



A Trafficking Survivor's Guide to Legal Representation



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Guide Overview

This guide is written for survivors of human trafficking who need legal assistance but are unsure of where to begin. This guide is designed to be survivor-centered and prioritize your safety, dignity, and well-being throughout the legal process. It covers the types of lawyers who may be able to help you—including those in family law, civil litigation, immigration, criminal defense, tax, and housing law—and explains your right to representation. It also offers practical guidance on how to find and verify a lawyer's qualifications and license, what to expect from your attorney, your attorney's responsibilities, and the essential terms of any agreement you sign with them. Finally, it addresses how to recognize and address unethical or predatory behavior, seek a second opinion, change lawyers, or take action if your lawyer failed to represent you properly. Whether you are just beginning to explore your legal options or are already working with a lawyer, this guide is intended to empower you to make informed decisions about your legal representation.

** This Guide is meant for informational purposes only and does not constitute legal advice. The information contained in this guide may be useful as general background, but should not be used as a substitute for professional legal counsel from an attorney in your jurisdiction regarding your specific situation.*

1. WHY MIGHT I NEED A LAWYER?

There are many different types of lawyers. There are also many ways that lawyers can assist trafficking survivors, probably even in ways that you might not expect. Depending on what is happening in your life, a lawyer may be able to help you navigate the issue.

Lawyers can be specialized, so it is important to find a lawyer who can help you with the specific legal issue you are facing. Here are some examples of legal issues and expertise you might need from a lawyer.

Family Law

This area of law deals with family-related matters such as divorce, protection from another person, child custody and support, adoption, emancipation. For example, you could need a family law attorney when:

- You have children with your trafficker and need to seek full custody of your children;
- Your trafficker is stalking you and you need to seek a restraining order against that person;
- You are a minor victimized by your parents and need to seek legal emancipation from your traffickers.

These types of cases are in family court, and you will need an attorney experienced in family law to navigate the case with you.

Civil Law

This area of law deals with disputes between individuals or organizations—such as disagreements over contracts, property, or personal injuries—as opposed to criminal law, which involves offenses prosecuted by the government.

An example of when you could need a civil attorney is when you are ready to bring a civil case for damages against your trafficker. “Damages” is a legal word that means monetary compensation that can be awarded for the harm you suffered at the hands of your trafficker. A civil attorney can assess your legal

claims and help you determine what options you have for filing suit against the people who hurt you. If a case proceeds, a civil attorney can represent you in the case against your traffickers. These types of cases are in state or federal court, and you will need an attorney experienced in civil litigation to navigate the case with you.

Lawyers can be specialized, so it is important to find a lawyer who can help you with the specific legal issue you are facing. Not every lawyer will have the expertise you need to work on your issue.

Tax Law

This area of law governs how federal, state, and local governments impose and collect taxes on individuals and businesses, covering matters such as income and estate taxes and the rules for filing tax returns.

An example of when you could need a tax attorney is when you have received a civil settlement against your trafficker. You may need a tax attorney to advise you on the tax implications of your settlement and how to ensure you follow U.S. tax law after receiving the settlement. This legal work involves the attorney providing legal advice and usually does not involve going to court. You will need an attorney experienced in tax law to provide that advice to you.

Immigration Law

This area of law governs who may enter, stay in, or be removed from the United States. It covers topics such as visas, citizenship, asylum, and the rights and obligations of people who are not citizens.

If you are not a U.S. citizen, you may need an immigration attorney, for example, to apply for a visa to stay in the United States. There is a visa specifically for trafficking survivors called a T visa. An attorney experienced in immigration law can help you assess your eligibility for this visa, as well as other immigration

options. An immigration attorney may be able to file an application for immigration relief and benefits with the U.S. government on your behalf and advocate for you before the U.S. immigration authorities. This legal work may be done by application to the U.S. government and may require an interview with an immigration officer or a hearing in an immigration court.

Criminal Law

This area of law defines conduct considered harmful to society—such as theft, assault, or fraud—and establishes punishments and procedures for prosecuting and penalizing those who commit such offenses.

An example of when you could need a criminal law attorney is when you are being interviewed by law enforcement about your trafficking experience. As a criminal victim-witness, you can ask for an attorney to accompany you in your interview to prepare you, to protect your interests, and to ensure that you are not asked any questions that could place you at risk. You may also be eligible for restitution or crime victim compensation as a victim in certain criminal cases. An attorney can help you determine your eligibility for restitution or crime victim compensation depending on your situation.

It also is not uncommon for trafficking survivors to be wrongfully charged for acts that their trafficker made them do or that otherwise occurred because of their trafficking experience. If you are a criminal defendant, you will need an attorney to help defend you against the charges. In that case, you have a right to an attorney (see more below in the next section, [“Do You Have the Right to a Lawyer?”](#)). If you already have a conviction for something your trafficker made you do, you may be eligible for “criminal record relief.” This type of relief is available in certain states and federally to help trafficking survivors erase certain convictions and/or arrest histories from their records. An attorney can help you determine if you are eligible for criminal record relief and, if you are eligible, help you clear your record.

