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More than a case

TRAUMA-INFORMED ADVOCACY FOR ATTORNEYS REPRESENTING BRAIN-INJURED CLIENTS

Trauma-informed advocacy did not begin for me in a courtroom or at a conference podium. It began at home. My daughter, who is now 26 years old, sustained a traumatic brain injury in a motor-vehicle collision. Overnight, the way we communicated changed. Simple conversations became harder. Emotional regulation shifted. Memory gaps appeared where certainty once lived. Like so many families navigating TBI, I found myself learning in real time that the tools I had relied on my entire career no longer worked.

I had to adapt.

What started as a mother's attempt to understand her child's cognitive and emotional world quickly became a deeper education in how trauma reshapes behavior, processing, and identity. I learned that patience mattered more than precision. That tone mattered more than efficiency. That validation mattered more than correction. And that what looked like inconsistency was often neurological injury, not choice.

That experience fundamentally changed how I practice law.

The same principles I learned while

supporting my daughter through the complexities and emotional distress of living with traumatic brain injury became the foundation for how I now prepare and advocate for my clients. Trauma-informed lawyering emerged not from textbooks alone, but from lived experience: Recognizing that people with brain injuries do not simply need legal representation. They need to feel safe, understood, and empowered throughout a process that repeatedly asks them to relive their trauma.

Personal-injury litigation is rarely just about physical harm. For clients living with traumatic brain injury (TBI), the legal process is not simply a path to compensation. It is a prolonged and emotionally charged journey that forces them to revisit the most destabilizing moments of their lives, often while coping with invisible neurological and psychological impairments. Depositions, medical examinations, discovery responses, and trial testimony can become repeated sites of exposure, vulnerability, and shame.

Attorneys occupy a powerful position in this process. They are often the first and most consistent line of defense

between injured clients and a system that can feel impersonal, adversarial, and overwhelming. The way an attorney prepares a client, communicates expectations, structures testimony, and navigates emotional moments can either reduce harm or unintentionally deepen it.

Trauma-informed advocacy recognizes this reality. It reframes lawyering as not merely case management or trial strategy, but as human-centered representation. For attorneys representing brain-injured clients, adopting trauma-informed principles is not only compassionate. It is essential to effective advocacy.

Why TBI clients are different

Traumatic brain injury is unlike almost any other injury litigators encounter. Broken bones heal. Surgical scars fade. But brain injuries frequently alter how a person thinks, feels, remembers, and relates to the world. Clients often struggle with slowed processing, memory gaps, emotional volatility, fatigue, and a diminished sense of self. These changes are not always visible to outsiders, yet they profoundly affect daily functioning.

In practice, attorneys tend to fall into

one of three categories when handling TBI cases.

The trial-only attorney understands courtroom mechanics and litigation strategy, but treats TBI like any other injury. Without understanding neurological complexity, this approach risks misinterpreting symptoms as credibility problems and missing critical opportunities to educate juries.

The science-only attorney masters medical literature, but struggles to translate that knowledge into a compelling courtroom narrative. Jurors are left with technical explanations that fail to connect emotionally.

The next-level advocate combines trial skill and scientific literacy with an understanding of the client's lived experience. This attorney recognizes that effective representation requires more than knowing anatomy or evidentiary rules. It requires appreciating how trauma and brain injury reshape identity, behavior, and communication. This human-centered approach allows the science to become meaningful and the client's story to resonate.

For many clients, the injury itself is only the beginning. They also face loss of independence, strained relationships, employment disruption, financial instability, and social withdrawal. Spouses become caregivers. Children notice personality changes. Friends drift away. Clients must reconcile who they were before the injury with who they are now.

This layered experience makes TBI litigation uniquely sensitive. Without trauma-informed practices, the legal process itself can become another injury.

Trauma and the brain-injured client

The Substance Abuse and Mental Health Services Administration defines trauma as resulting from events experienced as physically or emotionally harmful or life-threatening, with lasting adverse effects on mental, physical, social, emotional, or spiritual well-being.

For TBI clients, trauma operates on multiple levels. First is the trauma of the precipitating event itself.

Second is the trauma of living with persistent symptoms. Cognitive slowing, memory impairment, headaches, sleep disruption, mood swings, and diminished executive functioning affect every conver-

sation, every task, and every relationship.

Third is the trauma of litigation. Clients are repeatedly asked to recount painful experiences, defend their credibility, and submit to invasive questioning. They confront surveillance footage, independent medical examinations, and defense narratives that minimize or deny their suffering.

According to the Centers for Disease Control and Prevention, common cognitive effects of TBI include memory difficulties, impaired concentration, slowed information processing, delayed response times, and mental fatigue. Behavioral and emotional changes often include irritability, mood swings, depression, social withdrawal, and emotional dysregulation.

In litigation, these symptoms are frequently misunderstood. Memory struggles are labeled inconsistency. Emotional responses are viewed as instability. Fatigue is mistaken for disengagement.

