

Business Better (Season 2, Episode 6): Trauma Informed Investigations: An Introduction

Speakers: Jill Steinberg and Katharine Manning

Steve Burkhart:

Welcome to Business Better, a podcast designed to help businesses navigate the new normal. I'm your host, Steve Burkhart. After a long career at global consumer products company BIC – where I served as Vice President of Administration, General Counsel, and Secretary – I'm now Of Counsel in the Litigation Department at Ballard Spahr, a law firm with clients across industries and throughout the country. Today, we are introducing a mini-series titled "Trauma Informed Investigations", in which we'll follow a fictitious story to address the legal and human issues that arise in an organization when confronted with allegations of sexual abuse. Leading the discussion is my Ballard Spahr colleague Jill Steinberg, a Partner in Ballard's Philadelphia Office. Jill is joined by Katharine Manning, who has worked on issues of trauma and victimization for more than 25 years. So now let's turn the episode over to Jill Steinberg and Katharine Manning.

Jill Steinberg:

Hi, this is Jill Steinberg.

Katharine Manning:

And I'm Katharine Manning.

Jill Steinberg:

Welcome to Trauma Informed Investigations, a podcast by the law firm Ballard Spahr. To give listeners a bit more background, I am a partner in the white collar and investigations practice at Ballard Spahr. In addition to working at a law firm handling mostly securities litigation and arbitration matters, I worked as a Federal and State Prosecutor for over fifteen years, handling both white collar and violent crime cases. In particular in the violent crime space, I specialized in cases involving exploitation and trafficking. My last job was as the Deputy Criminal Chief in the U.S. Attorney's Office in Atlanta, and I worked for the office of the Deputy Attorney General at the Justice Department in Washington, as one of the most Senior Level attorneys managing the departments exploitation and trafficking program.

Jill Steinberg:

But most importantly, during my time at Maine Justice, I met Katharine Manning who is on this podcast with me. She also has a great deal of experience in topics involving victimization and trauma, including on matters involving sexual abuse. It was a huge loss to the department when she left, but she is now using her skills to help other organizations confronted with similar issues. And she wrote a phenomenal book, *The Empathetic Workplace*, which I just read and got an incredible amount out of. So, Katharine, maybe you can introduce yourself a bit more to our listeners.

Katharine Manning:

Thanks so much, Jill. It's so fun to be doing this with you. As you heard, my background is at the Justice Department, but I actually worked with, I've worked with crime victims for more than 25 years, starting in college when I started as a volunteer at the local domestic violence shelter. I also did rape crisis work. And then after law school, I went to the law firm Pillsbury Winthrop for a few years. And then in 2004, joined the Justice Department where I became a Senior Attorney Advisor in the Executive Office for U.S. Attorneys. And my area of expertise was crime victims rights and that's how I began to overlap with

Jill. She and I worked together on issues around department policy involving child exploitation and other crimes against children.

Katharine Manning:

I left the Justice Department in 2019 and started my own company, which is called Blackbird, where I do training, consulting, and coaching for organizations on how to work with victims and others in trauma and what I call effective empathy when it matters most. I also wrote a book, it's called 'The Empathetic Workplace, 5 steps to a Compassionate, Calm, and Confident Response to Trauma on the Job', which sets out some information about the prevalence and effect of trauma in the workplace, as well as the steps to a compassionate response to trauma. So Jill, I'm really glad to be working on this podcast with you. Do you want to give the listeners just a brief overview of what our goals are here today?

Jill Steinberg:

Absolutely. And before we launch into that, I think one of the things I would love for people to know, and I think we have this shared experience is, the fact that we have experience in the private sector, we have experience in the public sector doing similar type of work. And so I think we bring a lot of different perspectives to it, but sort of from the same value system. And which is one of the reasons why we're calling this Trauma Informed Investigations. There's a lot of overlap in some ways between what happens in the public sector and what does and or should happen in the private sector. And so, I like the fact that we have that shared experience of those perspectives and what we can bring to it.