Housing Law

This area of law governs the rights and responsibilities of landlords, tenants, and homeowners, covering matters such as rental agreements, evictions, fair housing protections against discrimination, and the standards required to keep properties safe and habitable. For example, you could need a housing law attorney when:

- Your home is uninhabitable, such as if it is infested with pests, has no heat, or is filled with black mold;
- Your landlord is trying to evict you illegally; or
- You have subsidized housing and need to move to another unit because of threats from your trafficker or sexual harassment from the landlord.

In any housing case, like those described above, you will need someone experienced in housing law to advise you on your options. You may also need an attorney to represent you in housing court.

Employment and Labor Law

This area of law protects workers' rights in the workplace, covering matters such as unpaid wages, unsafe working conditions, workplace harassment, retaliation for reporting abuse, and violations of labor standards like minimum wage and overtime requirements. For example, you could need an employment and labor law attorney when:

- Your trafficker or employer failed to pay you for work you performed, paid you less than minimum wage, or forced you to work excessive hours without proper compensation;
- You were retaliated against—such as being fired or reported to immigration authorities for complaining about unsafe or illegal working conditions; or
- You were held in forced labor.

You will need someone experienced in employment and labor law to advise you on your options. You may also need an attorney to represent you before the U.S. Department of Labor, the Equal Employment Opportunity Commission, a state labor agency, or in court.

A Note on Artificial Intelligence

Please note that generative artificial intelligence (“AI”) services like ChatGPT or other chatbots are not a substitute for legal advice. Chatbots are not licensed attorneys and are not authorized to provide legal advice. Any information you give to a chatbot about your situation is not protected by confidentiality rules that apply to lawyers (these obligations are discussed further below under “[What to Expect from a Lawyer](#)”). Sharing your confidential case information with a chatbot can result in that information later being used against you in court. You should only share sensitive case information with an attorney who is bound to protect that information, as discussed later in this guide.

Generative artificial intelligence services like ChatGPT are not a substitute for legal advice. Sharing your confidential case information with a chatbot can result in that information later being used against you in court.

Further, the law is very nuanced and requires an understanding of both the facts of your case and how the law might apply in your case, including exceptions and any risks that might not be immediately obvious. Chatbots do not consider these nuances, may not have current information on the law, and might even fabricate false information.

Finally, courts do not treat AI-generated content as reliable legal authority, and creating legal briefs or other materials using a chatbot for use in court can [result in fines or other sanctions](#).

2. DO I HAVE THE RIGHT TO A LAWYER?

Right to a Lawyer in a Criminal Case

The U.S. Constitution guarantees citizens and non-citizens the right to be represented by a lawyer in a criminal case in which they could be incarcerated (such as some drug crimes and many violent crimes). State constitutions may guarantee a right to a lawyer for lesser crimes (such as loitering or petty theft). If you are charged with a crime where you have a right to an attorney but cannot afford a lawyer, you can tell the judge hearing your case that you need a lawyer appointed for you. The judge will appoint a volunteer private attorney or a public defender to represent you free of charge.

Right to a Lawyer in Immigration Court

In immigration court, you have a right to representation by counsel but not at the expense of the government. That means you are responsible for the costs associated with hiring the attorney (unless the attorney agrees to represent you for free). The immigration judge will inform you of the right to an attorney and may also provide you a list of free or low-cost legal service providers. It is possible to tell the judge that you want time to look for an attorney. If the judge does give you time to look for an attorney, you must look for one quickly and follow all deadlines given by the court. It is very important that you do not miss any deadlines while you look for a lawyer.

Right to a Lawyer in Other Types of Cases

There is generally no right to a lawyer in other matters, such as when an individual sues another individual (a civil matter). That means you have the option to hire an attorney for your case, but you will be responsible for the costs associated with engaging the attorney. Note that some attorneys provide legal representation free of charge, which is called “pro bono” legal representation. This type of free legal help is typically available to individuals without the financial means to afford an attorney. If that is the case for you, you can always disclose your financial situation and ask if the attorney is able to represent you pro bono or for a reduced fee.

3. HOW TO FIND A LAWYER

Finding a lawyer, especially a lawyer able to represent you for free or at a reduced rate, can take some time. Here are some ways that you can go about finding a lawyer.

Bar Associations

Bar Associations in many communities have lawyer referral services that can help you find a lawyer with the right experience and practice concentration for your case. You can find your local bar association by searching an internet browser for your state or county's bar association (for example, "DC Bar Association" or "Montgomery County Bar Association"). You can also find lawyers in your jurisdiction through the [American Bar Association's Lawyer Referral Directory](#).

Legal Aid Programs

Legal aid programs offer inexpensive or free legal services to those in need. Most legal aid programs have special guidelines for eligibility, often based on the type of legal issue you have, where you live, the size of your family, and your income. Some legal aid offices have their own staff lawyers, and others operate with volunteer lawyers. To find this kind of legal assistance program near you, you can search "legal aid near me" in a web browser, then view the results for local legal aid organizations.

