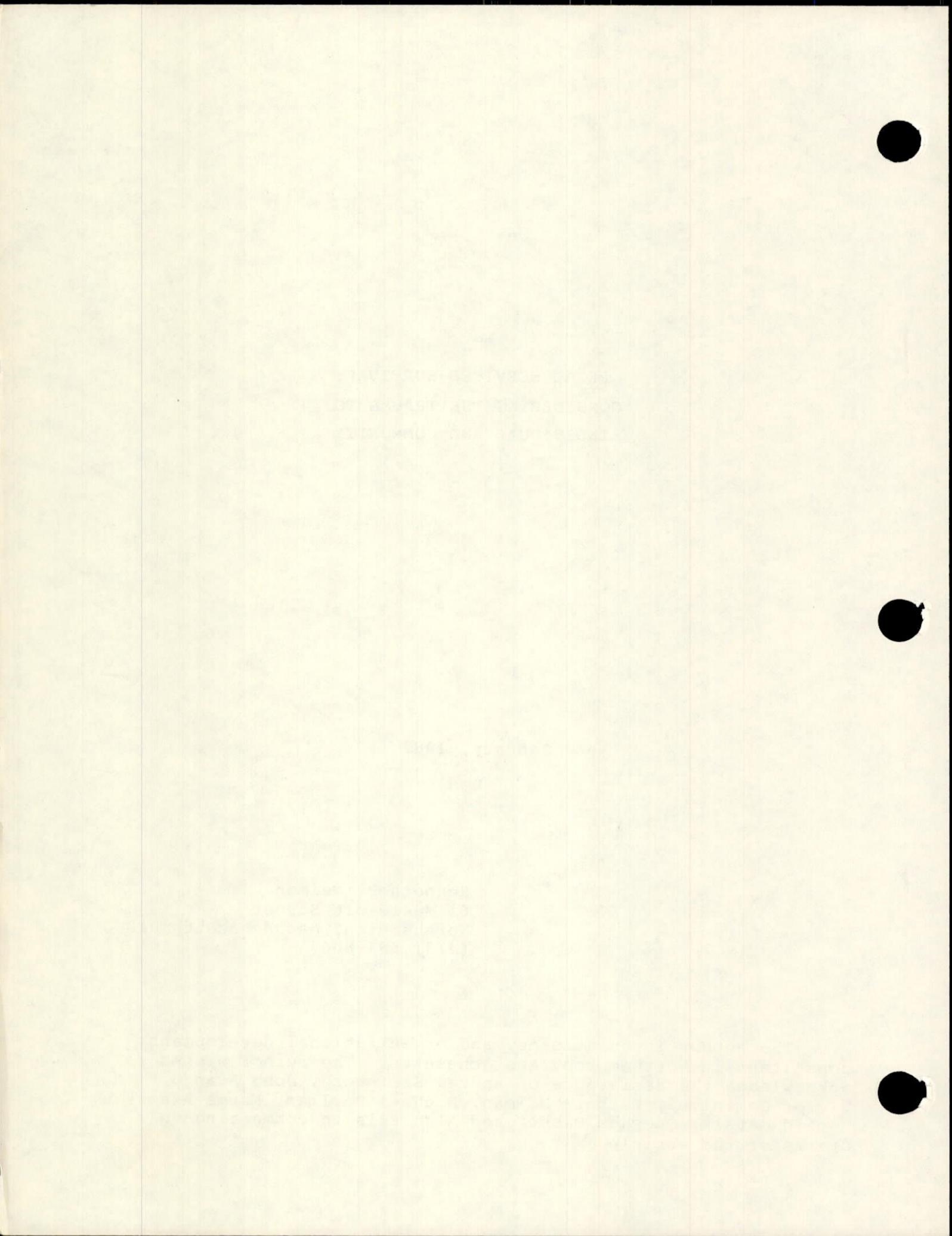


LEGAL SERVICES SURVIVAL:
CONSIDERING THE TRAUMA TO
INDIVIDUAL AND COMMUNITY

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Legal services is now in the midst of an upheaval touching all aspects of its organizational existence. The new administration planned to end the legal services program together with other social services. At best, individual states would be given the choice and financial responsibility to provide legal assistance to the poor. Had that occurred, legal services no doubt would have died. The organization and its supporters responded quickly to this threat, and it now appears that legal services will survive, albeit in a somewhat transformed state. Nonetheless, the internal legal services community of lawyers, legal workers and support staff has been traumatized. It is not too soon to consider and address the effect of this trauma both on the individuals within that community and on the community itself.

