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Teaching Lawyering With Heart in the George Washington University Law School Domestic Violence Project

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Joan Meier¹

Abstract

The Domestic Violence Project (DVP) began as an experiment but has become my favorite model for teaching law students about domestic violence work. The heart of the course is its emphasis on developing awareness of and compassion for the personally and emotionally challenging dimensions of domestic violence work. I achieve this (i) through an intensive and personal dialogue with students through written journals and responses; (ii) by inviting students to consider creative expression for their final project, and (iii) by teaching students about vicarious trauma and encouraging their understanding of it in themselves and other system players. Students seem to experience this course as an oasis of holistic professional and personal growth within the often dispiriting experience of law school.

Keywords

domestic violence, trauma, clinical teaching, holistic teaching, hybrid clinic

An essential part of my sense of mission as a law professor is a commitment to providing students an oasis from the somewhat demoralizing moral indoctrination of mainstream traditional legal education,¹ by recognizing that one can be a lawyer with heart and bring one's own values and convictions to one's legal work. In addition, as a domestic violence lawyer and clinical professor, I have also struggled (sometimes with my students) with the painful realities of domestic violence work and how to introduce

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students to this work in a manner that is not fundamentally discouraging. I have been delighted to discover that the Domestic Violence Project (DVP) is an ideal model for these purposes. Its holistic structure has supported students' profound personal reflections and deep personal and professional growth, while affirming both the legitimacy and importance of incorporating their human values into their professional identity. Through this clinic, I have discovered both my greatest gifts and rewards as a teacher.

Goals and Structure of the DVP

Unlike the typical in-house litigation domestic violence clinic (the kind I once taught), the DVP is a hybrid of an outside placement and in-house clinical program. DVP students are placed with local and national organizations doing domestic violence legal work – some work directly with clients and some do not. Rather than providing direct supervision of students' legal work, which is provided by their field supervisors, I provide a more removed mentoring. This division of roles allows students a deeper and safer opportunity to discuss issues that arise in their fieldwork.

Students in the DVP work in a variety of local and national non-profit organizations while attending a weekly seminar, and receiving my ongoing support and feedback. Placements can involve individual client civil cases, appeals, criminal prosecutions, national or local legislative or policy development, and/or grassroots organizing efforts, at a wide range of local and national non-profit organizations including the Domestic Violence Legal Empowerment and Appeals Project (DV LEAP), my non-profit which provides appellate advocacy for adult and child victims of abuse. This spectrum of placements provides the opportunity to explore a range of traditional lawyering skills and public interest and domestic violence-specific work.

The explicit and publicly stated goals of the DVP are (a) to offer students an introduction to domestic violence lawyering and lawyering for social change through real-world work within domestic violence and legal service organizations; (b) to maximize their learning from their experiences through structured skill development, reflection, and feedback; and (c) to serve the community by supporting the work of local and national domestic violence organizations. The implicit goals of the clinic are (d) to give students experience with domestic violence legal work in a holistic context in which their own personal reactions and identification with the issues and their clients' experiences can be safely and constructively explored, and (e) to help students cultivate a more whole and fulfilling professional identity by supporting them to integrate who they are as people with their professional skills, values, and aspirations.

Components of the Course

The DVP includes a weekly 2-hr seminar that provides a historical and present context for the work students are doing in the field and draws on their field experiences as grist for the mill of class discussion. The course explores a series of core policy and legal topic areas while focusing on issues of strategy, process, and professional challenges facing lawyers seeking to create social and legal change in the field. The seminar also

uses role-plays to teach lawyering skills. These sessions are valuable not only for students handling similar cases in their placements, but also for teaching essential aspects of the dynamics of domestic violence that should both inform policy work and are transferrable to many kinds of legal representation. The three skills classes focus on (a) interviewing and counseling a battered woman (through role-plays), (b) written advocacy and strategy (through a motion-drafting assignment), and (c) appellate advocacy built around a custody appeal handled by DV LEAP. Students also complete a final project or paper for the DVP. Students' presentations of their projects to the class further deepen the class's collective understanding of many new issues in the field, as well as some of the challenges of domestic violence lawyering.