These interpretations are wrong. They reflect neurological injury, not deception or weakness.

Trauma-informed advocacy begins with recognizing this distinction. Attorneys must understand that what appears to be problematic behavior is often the direct result of brain injury and trauma. From there, they can proactively educate judges and juries, structure proceedings to accommodate limitations, and protect clients from unfair characterizations.

How litigation can re-traumatize

Traditional litigation practices often intensify trauma. Lengthy depositions exhaust clients with impaired stamina. Rapid-fire questioning overwhelms slowed processing. Hostile cross-examination triggers fight, flight, or freeze responses. Repeated retelling of traumatic events reopens psychological wounds.

Clients may experience panic, dissociation, or shutdown during testimony. Others become emotionally flooded. Many leave proceedings feeling ashamed of their limitations.

One client, a former professional who sustained a moderate TBI in a rear-end collision, struggled with word-finding and emotional regulation. During deposition, defense counsel pressed her on minor inconsistencies between intake forms and testimony. She became visibly distressed and later told her attorney she felt "broken" and "stupid."

Nothing about that reaction reflected dishonesty. It reflected trauma layered onto neurological injury.

Without trauma-informed preparation, moments like these become ammunition for the defense. With it, they become opportunities for education and connection.

Attorneys are storytellers, not interrogators

At the heart of every case is a person trying to explain a life-altering experience with a brain that no longer functions the same way. The attorney's role is not to interrogate that person into polished sound bites. It is to help them tell their story safely, clearly, and authentically.

For this author, this shift from interrogation to storytelling began long before it entered my professional practice. Learning how to communicate with my own daughter after a traumatic brain injury required slowing down, listening differently, and letting go of perfection in favor of presence. That same approach now informs how I prepare clients for testimony: With patience instead of pressure, curiosity instead of correction, and validation instead of judgment. Language matters.

Clients absorb more from tone and phrasing than many attorneys realize. Routine legal expressions can land as deeply shaming to someone already struggling with cognitive loss.

Practical strategies for trauma-informed preparation

Trauma-informed advocacy is not just about how you speak to your client. It is also about how you structure preparation, manage the environment, and support your client throughout the litigation process. Simple adjustments can make a profound difference in reducing anxiety and improving testimony quality.

Four core principles guide effective preparation.

Predictability

Explain what will happen next. Walk clients through depositions and trial. Preview likely questions. Reducing uncertainty calms anxiety.

Safety

Create supportive environments. Build in breaks. Normalize pauses. A regulated nervous system produces clearer testimony.

Empowerment

Remind clients they may ask for clarification, request rest, or take time to think.

Trust and transparency

Prepare clients for defense tactics so they feel informed rather than ambushed.

These principles directly improve outcomes. Clients who feel safe provide more coherent testimony. Jurors connect more readily with plaintiffs who appear supported. Defense efforts to exploit symptoms lose traction when framed properly.

One client with slowed processing practiced calmly acknowledging uncertainty rather than forcing answers. At trial, when challenged on inconsistencies, he stated, “Since my brain injury, I don’t always remember things the way I used to. I’m telling you what I honestly remember.”

That preparation reframed credibility in neurological terms and strengthened juror trust.

Why your office environment matters

Trauma-informed lawyering extends beyond your words and strategy. The physical space where you meet and prepare your clients plays a critical role in establishing trust and safety. For clients with traumatic brain injuries, who may be especially sensitive to stimuli, power dynamics, or feelings of vulnerability, your office environment can either calm their nervous system or trigger anxiety and emotional shutdown.

Creating a supportive and respectful environment sends the message: *You are safe here. You are seen. You are in control of your story.*

Simple, powerful adjustments attorneys can make:

Remove harsh or punitive signage.

Signs that use bold fonts or all caps with warnings like “DO NOT ENTER” or “NO EXCEPTIONS” can create an atmosphere of control and fear. Replace them with respectful, friendly language such as “Please check in with our receptionist” or “Let us know how we can assist you.”

Provide seating arrangements that allow clients to choose where they feel most comfortable. Give clients the option to choose where to sit during meetings, especially those who may need to sit near a window, avoid having their back to the door, or sit close to an exit. This small

autonomy can reduce feelings of powerlessness and heighten emotional security.

Avoid standing too close or hovering during discussions. Clients with trauma or brain injury may be hypersensitive to proximity or perceive hovering as intimidation. Maintain appropriate personal space. Sit down at eye level when possible and avoid blocking exits or placing yourself between the client and the door.

Offer water, tissues, or comfort items to create a more welcoming space.

A simple gesture like offering water, having tissues available, or placing a soft object like a stress ball or fidget tool nearby can ground clients in moments of

distress. These small acts signal compassion and preparedness for emotional moments.

Adjust lighting and noise levels when possible. Fluorescent lighting or loud office equipment can exacerbate TBI symptoms such as headaches, eye strain, or irritability. If possible, use natural light or adjustable lamps, and reduce unnecessary background noise during client meetings.