Clinics

Clinics are another source of free legal services, including those specializing in immigration law, family law, criminal defense, and tax law. For example, [Low Income Taxpayer Clinics](#) provide pro bono representation to low-income individuals in tax disputes before the Internal Revenue Service ("IRS") or in court. [Virtual Credit Repair Clinics](#) are another example. These clinics connect trafficking survivors with pro bono representation to repair their credit under the [Debt Bondage Repair Act](#). Local law schools also often have legal clinics that may assist with specific legal issues. To find legal clinics near you, you can search "legal clinics near me" in a web browser, then view the results to find more information

and contact details. You can also search for a specific type of clinic (for example, “immigration clinics near me” or “virtual credit repair clinic for trafficking survivors”).

Trafficking-Specific Referrals

If you are a survivor already working with a trusted social service provider, advocate, or case manager, you can ask if they know of any reputable organizations that provide legal assistance to trafficking survivors. Your case manager may be able to assist you by making a direct referral to a specific organization where they have a relationship. You can also check trusted anti-trafficking referral directories. For example, [Freedom Network USA](#) maintains a membership network of anti-trafficking service providers across the country, and the National Human Trafficking Hotline's online [Referral Directory](#) lists many organizations that offer legal services to trafficking survivors (under “service” filter by “Legal Services”). You can also reach out to the [National Human Trafficking Hotline](#) (1-888-373-7888) (text 233733), or a local human trafficking coalition or task force for referrals to resources in your area. The [Human Trafficking Legal Center](#) accepts referrals from partnering social service organizations or case managers.

Local Nonprofit Organizations

You may also consider looking for local non-profit organizations that provide direct legal services. You can search for “nonprofit providing legal assistance near me” and review results in an internet search engine. When evaluating an organization, look for signs of legitimacy: it should be a registered 501(c)(3) nonprofit organization (a type of organization recognized by the government as operating for charitable purposes). You can verify an organization's nonprofit status for free on [Candid/GuideStar](#) or [Charity Navigator](#). Websites ending in “.org” also generally indicate that the organization is operating as a nonprofit. Be cautious of any organization that pressures you, surprises you with fees for services it said are free, or is unwilling to explain how it is funded.

Examples of nonprofit organizations providing free legal services in the Washington, D.C., Maryland, and Virginia (DMV) area include:

[Amara Legal](#) provides free legal services for sex trafficking survivors and sex workers in the following areas: criminal record sealing, criminal defense, family law, child custody, child support, divorce, civil protection orders, and victim-witness advocacy;

[Ayuda](#) provides free legal services in immigration matters, domestic violence and family law, and immigration legal fraud;

[Catholic Charities DC Legal Network](#) provides free civil legal services in the areas of consumer debt, bankruptcy, employment law, family law, landlord-tenant and housing law, public benefits, and estate planning in D.C. and certain Maryland counties;

[Tahirih Justice Center](#) provides free legal services for immigrant survivors of gender-based violence, including in seeking victim-based immigration relief and asylum;

[The Human Trafficking Legal Center](#) provides direct legal representation to low-income immigrant survivors of human trafficking who may be eligible for T visas. The organization also places other types of legal cases — civil, criminal victim-witness, and immigration — with pro bono attorneys. Cases must be referred to the Human Trafficking Legal Center by a partner organization, such as a service provider that provides case management services for trafficking survivors.

[University of Maryland SAFE Center for Human Trafficking Survivors](#) provides direct legal representation to survivors seeking immigration benefits and assistance reporting their trafficking to law enforcement and places other types of legal cases with pro bono attorneys.

Other organizations do not provide direct legal services themselves but help connect survivors to pro bono attorneys. Here are some examples:

[ALIGHT \(Alliance to Lead Impact in Global Human Trafficking\)](#) connects human trafficking survivors in Colorado, Utah, and the Los Angeles, California area with pro bono attorneys for assistance with non-immigration legal needs, including criminal record clearing;

[Freedom Network USA and Survivor Reentry Project](#) provides post-conviction criminal record relief for human trafficking survivors by connecting them to a nationwide network of pro bono lawyers, in addition to its wide-ranging advocacy efforts and support given to other organizations that provide direct services to survivors;

[The Cyber Civil Rights Initiative](#) provides [a list of “low bono” and pro bono attorneys](#) available to assist victims of image-based sexual abuse and runs [a crisis hotline](#) for survivors; and

[The Cyber Civil Rights Legal Project](#) takes requests for pro bono legal help with Nonconsensual Distribution of Intimate Images (“NDII”).

There is a resource list at the end of this guide with information for providers that may be able to assist.

4. CHECKING THE LAWYER'S CREDENTIALS

Before agreeing to work with an individual who claims to be an attorney, it is very important to confirm that the individual is licensed to practice law where you need legal advice or where the case will be filed. That could be, for example, the state where you live, the state where the harm occurred, or the state where your traffickers are located. In child custody cases, the case might need to be filed where the child is currently residing. The first question to ask the lawyer is where they are licensed to practice law.