In addition to teaching the weekly seminar, I provide students with ongoing feedback. First, students submit bi-weekly journals, some of which have prescribed topics. I provide detailed individual responses to many of the journals. These journals and responses provide a valuable source of information as to how students are doing, and an ideal forum for providing individualized supervision, support, and teaching. Students also meet in small groups with me four times per semester. In these sessions, we discuss their court observations and ethical and other issues arising in their placements, including problems with supervisors, assignments, or substantive legal issues. These small groups help students work through some of the more personal and practical challenges of their placements, and often lead to their collaboration across placements. Where appropriate, I assist students in the substantive work they are performing at the placement, suggesting research or other leads, or questions to ask their field supervisor and/or clients. On occasion, students have developed ideas for social change projects that they could and did implement as a result of a small group discussion or journal exchange.

Because the course focuses on a single practice area, the classroom, journals, and small groups provide a rich opportunity for students to mine the educational benefits of their placement experiences, and to consider in some depth what they are learning about lawyering, domestic violence, the legal process, the problems faced by victims and children, and the causes of battering, creating social and legal change as a lawyer, and about themselves. As a result of their experiences in the DVP, students not infrequently learn that domestic violence or individual client work is (or is not) for them, develop the skills and awareness of how best to approach and manage the challenges, experience professional growth, and make significant career decisions.

Domestic Violence Work Demands a Holistic Approach for the Lawyer As Well As the Client

Lawyers' Trauma

Perhaps the most fundamental challenge in domestic violence lawyering is the emotional toll it takes on us as individuals and as lawyers. "Vicarious trauma" has been widely recognized as a problem for many who work with traumatized clients (Pearlman & Mac Ian, 1995). In brief, the term refers to the unavoidable result of ongoing and

repeated exposure to others' traumatic experiences, which often takes a toll on professionals' own emotional health, including interpersonal relationships, sense of meaning in life, and sense of connection in the world. This issue is of critical importance for lawyers in several fields; it is receiving increasing attention in the legal profession and literature (Freedman, 2003; Jaffe, Crooks, Dunford-Jackson, & Town, 2003; Silver, Portnoy, & Peters, 2004) and I teach it in the DVP seminar.

Although vicarious trauma is by now fairly widely understood, I have come to believe that there is another dimension of the "trauma" experienced by lawyers and service providers that has not yet been formally recognized: This is the more direct trauma that relates to our role as legal professionals, when the justice system, on our watch, inflicts injustices on our client. This phenomenon could be called *professional trauma* or *lawyer trauma*. A palpable example of this occurred when I was teaching an earlier litigation clinic. In response to my client's request—through me—to suspend the abusive father's visitation based on my client's description of her child's troubling behaviors after visits with his father, the judge challenged the veracity of my report, in an intensely hostile tone that expressed contempt for my client (Meier, 2003). As the judge's words were spoken in an irate and demeaning tone—to me—I felt as though I too was being demeaned and emotionally abused. Moments later, my client gave up custody to the father for the summer (and ultimately, permanently), because she could no longer stand to go through this kind of court process. My student and I experienced a sense of futility and horror. My student was in tears as she helped deliver the boy to his father; I found myself in despair. Soon thereafter, I began to shift my focus from direct representation to appellate advocacy and system reform.

This type of "trauma" is certainly not comparable to the trauma of abuse itself (or the impact of that judicial vitriol on the client). However, neither is it purely "vicarious." It flows in substantial part from the betrayal of our trust, not by an intimate, but by a legal system whose purported values we share and in which we have placed our professional aspirations and beliefs. It also flows from the chagrin, psychological shame, and horror that judicially abusive remarks directed at us (as our clients' agents) can trigger. The particular agony of the lawyer in the line of fire in such a case is unique, a specific function of her professional identity and role. We all know many lawyers who at one time litigated domestic violence cases and then at some point chose not to continue. It is often assumed that they found the work too depressing or stressful, and that may well be true. However, I suspect that a part of the stress and depression for many trial lawyers stems from the psychic ordeal of advocating for victims of abuse and having both our clients' *and our own* legitimacy attacked and demeaned. Not only do we fail in our "noble" goals of protecting adult and child victims, we also experience a psychological form of the very abuse we are trying to end for our clients.