Designate a private, quiet space for breaks. If your office has available space, designate a quiet room where clients can retreat if overwhelmed. A five-minute pause in a calming environment can help clients regulate and return to preparation

What to say: Trauma-informed attorney language

Building trust and engagement during preparation		
Standard attorney language	How clients may perceive it	Trauma-informed adjustment
“Why didn’t you tell me this sooner?”	“I’m in trouble. My attorney is mad at me.”	“Thank you for sharing this now. We can still work with this information.”
“We’ve been over this already.”	“I’m a burden; I’m failing again.”	“It’s okay to revisit this. I want to make sure you’re comfortable and clear.”
“That’s not relevant, don’t talk about it.”	“My story doesn’t matter.”	“That’s an important part of your experience, even if we do not share it in court. I still want to hear it.”
Addressing preparation and performance anxiety		
Standard attorney language	How clients may perceive it	Trauma-informed adjustment
“You didn’t answer that well in depo.”	“I’m not smart enough. I’ll ruin my case.”	“Depositions are hard, especially with memory issues. Let’s go over some tools to make you feel more confident.”
“You need to be more consistent.”	“I’m defective because I can’t keep things straight.”	“It is normal for TBI survivors to have inconsistent memories. Let’s focus on being honest and clear about everything.”
“You need to sound more confident.”	“I’m broken. I can’t even testify properly.”	“We’ll practice this together. Your truth is powerful even if it is told calmly and simply.”
Supporting emotional regulation and self-advocacy		
Standard attorney language	How clients may perceive it	Trauma-informed adjustment
“It’s just a deposition, calm down.”	“I’m being dramatic. My fear is unjustified.”	“It’s completely normal to feel anxious about depositions. Let’s talk through what to expect and how to stay calm.”
“Stop getting so emotional during testimony.”	“I’m broken and overly emotional.”	“It’s okay to feel emotional, especially when reliving trauma. Let’s practice ways to stay grounded while telling your truth.”
“You just have to push through it.”	“My feelings don’t matter; I have to hide my struggle.”	“This is understandably hard. Let’s go at a pace that works for you.”
Framing litigation expectations positively		
Standard attorney language	How clients may perceive it	Trauma-informed adjustment
“You didn’t follow through on your treatment.”	“I failed again. I’m a bad client.”	“Let’s talk about what made it hard to keep up with treatment and how we can support you moving forward.”
“The defense will pick you apart if you don’t get it together.”	“I’m weak. I can’t handle this.”	“My job is to shield you from unfair attacks. I’ll help prepare you for difficult questions so you feel more protected.”
“You need to get this right or you’ll lose.”	“This is all my fault if something goes wrong.”	“We will prepare together, and I’ll guide you through this process step by step.”
“They’re going to think you’re lying.”	“I’m a liar because I can’t remember everything.”	“It’s okay to be unsure or have memory gaps. Being honest about that is the best way to build credibility.”

more centered and focused.

Conclusion: We are storytellers, not interrogators

At the heart of every case is a person who is often scared, disoriented, and carrying injuries the rest of the world cannot see. Typical defense strategies focus on casting doubt on those injuries precisely because they are invisible. They do not present like fractures or missing limbs. They live in memory lapses, emotional swings, slowed processing, and quiet grief.

A trauma-informed attorney does more than prepare a client to testify. They prepare a client to feel heard when their words come slowly. They prepare a client to feel understood when their memories are incomplete. They prepare a client to feel validated when their emotions surface. They prepare a client to feel protected in a system that often feels adversarial and

unforgiving.

By grounding advocacy in trauma-informed practices, attorneys make the legal process safer for their clients, clearer for juries, and more purposeful for themselves. They transform depositions from interrogations into opportunities for truth. They shift testimony from performance to authenticity. They replace fear with preparation and isolation with partnership.

For me, these principles were first learned as a mother and later carried into the courtroom. Watching my own daughter navigate life after traumatic brain injury made one truth unmistakably clear: Clients are not defined by what they have lost. They are defined by their resilience, their humanity, and their courage to show up in spaces that ask them to relive their trauma. Trauma-informed advocacy honors that courage.

It recognizes that long after verdicts are rendered and files are closed, clients

continue living with the consequences of their injuries. They carry forward altered identities, changed relationships, and the daily work of adapting to a new reality. Attorneys cannot take that burden away. But they can ensure the legal process does not become another source of harm.

You do not just tell a story. You safeguard a person's dignity while telling it. Be the advocate who fights fiercely for justice while honoring the human being behind the injury. 

Lourdes De Armas is a partner and lead trial attorney focusing on catastrophic personal injury, traumatic brain injury, premises liability, sexual abuse, and wrongful death. She serves as secretary of CAALA, is a member of the ABOTA National Board, chairs ABOTA's National Amicus Committee, and serves on the Executive Committee of the Los Angeles Chapter of ABOTA. Lourdes frequently lectures on trial advocacy and trauma-informed representation.