

How Attys Can Use A Therapy Model To Help Triggered Clients

By **Jennifer Gibbs** (May 5, 2025)

Since between 90%-95% of litigated cases settle before trial, effective negotiation skills can be the bedrock of success for lawyers.

Settlement allows both parties to avoid the uncertainty and costs of protracted litigation. Thus, lawyers must understand that certain situations require different negotiation styles, and understand how the client's state of mind affects the negotiation process.

In particular, it is necessary to understand — and know how to manage — a triggered client. Trauma-informed legal training is becoming increasingly popular in both the U.S. and abroad. Indeed, La Trobe University Law School announced in March that it was "seeking to implement and evaluate the impact of trauma-informed legal training in Australia."^[1]



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The widespread use of so-called trigger warnings illustrates the recognition that humans get triggered, or upset, in response to certain situations or content. Some people are triggered more often than others, and some experience more severe reactions to triggering content than others.

This article discusses how attorneys can use key principles from a psychotherapeutic paradigm known as the "Internal Family Systems" model in order to help triggered clients.

Understanding Triggers

According to psychotherapist David Richo, triggers commonly arise when someone feels self-conscious, discounted, controlled or like they are being taken advantage of.^[2]

"Triggering ... usually manifest[s] as feeling furious, hurt, overwhelmed [or] ashamed," notes Daniel Kingsley, director of Presence Training, and it typically involves a quick reaction "disproportionate [in degree] to the offense caused."^[3]

When someone is triggered, their brain often goes into survival mode. "And when someone's 'survival brain' has been triggered, that turns off the prefrontal cortex — the brain's reasoning center," according to Eva Klein, associate director at the American Bar Association's Center on Children and the Law.^[4]

Although most lawyers are not trained to determine, in a clinical sense, whether a client is feeling triggered, signs that a client may be triggered include (1) lashing out, (2) demonstrating difficulty understanding and answering questions, and (3) developing a flat affect, and appearing to have checked out, Klein notes.

Because triggered clients cannot access the brain's reasoning center,^[5] this can seriously impair the chances that they will be able to engage in a successful negotiation.^[6]

Anyone who has been around the courtroom or the negotiation table a time or two knows exactly what triggered behavior looks and sounds like, and it rarely leads to a positive outcome for either side. Indeed, it's not unusual to witness mediations involving various levels of aggression; belittling, disrespectful or disparaging comments; or even bold misrepresentations.^[7]

Internal Family Systems Model: An Introduction

One method for exploring the basis for triggers that may hinder the negotiation process is by studying the IFS model — a therapy model created by Richard Schwartz.[8]

IFS is one of the fastest-growing approaches to psychotherapy.[9] This model has also been used by Harvard Law School professor David A. Hoffman in teaching negotiation skills to both law students and mediators.[10] What is so powerful about the IFS model is that it "is intuitive and nonpathologizing," Hoffman notes, and built on the principle of empowerment, versus a medical model.[11]

The IFS model involves helping people heal by listening inside themselves in a new way to different "parts," i.e., internal aspects of the self that "may be experienced in any number of ways — thoughts, feelings, sensations, images, and more," according to Schwartz. In the process, people can unburden themselves of extreme beliefs, emotions, sensations and urges that constrain their lives.[12]

Once they are unburdened, people are better able to lead their lives from a centered, confident compassionate place — the place most lawyers would like their clients to be when negotiating a settlement.

Although the word "family" in IFS might initially lead one to believe the model is about family relationships, it is actually "about the internal, family-like relationships of our 'parts,'" that, when in conflict, can "influence[] our thinking and behavior at the bargaining table,"[13] Hoffman says.

He continues, "Experienced negotiators know that not only is much of the negotiation process driven by emotion, but also that the most difficult negotiations are often those that take place internally." [14]

At first, it may be difficult to wrap one's head around Schwartz's use of the word "parts," but the general idea isn't entirely new. In fact, Plato used the term "parts" in analogizing the "two horses" to positive and negative energies,[15] and Sigmund Freud similarly described the personality by using parts — specifically, the id, the ego and the superego.[16] A more recent example of inner parts is the 2024 Disney Pixar movie "Inside Out 2," which was apparently based upon the IFS model.[17]

Under the IFS model, there is no set number of parts, and there is a recognition that each part serves us in some way. A common IFS statement is, "There are no bad parts." [18] But some parts are more extreme than others, and parts can take on opposite roles, e.g., the proverbial angel on one shoulder and devil on the other.

Parts under the IFS model are organized into different categories: Exiles carry our wounds and shame. Protector parts do just that — they protect the exile. Two distinct types of protector parts are managers and firefighters. Managers are proactive and seek to prevent reinjuring old wounds, while firefighters are reactive, seeking to counteract the pain of reinjury.[19]

These parts play a big role in how people respond to triggers. It is not that difficult to identify when a person's exile, manager or firefighter parts are triggered, because the person will generally exhibit an intense emotional or psychological reaction to an external factor. Simply, the person might act out of character.