As this story suggests, I have become increasingly conscious of the psychic toll this work takes on lawyers themselves, especially when facing unsympathetic and hostile courts, some of which prioritize "fathers' rights" in ways that dismiss women's claims of abuse and risk to children (Dawson, 2009). I have been forced to deepen my psychological awareness of my reactions to and engagement with my clients' and their

children's experiences and struggles, and to work to find a way of staying grounded and (relatively) peaceful through these struggles. Perhaps a better way to put it is that I have worked to develop my capacity to *return* to groundedness and peace between legally traumatic experiences.

Teaching Law Students to Manage the Traumatic Aspects of This Work

Given my own struggles and intimate acquaintance with vicarious trauma flowing from this work, as well as my holistic commitment to my students, vicarious trauma and the personal/professional management of the challenges of this work have been integral to my approach to teaching the DVP. And I have found remarkable satisfaction in seeing this clinical teaching model integrate a parallel process of inquiry and self-reflection into students' experiential learning. This is only possible because the DVP is not an in-house clinic, because I do not directly supervise students in litigation, and because the course—virtually as well as physically—provides the oasis or “laboratory” to which students bring their outside experiences for consideration. In my variety of in-house clinical teaching experiences, it is only this “hybrid” non-direct-representation model that has created the space for the quality of ongoing personal reflection and exchange that leads to profound personal and professional learning about domestic violence work. Moreover, although I feared at first that the absence of in-person supervision in this clinic would undermine my ability to support and mentor my students, I have found that our written dialogues have actually been far more effective and rewarding to both the parties.

Journal exchanges. DVP students are required to submit, at the outset of the semester, a confidential “Self-Reflection Paper,” in which they discuss either (a) their own exposure to domestic violence or child abuse in their personal life or that of friends or family, or (b) a situation in which they found themselves stuck and unable to make a change that was in their best interests. (Over the years, I have had fewer and fewer students choose the second prompt; virtually all tell a story about abuse that they have witnessed, experienced, or know of.) Subsequently, students are required to submit to me a confidential written journal every other week, reflecting on their personal goals, their placement supervisor as a role model, and anything else they choose to discuss related to their placement experiences or the course.

I write detailed written responses to each “Self-Reflection Paper” and many of the bi-weekly journal entries. In these, I engage with students' personal struggles, questions, ambivalence, sorrow, or joy. I offer support and applause for their thoughtfulness and their passion, as well as their honesty about their suffering. Moreover, I offer larger perspectives, drawn from my own personal and professional work and awareness, which seek to help them see that their particular struggle likely has a way forward, that they are honorably along the path, and that there is a way to reconcile and grow one's spirit in this process. For instance, I have written,

You wrote that “I wonder now how many of us, in that laughter, buried beneath its sound the noise of fathers and husbands who broke down doors and smashed dishes against the wall.” Yes, I wonder too. And in particular I wonder if (you are saying?) your own experience of deep fear and deep pain in taking in this story reflects your tapping into your own experience as a child. That you lived in (some degree of) fear, and perhaps your mother did too. That on some level you knew this but buried it. And that, somehow, perhaps because you are more ready now, reading this horror story, and finding the piercing humanity (and frailty and confusion) in N’s letter, that reservoir of pain and fear opened up for you.

In some ways your clarity today that the emotional content of this work . . . is too much for you is really excellent. And I want to celebrate this clarity, and this affirmation of your *right* to “the pursuit of happiness.” Ultimately I don’t believe the world is helped more by your sacrificing your own happiness . . . , but I really do believe there is a spiritual truth that we all need to bring our greatest joy and happiness to the world, because that is what the world most needs.

It is clear that you are very torn between non-moral (amoral?) work and work that you can be passionate about, that helps people. I am not sure what the draw is for you to the corporate work, but for what it is worth, I distinctly remember when I worked at Jenner & Block finding some work which I did not have a passionate investment in to be very rewarding—almost *because* it was free of emotion for me. . . . It may be that over time you can find a career path that integrates some degree of moral passion with rich intellectual content (I certainly feel that my work does that), but not so much intensity that you risk losing your sense of boundaries and balance . . .

The heartfelt responses I have received from students over the years have confirmed for me the rarity and preciousness of this kind of input and support to law students who are trying to find their way in the field of domestic violence, and in law and life itself. My most profound “teaching moments” have occurred in these written exchanges. Students have written,

I want to thank you for a comment that you made in your response to Journals 3 and 4. You wrote to me, “You have both the smarts and the heart to bring powerful energy to work for change.” I want you to know that this was such a powerful reminder to me when I was going through a lot of strife earlier this semester, but it continues to help me. This is going to be my mantra going forward when I doubt myself, which can be often in an environment like law school. Thank you for reminding me of what I know deep inside to be true about myself. I am going to live up to it!

