

**THE RULES OF CIVIL PROCEDURE & LITIGATION
IN THE EYES OF SURVIVORS**

It Is a Foreign Language in a Scary Land with Delays and Denials

YOU COMMUNICATE	CLIENT HEARS	POSSIBLE TRIGGER	NOTES
<p>“The Defendant will be Served” <i>(FRCP 4)</i></p>	<p>S/he will know I’m standing up to them. I’m scared/worried “Was this a mistake?”</p>	<p>Nervousness & anxiety around finally standing up to Perpetrator Concern Fear of retaliation</p>	<p>Let your client know When where and how. Some perpetrators may retaliate, if in family – family members may blame, shame, etc.</p>
<p>“Case has been Removed to Federal Court” <i>(28 §1441)</i></p>	<p>My perpetrator “took it away.” “Eliminated it” It’s gone.</p>	<p>Loss of voice, power, and control, panic</p>	<p>The term “Federal” is likely to alarm survivors as it sounds serious</p>
<p>“The Defendant Answered the Complaint” <i>(FRCP 8)</i></p> <p>All have tons of denials</p>	<p>“Rejection “ “You are a Liar” “You are crazy”</p>	<p>Not Believed Not Valued</p>	<p>Sharing that denials are commonplace in Answers Denials are typical</p>
<p>“The Defendant filed a Motion to Dismiss” <i>(FRCP 12B)</i></p>	<p>“Ordered to Leave” “Unworthy of serious consideration” “Unworthy” “Rejection”</p>	<p>Not Believed Insignificant</p>	<p>Share that this is typical Go through the timing. 30 days, etc. <i>(except for non-waived)</i></p>
<p>“The Defendant has Noticed your Deposition” OR “They are requesting an IME” <i>(FRCP 26)</i></p> <p>(Even in prep)</p>	<p>“The Defendant will hurt me again” “Feel put under a microscope” “All my scars & pain exposed, and analyzed”</p>	<p>Not Believed Consented Not Valued Not Credible</p>	<p>Stress response may be triggered</p> <ul style="list-style-type: none"> • Distracted • Memory • Disassociation • Fear • Anxiety/panic
<p>“We should consider Settlement.” “We should mediate”</p>	<p>“You don’t believe me” “The case is weak” “You think I have exaggerated” “You don’t trust me” “Others won’t know”</p>	<p>Not believed Insignificant Relief Overwhelmed Angry</p>	<p>+Reinforce that you believe your client. +Victim statements -> mediator help survivors feel heard/heal +Sadness as it is never really resolved.</p>
<p>Trial</p>	<p>“Will the perpetrator be there?” “Will the judge believe me?” “Will the jury believe me?”</p>	<p>Most survivors share that just being around the perpetrator or institutional leaders that failed them may trigger sadness, fear & anxiety</p>	<p>Survivors will need support mechanism in place – family, friends, therapist, (calming objects, jewelry, or photos)</p>