In every state and territory in the United States, only lawyers licensed to practice law **in that state or territory** are permitted to provide legal advice or legal services in that state or territory. A person not licensed to practice in that state or territory cannot represent you in criminal or civil proceedings or provide you with other legal services. Only immigration law is different. Because immigration law is federal, an attorney licensed in any state is allowed to represent clients in immigration cases anywhere in the United States. Note: Unlike in some Latin American countries, notaries (“Notarios”) are **not** attorneys.

Practicing law without a license is called the “unauthorized practice of law,” and it is illegal. Every state and territory makes a full list of licensed attorneys publicly available. If you are looking to confirm an attorney is licensed in a particular location, conduct a web browser search for “[State] licensed attorney search” to find the appropriate website. For example, if you search this for New York, the first result is “NY Attorney Search” on the courts.state.ny.us website.

You then type in the attorney’s name on that website, and you will then see if they are barred in that state and if there are any disciplinary complaints against that attorney.

If you learn that your “attorney” is practicing law in your state or territory without a license, you may file a complaint against that attorney, as described below in the section entitled “[How to Report Unethical Practices](#).”

Please note that non-legal services, such as filling out non-legal forms, assisting with typing or organizing documents, or acting as a mediator outside a courtroom setting, may be provided by non-lawyers.

5. WHAT TO EXPECT FROM A LAWYER

An Engagement Letter

Your lawyer should provide you with an engagement letter (also called a “Representation Agreement”) and explain the scope of their representation when you first hire them. That letter will explain certain terms of your relationship, such as what the lawyer can do for you, what you will need to do, how documents will

be maintained, and when the relationship will end. It should also state what the lawyer will charge you, and when and how they expect to be paid. If the lawyer does not provide an engagement letter or agreement, you should ask for one. You also are entitled to independent advice on the letter itself. You can ask another attorney to review the letter and ensure that the terms are fair.

Some important things to look out for in an engagement letter are as follows:

- The scope of the lawyer's representation (this means the lawyer explains what legal matter the lawyer is helping with and what the lawyer will do for you);
- How much the lawyer will charge and what expenses, if any, you will be responsible for;
- What the lawyer needs from you in order to do his/her/their job;
- How your documents and data will be protected, how you can get a copy of your file, and how long the attorney will keep your client file;
- What happens if you want to change attorneys;
- Protections that cover your communications with your attorney;
- Identification of attorneys working on the matter, including whether other attorneys or staff may assist; and
- No guarantee of outcome, making clear that the attorney cannot guarantee any specific result. This language is standard and should not be alarming—it simply reflects the reality that legal outcomes are uncertain, and no honest attorney can promise a particular result. A lawyer should never promise success or a "miracle."

Some things that are less common, but you might see in an engagement letter, include:

- **An arbitration provision** means that if you and the attorney have a disagreement—such as over the lawyer's fees or the quality of the lawyer's work—you will resolve that disagreement through a private process called

“arbitration” instead of going to court. In arbitration, a neutral person (called an “arbitrator”) listens to both sides and makes a decision, much like a judge would, but the process takes place outside the court system. Unlike going to court, arbitration is private, usually faster, and the arbitrator's decision is often final, meaning you may not be able to appeal it. You do not have to agree to an arbitration provision if you do not want to. If you do not agree, be sure to notify the attorney and ask for the provision to be removed before signing the agreement. The attorney may not agree to remove it, in which case you may wish to find a different attorney.

- **A co-counsel agreement** should be included when two or more lawyers or law firms work together on your case. For example, one lawyer might handle your immigration matter while another helps with criminal record clearing. The agreement spells out how they will divide the work and who will be your main point of contact. It also should specify that confidentiality about your case will be maintained between the different lawyers working together on your case.
- **A joint representation agreement** (different from a co-counsel agreement) means one lawyer is representing you and another client in the same matter at the same time (this may not apply to your situation). While this can save time, it creates risks because the lawyer owes a duty of loyalty to both of you, and your interests may not always align. Importantly, in a joint representation, what you tell your lawyer may not be kept confidential from the other client.
- **Safety and communication protocols** may be included, especially if you may be threatened or monitored by your trafficker. For example, the letter may ask you to designate a safe phone number, email address, or mailing address, and may specify that the attorney will not leave voicemails or send mail to certain locations to protect your safety. If you would like safety and communication protocols in writing, you may ask the lawyer for these.

Professional Duties of a Lawyer

Your lawyer has certain obligations toward you. All lawyers have duties toward their clients, including competence and diligence. If your lawyer does not already have experience in the area of law that your case involves, the lawyer is expected to learn what is needed or bring in another lawyer who has that expertise. The duty of diligence means that your lawyer must work on your case in a timely and thorough manner, including by returning your calls and emails within a reasonable time, meeting deadlines set by the court, and keeping your case moving forward.

All lawyers have duties toward their clients, including competence and diligence. The duty of competence means that a lawyer must provide knowledgeable, thorough, and prepared representation.