The "self," meanwhile is the core of the individual, operating at a "[d]ifferent level of entity than the parts — often in the center of the 'you' that the parts are talking to or that likes or dislikes, listens to, or shuts out various parts," according to Schwartz. The self is characterized by what Schwartz refers to as the "8 C's" — compassion, creativity, curiosity, connectedness, courage, confidence, clarity and calm.[20]

"When we are self-led," Hoffman notes, "we can connect with the 'self' ... in others," and amicable resolution — or any resolution — is more probable. At the very least, it allows one to navigate the world with an understanding of triggered behavior, without severe overreaction or judgment.

It is important to note that IFS does not create a model of the personality, but is merely a method to describe what we all experience in daily life — both in and out of the courtroom or mediator's office. Most lawyers have dealt with a triggered client or opposing counsel. And many lawyers have been triggered themselves by an unfair ruling or a contentious phone call.

How Lawyers Can Put IFS Into Practice

Knowing that your client is triggered is only half of the equation. Knowing how to recognize and speak to the triggered part can be the critical difference in avoiding a failed negotiation.

For example, imagine working with a client who recognizes the costs and risks associated with taking a case to trial, but who also has strong feelings about paying anything more to settle the case.

Using the parts theory of IFS, the attorney or mediator can recognize this conflict and say something like, "It sounds like a part of you wants to settle, and another part doesn't want to pay another dime." Recognizing the conflicting parts can develop trust and rapport with the client by "engaging the components of ambivalence and resistance directly," according to Hoffman.[21]

Additionally, a protector part might show up at the bargaining table and hinder the process — for example, someone's manager part may want to run the mediation, or their firefighter might want to blow up the deal before lunch, or worse, engage in a fistfight in the parking lot. If this happens, the attorney or mediator can suggest that this part take a step back for the moment and allow the self — with calm, confidence and control — to engage in the negotiations. This often has positive results.[22]

In practice, the attorney might say, "Can you set aside the part of you that is angry with the defendant, and focus on whether this deal makes sense from a business perspective?"

By far, the most difficult part in the IFS model is the exile — the wounded part that is often hidden very deep, and protected by both the firefighter and manager parts. If the protector parts cooperate and step aside for the moment, a person might realize that there is a wounded part present that has not been recognized for decades. That wounded part can then be present without the accompanying dysfunctional behaviors the protector parts have used to hide the core wound.

In practice, the mediator might speak directly to the exiled part, saying something like, "I realize this may not seem like a fair result, but you can put this aside and move forward after today." The recognition that past patterns of unfair behavior might have significantly

affected the person and created an exile can go a long way in softening the triggered party — leading to a resolution of the matter.

Exiled parts are often at the core of triggers, and recognizing and acknowledging these wounds can be all that a person needs to soften and allow the self to take center stage.

Conclusion

When lawyers and advocates take the time to seek a deeper understanding of the personalities of those they are counseling, as well as others with whom they sit at the negotiation table, they can approach all parts with kindness, compassion and respect — and nontriggered professionalism can return.

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[1] See <https://www.latrobe.edu.au/news/announcements/2025/new-partnership-to-support-trauma-informed-legal-training> (last visited April 15, 2025); See also NCEA's Trauma-Informed Legal Professional Certification (<https://equityandagency.com/legal-professional/>) (last visited April 15, 2025).

[2] David Richo, Triggers: How We Can Stop Reacting and Start Healing (Shambhala 2019).

[3] <https://www.linkedin.com/pulse/triggered-why-small-events-cause-big-emotional-results-kingsley-wglde/> (last visited April 8, 2025).

[4] https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-33/october-2014/establishing-a-trauma-informed-lawyer-client-relationship/?login (last visited April 8, 2025).

[5] Id.

[6] In an eye-opening and interesting article, mediators Daniel Ben-Zvi and Michael Young describe less-than-stellar (and definitely triggered) mediation behavior, including threats of suicide and a bathroom brawl between parties. <https://mediate.com/it-happened-in-mediation-believe-it-or-not/> (last visited April 8, 2025).

[7] <https://www.jamsadr.com/blog/2022/when-mediation-conduct-goes-wrong> (last visited April 8, 2025).

[8] <https://ifs-institute.com/about-us/richard-c-schwartz-phd>.

[9] It has also been described by Schwartz himself as a spiritual practice. <https://ifs-institute.com/news-events/events/ifs-spiritual-path>.

[10] <https://www.pon.harvard.edu/free-videos/managing-the-negotiation-within-the->

internal-family-systems-model/ (last visited March 25, 2025).

[14] Id.

[11] Id.

[12] Id.

[13] Id.

[15] Id.

[16] Id.

[17] <https://www.familytransformation.com/2023/01/08/the-inside-out-of-internal-family-systems-part-1-you-are-more-than-the-sum-of-your-parts/> (last visited March 25, 2025).

[18] <https://ifs-institute.com/nobadparts>.

[19] <https://www.pon.harvard.edu/free-videos/managing-the-negotiation-within-the-internal-family-systems-model/> (last visited March 25, 2025).

[20] <https://ifs-institute.com/sites/default/files/inline-files/8%20C%27s%20of%20Self%20v1.pdf>.

[21] <https://www.pon.harvard.edu/free-videos/managing-the-negotiation-within-the-internal-family-systems-model/>.

[22] Id.