Some individuals will leave the community, whether involuntarily, based simply on organizational finances, or voluntarily, having used the moment to reassess their own needs and goals. For the most part, programs have carefully considered the needs of these individuals by formulating a variety of "out-placement" strategies, lay-off policies, severance pay and benefits. Relatively little attention, however, has been focused on those who remain. They may know where the program's offices will (or won't) be; they may know how services will be delivered. But how will it feel to be a survivor? What is to be done with the sense of loss, the loss of identity, the loss of community? Will the legal services community be able to survive the disaster?

"Disaster" is a strong word to use in this context, particularly given those worldly events of obviously greater impact. As with everything, however, events which personally touch us loom

large. There is, in fact, a direct attack on the philosophical, social, ideological and ethical underpinnings of legal services. The political power balance has shifted. The very heart of legal services is undergoing major surgery; the body cannot help but be traumatized.

Kai T. Erikson in his book Everything in its Path, (Simon & Schuster, 1976), a study of the destruction of community in the Buffalo Creek, West Virginia, flood of 1972, defines "disaster" as an extraordinary event having two essential aspects: "first, that it does a good deal of harm, and second, that it is sudden, unexpected and acute." (p. 253) Both aspects are present in legal services. The events of the past year have been sudden. Few expected either the strength of the new conservatism or the power of the new administration to effectuate its philosophy. It is certain as well that the organization and the clients it serves have been significantly harmed. The essential elements of disruption are present.

There is the clear possibility as well that these conditions may last for some time. Witness the actions of Congress, the fluctuations in possible funding levels, the variety of statutory restrictions. Add the loss of funding and political attacks at the local level, and it becomes clear that legal services is living in a state of ambiguity. Long term survival is uncertain. Such chronic conditions, Erikson believes, can also induce trauma; events which have "the capacity to induce trauma but that do not have the quality of suddenness or explosiveness normally associated with the term" (p. 255) may nevertheless be disastrous, i.e., the traumatic effect without the shock.

It may in fact be depressing, perhaps counter-productive, to consider the year's events as trauma, to contemplate the loss of community, to look for scars. Indeed, the legal services community has shown great strength during the last year. The fight for survival has been vigorous and coordinated, the "old" spirit revived. In addition the impending reductions were often used as an opportunity to reassess past work, to tune more finely the delivery of services, to create new alignments with the client community.

For the most part, however, such efforts focused on political and structural changes and less so on individual and organizational trauma. While careful structural and political planning may have eased this trauma, such planning alone will have failed to deal with its full scope, no matter how sophisticated the political analysis, or how wise the structural redesign. Legal services programs must understand that a transformed legal services will entail significant changes not merely in the quality of services to clients, but in individual and community values within the organization. The legal services community must independently consider as well the psychological disruption of the internal organizational community. To ignore the trauma or deny its debilitating effect will only delay the need to deal with it in the future. Current retrenchment efforts can still be sensitized and specific organizational efforts can be designed to ease the trauma to the legal services organization and its surviving members.

TRAUMA

When analyzing the aftermath of the Buffalo Creek flood, in which a community was destroyed and lives lost, Erikson describes individual trauma and collective trauma. He defines individual trauma as "a blow to the psyche" as a result of shock: "individuals withdraw into themselves, feeling numbed, afraid, vulnerable and very alone." (p. 154) Collective trauma is defined as "a blow to the basic tissue of social life that damages the bond attaching people together and impairs the prevailing sense of communality." (p. 154) Collective trauma may not be sudden, but, "it is a form of shock all the same, a gradual realization that the community no longer exists as an effective source of support and that an important part of the self has disappeared." (p. 154)

The following analysis utilizes, with modifications, the framework created by Erikson. While the particulars of the events of Buffalo Creek and legal services differ, and while there are certainly other models with which to interpret the situation, Erickson's framework provides a unique perspective for understanding the full scope of the legal services dilemma.