Your lawyer must also avoid conflicts of interest. A conflict of interest arises when your lawyer has a relationship, obligation, or interest—whether to another client, a business, or even the lawyer personally—that could prevent the lawyer from giving you their full loyalty and best effort in your case. For example, your lawyer cannot represent you and also represent a family member of your trafficker because the lawyer might not be able to keep your interests at heart and advocate for you in the best way possible. The lawyer should be independent and loyal to you.

Your lawyer must also keep your information secret. This obligation generally means that anything you tell the lawyer will stay confidential; however, the attorney's obligation has limits. For example, lawyers are permitted (sometimes even required) to break confidentiality if the lawyer reasonably believes it is necessary to prevent someone's death or serious bodily injury. A court may also order your lawyer to disclose certain information, and your lawyer is generally required to comply with such an order. Your lawyer should inform you if this

happens and, where possible, take steps to limit what is disclosed. You can also always give the lawyer your permission to share information publicly with the press, in court, or with other third parties. That decision to release information lies with you and not the lawyer.

In addition to a lawyer's duties to you as the client, lawyers also have a duty of candor to the court. This duty means that anything a lawyer files with a court or says to a judge must be accurate and true, to the best of that lawyer's knowledge after making a reasonable effort to learn the facts. Make sure that any declaration, personal statement, or written testimony made in your name is true and accurate and represents your experience. If the lawyer proposes something that is not fully accurate from your perspective, discuss how it can be revised to be accurate and truthful before submitting it to the court. Also be aware that if a lawyer learns that something he/she/they previously communicated to the court is false, that lawyer has a duty to correct it.

Knowing these obligations, here are some things you can expect while the lawyer is working on your case:

- The lawyer will meet with you to learn the facts of your case from your perspective.
- The lawyer will explain any forms that need to be filled out and a timeline of what to expect as your case progresses.
- The lawyer may also ask you to gather any documents you have access to that are relevant to your case.

If you do not speak fluent English, it is also the lawyer's responsibility to provide an interpreter for attorney-client meetings and for immigration interviews. Your pro bono attorney or legal aid organization may cover the costs of an interpreter, but you should ask your attorney whether you are responsible for any of the expenses when you review your engagement letter. Some interpreters volunteer their time for certain pro bono matters.

As your case progresses, you should receive a copy of all filings, with a translation or interpretation (if needed), and have time to ask questions or request changes before anything is filed.

6. WARNING SIGNS AND PRACTICAL CONSIDERATIONS

There are several warning signs of predatory lawyers. You may consider asking for a second opinion or seeking the help of a trusted individual if you experience any of the following types of behavior from a lawyer.

Legal Pressure

Lawyers should not pressure you to take any particular action without properly weighing the risks, and lawyers should respect your decision. Lawyers may advise you in either direction, but that advice should not rise to the level of pressuring you.

Settlement Pressure

Similarly, lawyers should not pressure you to resolve or settle a case quickly or settle at all. A lawyer must communicate to you any settlement offer made, but the lawyer should talk with you about the pros and cons of accepting any offer or approaching the other side to settle. Whether to settle is entirely your decision and a lawyer should not pressure you either way. Pressure to settle quickly can be a red flag that the lawyer is prioritizing a quick fee or fast conclusion over what you want to do.

Ignoring Communications

Your lawyer should not ignore your communications. Instead, your lawyer should respond and keep you informed of the status of your case. You can expect the lawyer to communicate case developments and notify you of settlement offers (if applicable). That does not mean a lawyer will be accessible all the time. Some cases move slowly and your lawyer might not always have updates to give you. It can be

normal to spend time waiting for developments in the case. The key thing is that the lawyer must let you know what is happening and must respond to questions you have, even if the case is taking a long time. How quickly and how often a lawyer will communicate with you should be discussed with the attorney, and you should make sure you are comfortable with the attorney's answers.

Suspicious Fees

Lawyers should not demand large upfront payments or have hidden costs in their agreements with clients, nor should they take an unethical percentage of a settlement (note that if you are the one suing—meaning you are the “plaintiff”—it is normal for your lawyer to ask for a percentage of the final award, which can vary but often is about one-third (1/3) of the award). See more on reasonable fees in the section below entitled “Fees charged.”

Unrealistic Promises or Indifference

Lawyers should not guarantee specific outcomes or, by contrast, seem indifferent to the result. Lawyers should, however, provide their best estimate of the likelihood of success so you can make informed decisions, and they should be invested in the outcome of your case. If something seems too good to be true, it is a good idea to ask for a second opinion (more information on how to do this is below under “Seeking a Second Opinion”).

Unsolicited Offers

Lawyers should not email or call you unsolicited to offer legal services. Be cautious of lawyers who contact you first, without your ever having reached out to them.

Lack of Online Presence

Lawyers should have an identifiable presence online. Although not every lawyer is technologically sophisticated, in general, you should be able to find the lawyer online, especially through a credentialing website confirming that the person is actually an attorney (as discussed in the section “[Checking the Attorney's Credentials](#)” above). Be wary if you cannot find any record of the attorney or if the attorney's website is vague or makes unrealistic promises (such as promising settlements or quick resolution to your case).