Jill Steinberg:

Sure. So the hope for this podcast and the way we've structured it and our aim in terms of what the listener experience is going to be, is that we're going to be talking about the legal and human issues that arise in an organization when it's confronted with allegations of sexual abuse. This could manifest in a lot of different ways. It could manifest, if you've watched anything in the news recently, it could manifest in big companies, it could manifest in smaller organizations, it could manifest in the government. It could manifest in media. There's a lot of different ways that this issue can find itself into an organization and our intent is to talk about the different issues that arise in any organization when it's confronted with something like this.

Jill Steinberg:

We're going to be using a hypothetical to help illustrate some of these issues. But when we're talking about them, it has really universal application. The hypothetical is talking about a situation that involves a teenager, but some of these things relate to any circumstance that might arise within an organization. Whether the victim is a young person or is an adult, and the way individuals might react and the institutional forces that might come to play when confronted with a complex issue like that.

Jill Steinberg:

So that's what we're going to be talking about. We can't possibly talk about every issue, but we hope that'll be some of the most pertinent and complex issues based on the experience that we've had. And Katharine is going to talk a little bit about some of the issues to consider when you're listening to this hypothetical and some of the goals of the podcast.

Katharine Manning:

Exactly Jill. I want to just stress that for everybody, that this is a hypothetical, we tried to make it very realistic. We chose an example that certainly can happen in real life and I'm sure is similar to some real life circumstances, but it is entirely a made up circumstance. So if there is any resemblance to real life events, that was purely by chance, this was entirely fictional.

Jill Steinberg:

As you can tell, this is done by lawyers.

Katharine Manning:

Our goals here are to help people who might be confronted with similar issues to identify some of the things that they should be keeping track of when something like this arises, help people issue spot, flesh out some of the challenges that might arise so that they can be a little bit better prepared, and understand some of the things that might be coming their way. And also to help identify what is a trauma informed response to this type of investigation involving an allegation of sexual assault. Just a few terms, when I say trauma informed, what I mean is with an understanding of what trauma is and its effects throughout the investigation.

Katharine Manning:

The American Psychological Association defines trauma as the experience or witnessing of an actual or threatened death, serious injury, or violence. We are using a somewhat broader definition so it doesn't necessarily have to involve serious injury, violence, or death, but an understanding that when we experience events that are distressing, upsetting, that those can have a lingering effect on us psychologically. And the way that that can manifest in our behaviors and our reactions, both for the individuals who are the complainant and respondent, so the two individuals most central to the complaint, but also anybody around them. So others who have received the complaint or observed, maybe been witnesses to behaviors. All of these people can have effects based on the nature of the allegations.

Katharine Manning:

I do want to stress that this is not legal advice, our goal here is not to provide you with legal advice. And we are not in any way establishing an attorney-client relationship with listeners through the perspectives that we're providing here. We're really just trying to give you some signposts, a few things to keep an eye out for when you are yourself, undergoing a similar investigation. And finally, I just want to point out that we will be discussing childhood sexual abuse so if this is a topic that might be challenging for you, just approach it with a sense of understanding that there will be some details of that type of abuse discussed, and always, always take steps to protect yourself. And it is fine to skip any episodes if you'd like. Jill and I will be going over details of the hypotheticals at the beginning of the different episodes. If you don't want to hear that, you can skip forward and just hear the advice without hearing the details.

Jill Steinberg:

Well, this is the end of the introductory portion of the program. And when you jump into episode one, as I'm sure you will, we will start into the hypothetical and discuss the implications of some of the factual scenarios that are addressed in the hypothetical.

Jill Steinberg:

In episode one we jump to the hypothetical which involves the sexual abuse of a teenager we've named Caroline, by a coach we've named Tim, at a debate camp for high school students hosted by a small college, that we've called Edgewood. Although entirely fictional, we think the hypothetical is reflective in many ways of how these situations develop, the reactions of individuals in the environment at the time, and how organizations do and should respond when confronted with these complex circumstances. Please tune in, and we look forward to discussing and working through these issues with our listeners.

Steve Burkhart:

Thanks again to Jill Steinberg and Katharine Manning. Make sure to visit our website, www.ballardspahr.com where you can find the latest news and guidance from our attorneys. Subscribe to the show in Apple Podcasts, Google Play, Spotify, or your favorite podcast platform. If you have any questions or suggestions for the show, please email podcast@ballardspahr.com. Stay tuned for a new episode coming soon.