INDIVIDUAL TRAUMA

"Most of the survivors responded to the disaster with a deep sense of loss, a nameless feeling that something had gone awry in the order of things, that their minds had been bruised beyond repair, that they would never again be able to find coherence, that the world as they knew it had come to an end." (p. 159)

Hopelessness, Numbness

An individual's trauma may result in hopelessness, a loss of energy, a "psychic numbing." (p. 164) Legal services has obviously had a strong ideological component; community members hold fairly uniform political and social beliefs. In a relatively short time, legal services grew from a fledgling into a respected force. Animosity towards it diminished or went underground. Individuals felt safer, less vulnerable to external antagonisms. Funds expanded. Political support was there. Given that history, the sudden political reversal cannot help but cause community members to sense that something is awry in the order of things. Although the survival effort has proven effective, total success has not been achieved. The loss is significant. Funds have been reduced. Compromises have been made. The political vise has turned. The future remains uncertain.

Guilt and Blame

"It is one of the ironies of human life that individuals are likely to regret their own survival when others around them are killed in what seems like a meaningless way, in part because they cannot understand by what logic they came to be spared." (pp. 169-170)

The notion of such survival guilt has been considered in the legal services context. However, unlike sudden and arbitrary death by disaster, there is neither real death nor total capriciousness in the legal services context. Those who have left have done so either out of choice or because of some logic, presumably, in the retrenchment process. They have in fact survived,

feeling some sense of loss, guilt perhaps for having abandoned a commitment to the mission of legal services, but often sensing a new beginning as well. Those who remain may, to varying degrees, also feel a sense of loss. It is as if there has been a death in the family. The office next door is vacant. There are two less cups at the coffee pot.

If a program's lay-off policy was illogical or unfair or even unknown, however, those who remain may in fact come to feel the nameless illogic of their own survival. Those who actively or even passively manipulated the lay-off process, and survived, may carry with them a conscious guilt. Poorly managed retrenchment no doubt will take its toll in human terms.

There is another aspect of survival, perhaps more insidious and problematical, worth noting in this context:

"The counterpart to guilt, of course, is blame, and those survivors who had thought the matters through and consulted the stirrings of their inner selves often found that they were privately holding others to account for what happened, and their realization, in turn, became but another source of guilt." (p. 172)

Survivors may blame themselves for the outcome of retrenchment (if only I had advocated more forcefully for so-and-so, for that office, for that process) or they may blame another in the community (the director wrongfully fired so-and-so, the Board did not act quickly enough), or even one who has left (he could have stayed if he wanted, she abandoned the program, I always knew they didn't have the commitment). Blame at least identifies, however tenuously and temporarily, the cause of the problem, the reason

for having to survive under difficult conditions. There is a real cause, certainly, a significant shift in the political power balance. But that may be too vague, too distant, to explain the immediate.

Loss of Identity

"I have a new home right now, and I would say that it is a much nicer home than what I had before. But it is a house, it is not a home. Before, I had a home." (p. 175)

So said a survivor of the Buffalo Creek flood. Similarly, individuals in legal services are having to find new houses, both literally and figuratively. Offices are being closed, personnel being shifted, smaller space being sought. Formal and informal relationships are being disrupted. Whether the new house will become home depends on the people involved, the quality of the old home, the state of the current environment.

Another "home" has been disrupted as well, the individual "state of mind" with reference to the community: its nature, its norms, its beliefs, its culture, the individual's investment in the organization which transcends the organizational mission. The community is becoming smaller, it will have a modified role and it will exist in a different environment, one which is apt to change even more as the formal leadership changes. The old home, that consciousness of the legal services culture, "was a measure of security, an extension of self, a source of identity." (p. 175) It was "the outer edge of one's personality, a part of the self itself." (p. 177) Clearly, the greater the degree of

individual investment and identification, the greater the sense of individual loss. Several factors are at play: the extent of specific restrictions, the depth of the financial cuts, the nature of the new leadership, the degree of control which individuals attempt to assert over their environment during the transformation. To whatever extent legal services is altered, to that degree a new ideological home will be formed. Some individuals may no longer feel at home and will leave. Some will feel perfectly at ease; some will not, but will live in the house anyway.