Discriminatory Practices

Lawyers should not use slurs or demeaning nicknames or engage in “humor” or assumptions about your story based on stereotypes. Lawyers should not act biased against you because of your national origin, sex or gender, criminal record or sexual history, or other characteristics protected by law. A lawyer should treat you with dignity.

Lack of Trauma-Informed Approach

Lawyers representing trafficking survivors should be trauma-informed, meaning that they are sensitive to what you have gone through, understanding it may be hard to remember or talk about what happened. They should not get impatient with you or force you to continue talking if you become overwhelmed with emotion. You should expect patience and empathy from your lawyer. If your lawyer is making you feel bad about yourself and your experience, you should consider changing attorneys.

There are also other general considerations in choosing your lawyer, as follows.

Office Location

A lawyer's office location is important because there may be times you need to meet with the lawyer in person to sign documents or for other reasons, and it can be challenging for you if the office is difficult for you to get to.

Fees Charged (if any)

Lawyers may charge fees and have different kinds of “fee arrangements,” such as a flat fee, an hourly rate, or a contingency fee. A lawyer generally has an ethical duty to only charge “reasonable fees.” If the fee seems unreasonable, it may not be ethical. You should review any fee offered and ask questions. Be certain you know exactly what services and expenses the charge does and does not include. You may negotiate the fee in advance with the attorney.

- **Flat fees:** A flat fee is a set price for the lawyer to handle a specific (usually a simple or straightforward) matter. Keep in mind that your case may not have a simple solution, so a flat fee may not be possible, especially if you need lengthy or ongoing representation or if the matter is complex.
- **Hourly rates:** Many lawyers charge hourly rates and will often bill in increments for the work done (i.e., if the lawyer works less than an hour, they should not charge the full hour for the work provided). You should clarify how the lawyer will charge you and bill you for work done. You should review bills and ensure you understand what the lawyer is charging you for. Also, some lawyers work for a firm that has paralegals and support staff who can do some of the day-to-day tasks, which may lower overall costs. Other lawyers work for themselves and will do all the administrative work, charging their hourly rate for everything. You should ask if that is the case for your attorney.
- **Contingency:** A contingency fee is where a lawyer does not charge you for the case at the beginning but will take a portion of any money recovered at the end of the case if you win or settle the case. Percentages can vary but often is one third (1/3) of the recovered money plus costs.

The Length of Time a Case May Take

Not all cases can be resolved quickly, and some involve more hands-on work from the lawyer. If your case will take many hours, factor that into your decision whether to hire a lawyer who charges by the hour, or whether you should try to find a lawyer who will work on your case for a fixed fee or a contingency fee.

7. HOW TO SEEK A SECOND OPINION

If you have lost confidence in your attorney or are unsure that what your lawyer is telling you is true or accurate, you are entitled to seek a second opinion. There is no requirement that you wait until a particular stage of your legal matter, and you do not need your current attorney's permission to consult with another lawyer. Your right to choose your own legal counsel and to evaluate whether you are receiving competent and diligent representation is fundamental, and seeking a second opinion can be a normal and responsible step in managing your legal affairs.

To seek a second opinion, you may contact another attorney directly and explain that you are currently represented but would like a second opinion on your case. You should bring any relevant documents, court filings, or correspondence you have received from your current attorney so that the consulting attorney can provide informed guidance. Many attorneys offer free or low-cost initial consultations. The same types of legal aid organizations, bar association referral services, and organizations that specialize in serving survivors of human trafficking described above in the [“How to Find a Lawyer”](#) section may also be able to connect you with an attorney who can review your matter.

You are entitled to seek a second opinion. When seeking a second opinion, be honest with the consulting attorney about the fact that you are currently represented.

Also understand that a second attorney may see the same legal issues differently, and a difference of opinion does not necessarily mean your current attorney is wrong. You should present the facts of your case and ask for the second attorney's advice on your situation. You should not say, “My attorney says XYZ. Is that correct?” An attorney may be improperly interfering with your attorney-client relationship if asked to offer an opinion about the advice you are getting. Instead,

the second attorney applies his/her/their own judgment to the facts rather than critiquing the first attorney's work.

It is important to understand the ethical rules that apply to attorneys in this context. Attorneys are prohibited from improperly interfering with an existing attorney-client relationship. This means that an outside attorney should not seek to undermine your trust in your current lawyer for the purpose of soliciting your business or gaining some other advantage. However, there is a difference between improper interference and a client's free and independent choice to seek a second opinion. An attorney can provide you with an honest evaluation of your case when you have voluntarily sought one out. That attorney is respecting your autonomy as a client. However, if you ever feel that an outside attorney is pressuring you to leave your current lawyer, or that your current attorney is discouraging you from seeking a second opinion through intimidation or misleading statements, those may be red flags and potential signs of misconduct.