It never occurred to me that the goal was not to avoid the pain that this work could bring, but to deal with it . . . it makes me think/realize more seriously that the work I have chosen for myself will be hard in a different way . . . I am considering it more in terms of healing as I go, and going back for more . . . Thank you for giving us those readings. They have inspired me to approach my emotional responses to this sometimes painful work differently. I will be more mindful of myself and what is going on with me in the future.

I am learning just how prepared I need to be when I have to advocate for these issues, or if I ever work directly with victims. I may very well become sad, anxious, or angry. I may tune out as I think on my own experiences. I may not yet be prepared to do this work. All questions I had not considered before I met you. So thanks! I think I will be a better advocate and person because of it.

As a result of these types of exchanges, some students are able to come to terms with personal or family traumas that they have never resolved before; some are able to reconcile a relationship (such as with a parent who was herself abused), and many come to greater clarity about and faith in their own professional path.

Even when I started this course at the beginning of the semester, I was guilty of blaming my mother's Confucian values as part of the problem: I thought despite my father's physical, mental, and emotional abuse of her how could she accept these derogatory teachings about women? Did she truly believe these proverbs or were they just ideals that she herself grappled with in light of her own struggle with abuse by the men in her life? My DV final project has challenged me to explore and rethink my own attitude towards this value system I have dealt with throughout my life.

This clinical experience has been life and soul affirming. I'm so grateful to have participated and I want you to know that it has changed my life for the better. I now know that theory, passion, and beliefs can all function collectively in the legal realm. I know that emotional skills and interpersonal relationships matter for attorneys. I know that amazing people in the world exist who do amazing things. I know that the emotional health of the attorney matters. I know tools for self care and a whole host of new facts and legal tools. I know these things because you taught me . . . I will no longer deny my legal self.

After graduation, the last student wrote from her fellowship:

When I entered your clinic I was confused and afraid of my ability to fit within the legal world. As someone motivated by social change oriented goals, law school was often a tough space to feel like I belonged. Your clinic was the space I began to understand that I had unique tools that made me suited to do what I wanted to do, that who you are impacts who you are as a legal advocate, that wonderful people in the world like you exist and are doing change oriented legal work, and that you don't have to throw out your knowledge of social issues or your soul/emotional well-being when offering legal services.

The profound and personal quality of so many of the written exchanges has shown me that difficult topics, especially personal topics, may be *better* shared in writing, at a bit of a distance, than in person. Students feel safer in revealing vulnerable feelings in writing. Conversely, I am able to choose when I will sit down and read and respond, and to think carefully about how to respond, because I do so on my own time. And I find that explanation and contextualizing are easier for me in writing than in a face-to-face conversation.

Importantly, this process of personal exchange is not merely beneficial for students *personally*, although that is probably sufficient justification for it. In my view, this kind of personal exploration is also essential for domestic violence lawyers (and other professionals and service providers) *professionally*, because it is critical for us to avoid acting out our own unresolved issues on our clients or cases (Freedman, 2003; Meier, 1993). Thus, cultivating this kind of personal reflection and awareness is in my view at least as—if not more—fundamental a “lawyering skill” as learning to draft a brief.

Transcendence and healing through creative expression. In my own search for ways to sustain my commitment and energy for this work, and to restore my spirit after agonizing losses (especially those affecting children’s safety), I have found creative expression to be increasingly nourishing. I will illustrate this with a story which pre-dates the launching of the DVP. In the first year after my daughter’s birth, I had been on leave for many months. As my return to teaching loomed, I was asked – indeed, urged – to attend a one-woman play called “Three Roses.” The actress was Julie Portman, a woman and actor I had recently met, who had described her inspired need to produce this show to tell stories that demanded to be told of three women who had suffered profound personal abuse. Each story had come to her in a different mystifying, unpredictable, and even somewhat random fashion. At our lunch meeting, we discussed the possibility of producing the show at my university and other ways to distribute it to interested populations, including professionals and students working on domestic violence.