Vulnerability

"No, I'm just going to get out of here. I can't get the idea out of my mind that this whole damn place is going to fall apart one of these days." (p. 179)

Legal services survivors may well sense that they too are vulnerable, that the future holds their own demise. Individuals have come to know, perhaps, the vulnerability their clients have known for some time. In fact, individuals may become too cautious, unwilling to take risks:

"The survivors of a disaster, of course, are prone to overestimate the perils of their situation, if only to compensate for the fact that they underestimated those perils once before; but what is worse, far worse, is that they sometimes live in a state of almost constant apprehension because they have lost the human capacity to screen the signs of danger out of their line of vision." (p. 234)

The confidence and security of the past are being shaken. Forming new individual relationships within the organization may provide sources of solace and strength, but creates the potential for new losses as well: the people of Buffalo Creek "were not sure how to relate to one another. They were unsettled and deeply hurt." (p. 189)

COLLECTIVE TRAUMA

The trauma is communal as well; it affects the "network of relationships" that make up the community (p. 187), the shared "state of mind" (p. 189):

"The difficulty is that when you invest so much of yourself in that kind of social arrangement you become absorbed by it, almost captive to it, and the larger collectivity around you becomes an extension of your own flesh. This means that not only are you diminished as a person when that surrounding tissue is stripped away, but that you are no longer able to reclaim as your own the emotional resources you invested in it." (p. 191)

Legal services has had long enough to develop into a community, a confederation of communities, if you will. In fact, legal services has prided itself on that community feeling, borne along in part by being outsiders to the community at large. Obviously, this sense varies significantly from program to program. Inter and intra program rivalries and tensions abound - every community has its feuds. But the shock to the system has been no less real. It has awakened the community to its own vulnerability, it has required the community to reassess its mission, and has forced the

organization to look inward, to adjust. The "good old days" are gone. The boundaries of understanding are changing. Such change does not come easy.

Unlike Buffalo Creek, however, the community has not disappeared and is not likely to in the near future. A core of familiar faces remains, the work stays essentially the same. But the values of the community are being challenged, and the new legislative conservatism is requiring change. Even if an individual's trauma is minimal, the larger community is being altered. Things will not be quite the same again. "There's a part of us all missing somewhere." (p. 196) Erikson speaks of a disaster syndrome:

"The symptoms that make up the disaster syndrome . . . are the classic symptoms of mourning and bereavement. People are grieving for their lost friends and lost homes, but they are grieving too for their lost culture surround; and they feel dazed at least in part because they were not sure what to do in the absence of that familiar setting. They have lost their navigational equipment as it were, both in their inner compass and their outer maps." (p. 200)

One curious aspect of the syndrome is a "stage of euphoria" - "a sudden and logically inexplicable wave of good feeling that comes over survivors shortly after the disaster itself." (p. 200) There appears to be no such dramatic euphoria in legal services - the trauma has been more chronic than acute. Yet aspects of a euphoric feeling persist nonetheless. Legal services is in fact surviving and the community cannot help but feel encouraged. It is surviving because of tremendous self effort and efforts of friends. Good feelings abound. Finally, in a

self-conscious way, many programs are cleaning house, clearing the attic of inefficient systems, worn ideologies, tired staff. The trauma has, in a curious way, been somewhat energizing.

Nonetheless, as described by Erikson, a disaster can produce an on-going loss of community morale, disorientation, loss of connection and identity, illusions of safety. In short, the community psyche comes to exhibit all the disaster trauma experienced by individuals. Organizational depression may set in "at least in part, [as] a reaction to the ambiguities of the post-disaster life . . ." (p. 204):

"Most of the survivors never realized the extent to which they relied on the rest of the community to reflect back a sense of meaning to them, never understood the extent to which they depended on others to supply them with a point of reference."

Obviously, the less drastic the financial cut and the less restrictive the political constraints, the less likely will be the disorientation and depression in legal services. Under such circumstances, the community will have more resources from which to draw its strength. Yet it is possible, and the community is well aware, that the condition may in fact be chronic, that efforts to destroy it may continue. And the community may well come to feel, as a matter of survival, that the adjustments in service delivery, the greater involvement of the private bar, the restrictions, are in fact necessary, if not acceptable or appropriate.

"One of the crucial jobs of a culture is to edit reality in such a way that it seems manageable, and that can mean to edit it in such a way that its perils are at least partly

masked. It is a precarious world, and those who must make their way through it without the capacity to forget those perils from time to time are doomed to a good deal of anxiety." (p. 240)

The community's state of mind will have changed for better or worse.