Consulting with a second attorney does not mean you must change lawyers. A second opinion can simply provide reassurance about the path your case is on, or it may reveal concerns worth exploring further. If, after receiving a second opinion, you decide you would like to change attorneys, you generally have the right to do so, though you should consider any implications for your case timeline, costs, or pending deadlines.

8. HOW TO REPORT UNETHICAL PRACTICES

If you believe your lawyer is engaging in unethical practices, you may file an ethics complaint with your jurisdiction's bar association. Unethical practices can include abandoning your case (even missing important court deadlines), financial misconduct or misusing client funds, lying, fraud, discrimination, and harassment, including sexual harassment. Note that if you file a complaint against a lawyer, you may not be allowed to withdraw it.

To find the website and contact information for your jurisdiction's bar association's disciplinary body, as well as instructions for filing a complaint, you

may search “where can I file a complaint against my lawyer.” This should show results for your state (and possibly other nearby states). For example, in Virginia, the webpage that appears when running this search is titled, “[Misconduct Complaints](#).” In D.C., the corresponding webpage is titled, “[Office of Disciplinary Counsel: How to File a Complaint](#).”

Once a complaint is filed, the bar association will investigate the attorney's conduct. You will likely be contacted to provide additional information about your experience with that attorney. Once the investigation is complete, you will be informed about the final outcome.

If you believe you should recover money you already paid to that lawyer, you may wish to initiate a fee dispute through the bar association, sue for malpractice, or file a claim with your jurisdiction's client protection/security fund.

9. CHANGING LAWYERS

You may change attorneys at any time, but there are unique considerations to keep in mind if you change attorneys after you file an application, complaint or take any other legal action.

It is also recommended to find a new lawyer before firing the current one to avoid delays, but your new lawyer should not work on your case until your current lawyer has been terminated.

Before changing your lawyer, review any contracts or other paperwork for policies that describe the processes and requirements for terminating the relationship. Then, follow these steps, adapting them as needed if your contract requires additional or different steps:

- Send a clear and concise written notice to your lawyer stating that you are terminating the lawyer's services, effective immediately.
Note: While your decision to terminate your attorney takes effect upon your attorney's receipt of your notice, if your case is proceeding

in court, your attorney will remain your attorney of record until the judge approves the attorney's withdrawal and / or substitution of counsel (see "[If You Are in Court](#)" below).

- Request your file: You may demand that all documents, evidence, and pleadings be returned to you or forwarded to your new attorney.
- Ask your lawyer whether there are any upcoming deadlines, and for the contact information for key contacts in the case, such as opposing counsel, government officials, or others the attorney communicates with on your behalf.
- If applicable, request an itemized billing statement and request a refund of any unearned fees or costs paid in advance. Lawyers are obligated to refund any fees that have not yet been earned, such as costs you paid at the beginning of the representation for services that have not been performed by the time the representation ceases.

If You Are In Court

Notify the court. If you have an active case in court, including in immigration court, your lawyer should file a motion to withdraw, or your new lawyer (if you have one) may file a "substitution of counsel." A substitution of counsel is a formal filing that tells the court your old lawyer is leaving, and your new lawyer is taking over. In either motion, the lawyer should identify any upcoming deadlines that may need to be changed (if any) due to the change in representation. In immigration court, your new attorney must file a form called an EOIR-28. If your lawyer is fired without filing a motion to withdraw or substitution of counsel, you must notify the court in writing or, if you have a new lawyer, your new lawyer should file a substitution of counsel. Check the court's local rules for any specific requirements for such a notice.

If you are changing your lawyer, that is often a valid basis for seeking a continuance (meaning an extension) in your court proceedings, which gives you time to find a new lawyer and for that lawyer to learn about your case. To do

this, check the court's website to see whether there is a specific form you must use (it may be titled something like "Request for Continuance"). If you cannot find a specific form, you may write your own motion to the court explaining why there is "good cause" for a continuance. Change of counsel is often viewed as "good cause."

If You Have a Legal Matter Pending With a Government Agency

Your new attorney (or you, if you are unrepresented) should write to the agency directing it to send all future correspondence to your new lawyer (or to you). If your pending application is immigration-related, your new attorney will also file a form called a G-28 with the agency indicating the change in representation.

If Your Lawyer Stops Representing You

Your lawyer may also decide to stop representing you in certain limited circumstances. That decision may be due to a conflict of interest that arose, irreconcilable differences between the lawyer and client, or persistent lack of payment (if a fee was part of the attorney-client agreement). If that happens, your lawyer must follow certain steps, including giving notice to the court or seeking court approval and giving you your case file. Your case file may include documents provided by you to the attorney, copies of documents prepared by your attorney that were filed with the court or a government agency, and copies of correspondence and materials your attorney received about your case from the court, other parties, or government agencies. If you have another lawyer ready to represent you, the first lawyer may also talk to the new lawyer to ensure that your case proceeds smoothly. Note that your former lawyer is obligated to keep confidential anything he/she/they learned while representing you, so you will need to give your old attorney permission to speak to the new attorney.

