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Getting Attorneys and Public Mental Health Therapists to Trust Each Other

Attorneys and therapists need each other to effectively advocate for their client, say Daniel Pollack, an attorney and professor at Yeshiva University's School of Social Work in New York, and Sue Radcliffe, a mental health therapist with the Dorchester County Health Department in Cambridge, Maryland.

By **Daniel Pollack & Susan Radcliffe** | January 06, 2021 at 05:30 PM



Public mental health attorneys provide legal services to people experiencing mental health issues, often with an emphasis on obtaining government benefits and services, protecting rights, fighting discrimination, and providing technical assistance to consumers, other mental health advocates, and professionals. Public mental health therapists are responsible for providing clinical assessments, counseling, psychotherapy, and supportive services. Their caseload may include adults, children, and families experiencing mental health crises, issues, or conflicts. The overlap between the two job descriptions is obvious. So why does it sometimes seem there is not a full measure of trust between the two? Regarding what issues does this happen, and what can be done about it?

Interactions don't have to be contentious

Most public mental health therapists have limited interactions with attorneys. For some, their only experience with the legal profession is what they see on television and the internet. For the most part, therapists have had no specific training on how to testify. The protocols and language used in the courtroom setting are awkward. The perception that attorneys twist words, try to confuse witnesses, and are “out for blood” is real for some therapists. This sort of strategic, linguistic fencing is something most therapists try to avoid, and also try to help their clients avoid. The language difference of the two professions can create discomfort, which can translate to distrust.

Therapists are concerned that they are going to be asked to talk about their treatment sessions in court, and possibly destroy their relationship with their client. Tsushima and Anderson note in their book [*Mastering Expert Testimony*](#) that “...many have an appropriate fear of dealing with a strange and unknown professional experience. Others look on testifying with painful levels of anxiety and apprehension, with the perceived threat of being publicly embarrassed or feeling helpless... (p. 2).” Being cross-examined when the therapist is looking for the hidden meanings in questions creates an extreme amount of anxiety. This makes it difficult to respond to questions clearly and understandably. Dr. Allison Bell sums it up well in her *Psychology Today* [blog](#): “Mental health professionals are not schooled or trained in legal matters and are often quite ignorant of the laws and statutes that govern their jurisdiction... In fact, most mental health professionals who sense or hear that a family is headed toward litigation will refuse to become engaged in treatment, for fear of becoming entangled in the polarization and threats to confidentiality that litigation creates.”

A clinical program director with a rural outpatient mental health clinic in Maryland, echoes Dr. Bell's sentiments: “I have not gotten nearly enough training about going to court. The last few times I have been to court it has been a disaster. I was working with a child who had trust issues and it was difficult to establish rapport. One of the attorneys wanted me to come to court. I told her that it would ruin the therapeutic relationship. The attorney still brought me into court. I told the

child that I was going to court. She subsequently refused to talk to me about any clinical issues and wound up transferring to another therapist.” She voices her frustration regarding what she perceives as a lack of trust by too many attorneys for the therapy profession. This program director has had incidents where she was subpoenaed to court without any communication with the attorney prior to meeting in the courtroom. This creates anxiety and frustration in an already nerve-racking experience. She relates that “there is such a blatant disregard for my education, training and expertise. Even when I am called as an expert witness, it feels like we’re on opposite sides.”

Feelings are not facts. So much of a therapist’s skills are related to their experience and being in tune with how others feel. Therapists sometimes fail to realize that emotional expression and instinctive reactions may be crucial in the clinical setting, but do not hold up in court.

Therapists do not generally embrace testy or controversial exchanges. On the contrary, they are taught to figure out other ways to address conflict that does not involve argumentative tones.

It’s all about communication

Acknowledging a common goal is a crucial starting point. Some things to keep in mind:

- Just as attorneys have the ability to weave in important information and facts, therapists really do have clinical insights and explanations into complex mental health situations.
- Collaborating can help develop a plan which causes the least amount of stress and trauma for a mutual client.
- Trust can be created by discussing each other’s expertise. Many therapists hold certain certifications or specialized training. Figure out how these may be advantageous in court.
- Mental health therapists communicate best verbally. A simple phone call can be more effective than email exchanges.

- Joseph Steinburg [notes](#) in his article about the similarities between therapists and attorneys: “Take a lawyer to lunch and take a therapist to supper” when working together. In other words, it takes time to earn and build trust.
- Ask a therapist about their experience in working with attorneys. How was the interaction? Was anything confusing? Attorneys can ease any negative past interactions a therapist may have had by expressing appreciation and value of their role with the mutual client.

Attorneys may take for granted the norms and culture of their profession and not think enough about communicating legal protocols to a therapist. Communicating simple things such as where to sit, what to wear, what will happen, and who the key players are in the courtroom, can help alleviate fears and anxiety of a therapist.

Conclusion

Attorney Adam David Rossen writes in his [blog](#): “Attorneys are given absolutely no training on how to work with mentally ill or addicted clients. We don’t know how to recognize signs that a client is on the verge of relapse, and we don’t always know when to take comments that seem like passing thoughts seriously.”

Attorneys and therapists need each other to effectively advocate for their client. Both professions come with distinct skills. Together, they can create a mutually beneficial relationship and a perfect balance of advocacy.

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