A new era will have begun. The community may come to speak of B.R. and A.R., before and after retrenchment. New staff may be hired, a "land of strangers" may arise "with no one to talk to about the past, no one to share what is left of the future, and no one from whom to draw a sense of who they are." (p. 216) Individuals may choose to become more isolated, decision making could become more difficult, tensions may mount between community members, trust may diminish. Programs and individuals may project onto one another all the frustrations, the blame, the powerlessness which the situation creates. The new conservatism may well destroy legal services, not so much by cutting its funds or restricting its work, but by fragmenting the community. The community will no longer be fully able to protect its members, to provide an ideological womb, a safe haven: "The community can no longer enlist its members in a conspiracy to make a perilous world seem sane." (p. 240)

POSSIBLE FUTURE STEPS

Programs are at many different stages of retrenchment, planning and redesign. Many programs have been aware of and sensitive to individual and organizational trauma. Others have not. In the future, programs need to recognize the effects of collective

trauma and be sensitive to the emotional impact on individual members of the community. In light of the imminent need to address these matters, there are a variety of specific actions which a program might consider:

1. Rededicating the organization to its mission: The strength exhibited by legal services in the past year has resulted directly from commitment to its mission. However, retrenchment will affect not only structural aspects of the organization but, by definition, the organization's very mission. A program's mission may well be altered by, if nothing else, the new restrictions on legal services work. By explicitly understanding its mission and by formulating its goals and strategies, a program will have a clear idea of its future work. This can take the form of a retreat or days set aside for carefully planned formal group discussions. The mission may or may not be altered; yet such discussions can enable individuals and the organization to be future oriented, to avoid getting stuck in depression over loss, to achieve a re-orientation. A program can exert control over its future by rededicating itself to its mission, assessing and establishing its priorities, and refining its service delivery methods.

2. Saying goodbye: Whatever the degree of loss, it is important both individually and organizationally to acknowledge it and say good-bye. It would be useful, for example, both for those who are leaving and those who are staying, to formally acknowledge the passage - a written farewell, a party perhaps, the rituals of goodbye. By marking such endings and beginnings, the organization can move forward, recognizing the loss as well as the responsibility to carry on.

3. Maintaining links: It will be important, as well, to maintain communication with those who have left. There is no real useful need to blame the problem on either the survivors or those leaving. The problem has been caused by outside forces and any barrier created between old and new members of the legal services community would be unnecessarily artificial. Those who have left may be a source of strength were the assault on legal services to continue, and they may, on a very practical level, be able to provide counsel and assistance on individual matters. They can also serve as a bridge to the greater community.

4. Discussing the problem: Discussions focusing on the organizational and human dynamics of survival may prove particularly useful. Such discussions will no doubt occur on an informal basis anyway, over lunch, to and from work. Yet more formalized discussions might not only clear the air, but might bring individuals to a mutual understanding and recognition of their common situation and feelings. A group process consultant may assist in this phase. Self-isolation may be reduced, wounds mended. Discussions might also serve as a step toward creating and refining new internal organizational systems of communication, supervision and support in order to minimize distrust and rebuild the community.

5. Maintaining the health and strengths of the past: Obviously not all is lost. Legal services has survived because of its adversarial skills and its real past successes. That success has in fact grown from inner organizational strengths: commitment of staff, conscious decision-making, strong leadership. Program by program, particular strengths can be identified through organi-

zational self-assessments, and specific plans for organizational development enhanced.

6. Fostering leadership: It is not easy to be a leader in these times. Nonetheless, strong leadership, sensitive to the organizational and human plight, can and must provide direction and vision for the community, a rationale for forward movement and support for staff. The course of an organization may seriously drift in the absence of leadership. The community needs to feel it has a future. Program directors should create close internal management teams and maintain external networks with one another.

CONCLUSION

The financial cuts to legal services may not be that deep. The restrictions on organizational activities may be serious but not crippling. The tide may turn, perhaps not. Nonetheless, specific acknowledgement of trauma is necessary if only to enable the community to understand all that is happening within and to plan specific efforts to meet the present challenge.

"What happened on Buffalo Creek, then, can serve as a reminder that the preservation (or restoration) of communal forms of life must become a lasting concern, not only for those charged with healing the wounds of acute disaster but for those charged with planning a truly human future." (p. 259)