10. INEFFECTIVE ASSISTANCE OF COUNSEL

In Criminal Cases

If you were a defendant in a criminal case and your attorney failed to meet the minimum standards for attorneys, you may have a Constitutional claim for ineffective assistance of counsel under the Sixth Amendment. To make this claim, you should consult an attorney. But, in general, you will need to show two things.

First, you must show that your attorney's performance was deficient, meaning that your attorney made errors so serious that they were not functioning as the "counsel" guaranteed to you by the Constitution. This is more than just a disagreement with your attorney's strategy. You must show that no reasonable attorney would have acted the way yours did under the circumstances. Examples of deficient performance can include failing to investigate your case, failing to present important evidence or witnesses, failing to object to improper evidence used against you, giving you incorrect legal advice that caused you to plead guilty, or failing to communicate with you about critical developments in your case.

Second, you must show that your attorney's poor performance actually prejudiced your case, meaning that there is a reasonable probability that the outcome of your case would have been different if your attorney had done their job properly. In other words, it is not enough to show that your attorney made mistakes; you must also show that those mistakes likely affected the result, such as a guilty verdict or a harsher sentence than you would have otherwise received.

There are different ways to raise this type of claim. One way is to file what is known as a post-conviction petition. Another way is through a habeas corpus petition. These petitions are separate from a direct appeal of your conviction, and they have their own rules and deadlines. It is very important to be aware that strict time limits apply to filing these petitions. In federal cases, you generally have one year from the date your conviction became final to file. State deadlines vary but can be equally strict, and missing the deadline can mean losing your right to bring the claim entirely.

Because of the complexity of these filings and the strict deadlines involved, it is strongly recommended that you seek the help of an attorney who has experience with post-conviction or habeas matters as soon as possible. Many legal aid organizations and pro bono attorneys are available to assist survivors of human trafficking with these types of claims.

In Immigration Cases

If you were involved in an immigration proceeding where your lawyer did not provide effective assistance, you may file a special motion to request to reopen your immigration proceedings based on ineffective assistance of counsel. This is called a Lozada motion, which is named after a Board of Immigration Appeals decision, *Matter of Lozada*. Before filing a Lozada motion, you should consult an attorney regarding the requirements you need to follow. In general, you must be prepared to do the following:

- You must provide an affidavit—a written statement made under oath, meaning you are swearing that everything in it is true—explaining your agreement with the former attorney and how the representation was deficient. You will need to be able to show that your attorney's performance was deficient and that your attorney's deficient performance caused you prejudice (similar to the requirements described above for a criminal case).
- Your former attorney must be informed of the allegations in your Lozada motion and be given opportunity to respond.
- You must explain whether you have filed a bar complaint against the former attorney (as described above under "How to Report Unethical Practices") or, if not, why not.

To ensure you understand and follow all the requirements for reopening your case, it is recommended that you seek the help of an attorney who has experience in these kinds of motions.

CONCLUSION

Navigating the legal system can feel overwhelming, but you have rights, and you have the power to make decisions about your own representation. This guide has walked you through the types of lawyers who may be able to help you, how to find and verify an attorney, what to expect from a lawyer-client relationship, and what steps you can take if something goes wrong. You do not have to face these challenges alone, and you do not have to accept representation that does not serve your best interests. Whether you are just beginning to explore your legal options or are already working with a lawyer, remember that your safety, dignity, and well-being come first—and that seeking help is a sign of strength, not weakness. Trust yourself, ask questions, and know that there are people and organizations ready to support you.

RESOURCES

The list below provides some resources mentioned in this Guide. This list is not exhaustive and does not represent all the possible resources potentially available to you in your area. Please read the section “How to Find a Lawyer” for additional tips on how to find a lawyer in your area for your specific legal needs.

National Networks/Referral Directories

- [American Bar Association's Lawyer Referral Directory](#)
- [Freedom Network USA](#)
- [National Human Trafficking Hotline Referral Directory](#)
- [National Survivor Law Collective](#)
- [Human Trafficking Legal Center](#)

Specialized Resources

- Credit Repair/Debt Bondage Repair: [Virtual Credit Repair Clinics](#)
- Criminal Record Clearing:
 - [ALIGHT \(Alliance to Lead Impact in Global Human Trafficking\)](#)
 - [Survivor Reentry Project](#)
- Image-Based Abuse / Non-Consensual Intimate Image Distribution:
 - [The Cyber Civil Rights Initiative](#)
 - [The Cyber Civil Rights Legal Project](#)
- Tax: [Low Income Taxpayer Clinics](#)

Nonprofit Organizations

The list below is a selection of nonprofit organizations based in the D.C.-Maryland-Virginia region that provide direct legal assistance to survivors. Please see the section above “How to Find a Lawyer” for details on what specific assistance is available at each organization.

- [Amara Legal](#)
- [Ayuda](#)
- [Catholic Charities DC Legal Network](#)
- [Tahirih Justice Center](#)
- [The Human Trafficking Legal Center](#)
- [University of Maryland SAFE Center for Human Trafficking Survivors](#)

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