In my professional life, I was enthusiastic and interested. However, in my post-birth maternal contentedness, I wanted nothing to do with this topic. I was reveling in the joy, purity, and pure goodness of birthing a child. I did not want to pop that hard-won blissful bubble. After some deliberating, I decided to attend the performance. Preparing for my very first night out in my daughter’s first 6 months, I gritted my teeth, prepared my husband for the feedings, and took myself to the play, hoping it would not throw me into a vortex of pain and despair.

I came out of the performance in tears, but moved and opened. The stories did not all have uniformly happy endings, although each woman survived. Yet Julie’s work of art nonetheless enlarged me and my spirit, and allowed me to hold their agonizing stories in a spacious way that did not traumatize or depress me. Keats’ famous line, “Beauty is truth, and truth beauty” came alive for me that night, and I realized that by telling the truth of their suffering through a beautiful vehicle, Julie had transformed these women’s suffering and had enabled me to take it in without true suffering of my own. I suddenly recognized the transcendent potential of art and the power of meaningful artistic expression to expand our ability to sustain our relationship to suffering.

Incorporating Art Into the DVP Experience

The logical next step was for me to introduce the potential for transcendence through art into my clinic. My students, after all, often find themselves struggling with vicarious trauma, and/or traumas of their own past that are triggered by this work. It is not

unusual for students to reach a point around mid-semester, where they begin to feel intense frustration at the system or the clients and despair or depression about the state of the world. They may feel traumatized enough to seek escape by disconnecting from the work and the class, acting out in other ways, or becoming desperate for rescue. As their teacher, I cannot offer escape or rescue. Instead, I invite them to create something that expresses either their own feelings or the suffering they have witnessed in the work, as well as the joys, victories, and growth that they and/or their clients have experienced. Thus, for their “final project,” DVP students are invited to produce either a traditional research paper, a project that will be of value to an organization or advocates in the field, or a creative project that in some definable way responds to and works with their experience in the clinic. All final projects are presented to the class (as works in progress) in the last three classes of the semester.

The variety and creativity of work produced by students in response to this invitation has reinforced my appreciation of the value of artistic and creative expression, both as a healing modality and as an avenue for synthesizing experiential learning. Students have produced paintings, poetry, photo-essays, composed and performed guitar music, and more. In this process, I have seen them transform their own struggles and some of their clients’ struggles into something beautiful and expressive, allowing them to come to some degree of peace with their experiences. Moreover, by sharing these products or performances with the class, they have provided their peers and myself a chance to do the same:

Before we ended our discussion, mom enlightened me on an important part of the Trung Sisters’ story: the women were not fighting against the Chinese to prove their strength, but they were actually provoked by the recent news of the death of their husbands by the hands of Chinese warlords. In her view, it was out of love, respect, and obligation to the men in their lives that these women took to arms and became national heroes. Thus, in her view the national worship of the Trung Sisters as strong female heroes is not at all inconsistent with the treatment and expectation of women to serve the men in their lives under Confucianism. The meaning of the Trung Sisters story and what their legend means for the role of women in Vietnamese society is a subject of much academic debate and is a rich subject of exploration for my DV art piece, which will be titled “*The Obedient Wife*.” I cannot wait to share it with the class and get feedback on my work!

One student came to the clinic because she felt compelled to work in the domestic violence field as part of her own process of recovering and healing from her own earlier trauma. During the semester, she found the work too intense and depressing; she was unhappy in it. This student happened to be a fairly serious chef. For her final project, she created a “food flight” that consisted of a series of taste experiences, each of which related to aspects of the experience of abuse and working to escape or end it. The idea of using *taste*, as opposed to visual or aural inputs, to creatively express an emotional journey was completely new to me, and in its novelty—and its non-verbal nature—it had the power to shock and pierce all of us. Indeed, the *distasteful* pieces, and the sometimes sweet/sour or spicy/sweet tastes, were brilliant depictions of the complexity of abusive relationships. This student ultimately decided not to pursue

domestic violence work for the time being, with the thought that she may be better prepared to do it when she has had more time to heal her own wounds. I suspect that the power and success of her food flight helped her reconcile her own inner conflict over her professional path.

