, at 77.

48. *Id.* at 87.

[Survivors'] personal story is not defined by what happened to them, but by how they overcame it. Breaking away from the victim narrative, the stories about survivors can be empowering and inspiring. There are survivors who, after enduring the most tragic circumstances have recovered and regained their power by speaking publicly against human trafficking.<sup>49</sup>

This parallels advice to attorneys from law professors Katz and Halder, who quote Nancy Smythe, an expert on trauma-informed social work, that a “trauma-informed perspective asks clients not ‘What is wrong with you?’ but instead, ‘What happened to you?’”<sup>50</sup> It is important that attorneys and journalists approach survivors from the stance that they are more than what has been done to them.

This statement from a toolkit for journalists is also applicable to lawyers, as lawyers engage in storytelling in their own professional realms and the public at large:

The power of storytelling can strengthen our communities and restore the dignity of those who may have been abused. Stories can be excellent vehicles to give a voice to the most vulnerable, and to break the misconceptions and stereotypes that dehumanize people and perpetuate human trafficking.

The media mirror societies and carry their stories. In the story of human trafficking, the media are more than just the observers. They are also the protagonists that can change its course. The media can definitely propagate messages to increase public support and involvement to fight human trafficking.<sup>51</sup>

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49. *Id.* at 76.

50. Katz & Halder, *supra* note 1, at 363 (quoting Nancy J. Smyth, *Trauma-Informed Social Work Practice: What Is It and Why Should We Care?*, VIRTUAL CONNECTIONS (Apr. 19, 2013), <https://njsmyth.wordpress.com/2013/04/19/trauma-informed-social-work-practice/> [<https://perma.cc/7C9S-BTMW>]).

51. Human Trafficking Toolkit, *supra* note 18, at 74.

Employing trauma-informed practices in lawyering as well as journalism will help make this possible.

A final commonality between guidance for lawyers and advice for journalists concerns strategies for reducing and managing vicarious traumatization. In both professional realms, emotion has been considered suspect and potentially detrimental to the work of investigating and reporting news or interpreting the law and representing clients—and traditionally, few lawyers or reporters have received training on vicarious trauma.<sup>52</sup> But this is changing in both professions. The American Bar Association increasingly produces, curates, and disseminates resources to help lawyers be more trauma-informed in their work.<sup>53</sup> Correspondingly, the Dart Center for Journalism and Trauma produces, curates, and disseminates resources on trauma regarding journalism and hosts trainings for journalists to advance its mission, which includes educating “journalists and journalism students about the science and psychology of trauma and the implications for news coverage.”<sup>54</sup> There has also been a sea-change in schools of law and journalism around the country, as new generations of lawyers and journalists are now offered coursework on trauma. Katz and Halder, law professors cited in the introduction of this Article, argue compellingly that pedagogy for trauma-informed lawyering should help law students grasp four key characteristics: (a) identifying trauma; (b) adjusting the attorney–client relationship; (c) adapting litigation strategy; and (d) preventing vicarious trauma.<sup>55</sup> A parallel model of pedagogy for trauma-informed journalism that includes (a) adjusting the reporter–survivor informant relationship and (b) adapting reporting strategy to be solutions-oriented would be similarly beneficial. Moreover, as this Article has demonstrated, there are aspects of lawyering and

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52. Katz & Halder, *supra* note 1, at 371; Angyal, *supra* note 23. See generally Beam & Spratt, *supra* note 23; Levin, *supra* note 22.

53. See generally Levin, *supra* note 22; *Compassion Fatigue*, A.B.A. (Aug. 23, 2017), [https://www.americanbar.org/groups/lawyer\\_assistance/resources/compassion\\_fatigue/](https://www.americanbar.org/groups/lawyer_assistance/resources/compassion_fatigue/) [<https://perma.cc/3U5Z-RAR6>].

54. *Mission & History*, DART CTR. JOURNALISM & TRAUMA, <https://dartcenter.org/about/mission-history> [<https://perma.cc/5YYK-U7HQ>] (last visited Apr. 13, 2020).

55. Katz & Halder, *supra* note 1, at 382.

journalism that could provide useful insights for students in the other professions.

#### CONCLUSION

In summary, journalists and lawyers share some aims, challenges, and key principles of professional ethics as they engage with survivors of human trafficking and manifestations of this complex crime. Overall, journalists and lawyers have the responsibility to minimize harm and to represent survivors' voices in legal systems, newsrooms, and the publics that both of those engender. Both lawyers and journalists engage in fact-finding and truth-telling, not only about human trafficking crimes, their perpetrators, and the systems that enable them, but also about the traumas that ensue from those crimes and the resilience of survivors who speak out anyway. Lawyers, as well as survivors, are storytellers and have the opportunity to participate in the rightful restoration of survivors' voice and agency, in the pursuit of justice, and in bringing an end to human trafficking.