



UNDERSTANDING OUR Clients' Stories of Loss

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Facing tragedy is an inescapable part of being human—
as attorneys, our ability to empathize with our clients' process of grief
can make us better lawyers and better people.



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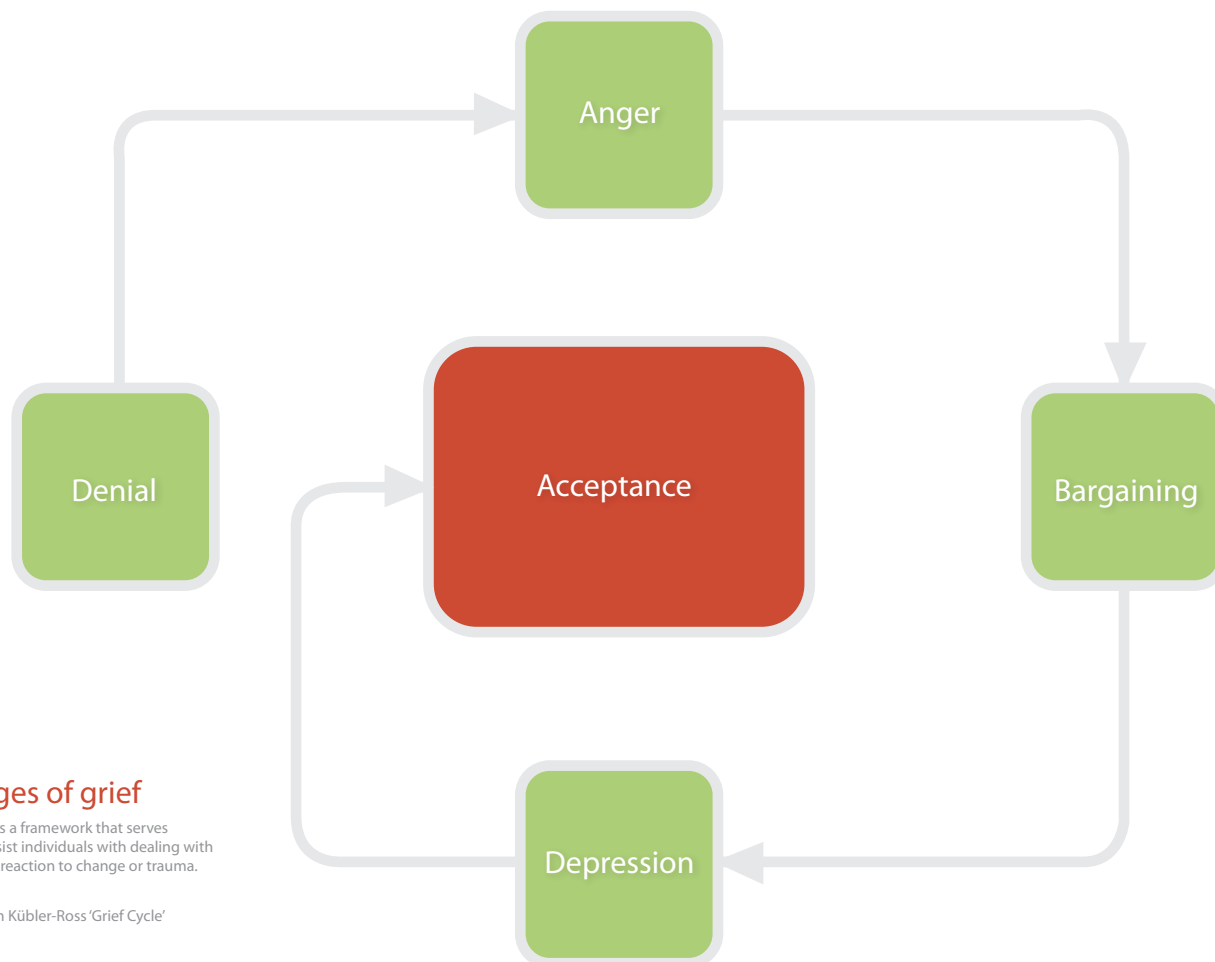
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Anyone who has dealt with tragic loss recognizes that grief has an isolating effect. The grieving person is distanced from human contact, and that only deepens their pain. We are advocates, not therapists, but we should realize that compassionate lawyering can — and should — reach through that barrier to the suffering person within.

We can help transform our grieving clients to adjust to the “new normal” of their lives, and in the process become better advocates on their behalf. Empathy is neither a weakness nor a distraction, but an essential component of comprehensive representation.

LOSSES

- Death to a loved one
- Disfigurement
- Paralysis
- Amputation
- Brain injury
- Career ending injuries
- Injuries severely limiting ability to perform day to day activities and enjoy life
- Less severe injuries



Five stages of grief

The 'grief cycle' is a framework that serves as a guide to assist individuals with dealing with their emotional reaction to change or trauma.

Source: Elisabeth Kübler-Ross 'Grief Cycle'

TASKS OF MOURNING—

J. WILLIAM WORDEN, PH.D.

- Accepting the reality of death and moving past denial
- Processing the pain of grief
- Adjusting to a world without the deceased
- Determining the role of deceased with respect to sense of self, self-esteem and self worth
- Find an enduring connection with the deceased while embarking on a new life

DEATH TO A LOVED ONE—

DEATH NOTIFICATION

- Unforgettable as to place, persons, expressions and words
- Beginning of a new chapter in lives of survivors—beginning of process of finding a new “normal”

STAGES OF MOURNING V.

TASKS OF MOURNING

- Linear progression?
- Passivity or action
- Victimization?

“MOURNING” LOSSES OTHER THAN DEATH

- Process similar to what occurs following death of a loved one
- Similar “stages” or “tasks”
- “Acceptance” or embarking on a new life following integrating the loss

Example—Paralysis

- Denial, disbelief
- Anger—towards self and others –unfairness, why me?
- Adjusting to a world without being able to walk or control bowel and bladder function
- What is the new “normal”

“LOSS” NOTIFICATION

- The moment when one realizes life will never be the same
- Powerful and emotional

Other Examples of “Loss” Notification

- Lost limb
- Horrible disfigurement
- Loss of “manhood”



309.81 POSTTRAUMATIC STRESS DISORDER

- A. Exposure to a traumatic event in which:
1. experienced, witnessed, or was confronted with event involving actual or threatened serious injury or death to self or others
 2. response involved intense fear, helplessness or horror
- B. Traumatic event is persistently re-experienced through:
1. recurrent and intensive distressing recollections of the event
 2. recurrent distressing dreams
 3. acting or feeling as if event were recurring (reliving, illusions, hallucinations)
 4. on exposure to internal or external cues of the symbolic event, intense psychological distress or physiologic reactions
- C. Persistent avoidance of stimuli associated with trauma and numbing of responsiveness, including:
1. efforts to avoid thoughts, feelings, or conversations about event
 2. efforts to avoid activities, places, or people that arouse recollection of event
 3. inability to recall important aspects of trauma
 4. diminished interest in life's activities
 5. feeling of being detached or estranged from others
 6. restricted range of affect
 7. sense of foreshortened future
- D. Persistent symptoms of increased arousal, including:
1. sleep disturbance
 2. irritability/outbursts of anger
 3. difficulty concentrating
 4. hypervigilance
 5. exaggerated startle response
- E. Duration of symptoms from B, C and D is more than 1 month

EMPATHIC LISTENING— CAN LAWYERS DO IT?

- Empathic—communicating the desire to understand from other's internal frame of reference
- Acceptance of other
- Unconditional positive regard
- Communicating that one values and respects the other