Another student experienced an intense roller coaster as she moved through the semester. Coming in with a passionate commitment to women's empowerment (in particular, in the reproductive rights area) and eagerness to work in the field, she had mixed feelings about her fieldwork experience. Although she valued working with clients, she also experienced some failures of the system and even of the lawyers for whom she worked. At the same time, she became increasingly enraged by several attacks on women's reproductive rights that were then in the political and media spotlight. She was saddened by the realization that legal responses were partial at best, and that domestic violence was rampant even in a more generalized immigrant/poverty caseload. At a certain point, she felt some despair and depression:

There's something lately about law school that has really been getting me down. Not just law school, but lawyering. Not just lawyering, but life. . . . What I feel like I'm finding this year, but especially this semester due to the classes I'm taking and my personal activities, is that the more I look at the world, the more unjust it is. The more I learn about why, the deeper rooted it looks. And instead of making me want to change it, it has just been getting me down. . . . I know we ended the class today talking about what we can do to help. We can fight on appeal, we can do policy and outreach. Currently I'm not feeling very satisfied with those answers though. It feels like we are trying to stop a wave with a toothpick. What I want is to find my optimism again, and to find my belief that enough people are good inside and we can overcome these strong biases. I hope I can find that.

With a variety of forms of support, this student rallied before the end of the semester. She found ways to bring beauty into her life (flowers, photography), she reconnected with important relationships, and she stepped back from the intensity of her distress about the state of the world. For her final project, as a serious amateur photographer, she chose to create a photo-essay about her own journey through the semester. Through beautiful visual and metaphorical images, she expressed both her sense of futility about assisting the endless numbers of victimized women and children, her frustration with legal failures to adequately respond, and her own personal despair. She then demonstrated the "interventions" that pulled her out of her psychic hole and despair about the world: Connecting with beauty, with her beloved cat, with her dear friend and sister, and some well-chosen words from her teacher (me). With this creative endeavor and a medium that she loves, she was able to not only *create* a visual expression synthesizing her own trajectory and growth through a difficult semester but also to *consolidate and synthesize* that growth. She came out the other side a bit sadder and wiser, but still committed to helping women and marginalized populations:

I want to close [my last journal] by discussing inner strength that I didn't know was waning when I wrote my first journal, and that I didn't know I would re-gain. Fall semester was quite difficult for me, and I realize through hindsight that I didn't fully recover, even after sleeping for most of the break. Then the Spring semester began

wearing me down, and my faith in both the world and in myself was shaken. I was lucky enough to have an incredible turnaround near the middle of the semester.

The class's experience in watching this presentation, the last one of the semester, was also one of synthesis. The student's slide show and telling of her own journey, helped all of us come together to honor each other's struggles and each other's growth in relation to this work and to lawyering as a whole. There are few experiences in the life of a teacher that are more fulfilling.

Conclusion

The DVP has nurtured students' awareness of the emotional and psychological challenges of work on domestic violence, of their own and other system players' reactivities² to the material, and of how to manage this challenge in the context of an effective professional life and a balanced and healthy personal life. Because the impact of working in this trauma-filled field is personally profound, the support provided by the DVP's structure is critical to students' ability to learn not only about lawyering but also about their own personal issues and reactions, vulnerabilities, and strengths in relation to the work. Moreover, because individuals' reactivity to these painful issues is a widespread source of system dysfunction (Freedman, 2003), teaching future lawyers to manage their reactivities and to know where they are in this work is, in my view, an essential domestic violence lawyering skill.

I have come to believe that, because of the intrinsic challenges of domestic violence lawyering, the hybrid approach, which allows students to develop their skills and grasp of the issue more gradually than in-house client representation permits, is a promising model for clinical teaching in the field. The DVP provides both a real-world lawyering opportunity for the students to experience the rewards and stresses of this work, and a seminar and a faculty mentoring relationship to facilitate reflection about the students' own experiences, what they observe, and what it all means for them. Through this supportive and challenging process, students grapple with the law, the practice, and themselves. More importantly, they deepen and grow. And so do I.

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Notes

1. Legal education's emphasis on the need to leave one's personal values and beliefs at the door, and to treat value-driven lawyers as legitimate only in the context of criminal defense work contributes to depression and discontent among law students and attorneys (Krieger, 2005; Krieger & Sheldon, 2004).
2. The term "reactivities" refers to strong personal and emotional reactions to professional situations (Freedman, 2003).

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