

How to support emotional regulation



What is emotional regulation?

Emotional regulation is a term used to describe our ability to manage how we feel and how we respond to those feelings. In some contexts, it is important that we are able to fully experience and express our emotions (like when we speak to a friend about how we feel). In other situations, doing so may be unhelpful (for example, shouting at a judge when giving evidence in court).

When someone has difficulty regulating their emotions, they can become emotionally dysregulated. This means that they are unable to choose how they respond to how they are feeling. They may become angry, upset or simply shut down, when an alternative response would be more helpful.

This is a skill which can be challenging for everyone at times. To give a small example, many of us will become angry when we are in a rush to leave the house but can't find our keys. This emotion does not help us achieve our goal, but can be very challenging to moderate.

Some people may find emotional regulation more challenging than others. This area of difficulty does not necessarily co-occur with a diagnosis or neurodiversity. However, people with personality disorder, [anxiety](#), [Post-Traumatic Stress Disorder \(PTSD\)](#) and [Attention Deficit Hyperactivity Disorder \(ADHD\)](#), as well as [autistic people](#), may be more likely to have difficulties in this area.

Legal proceedings & emotional management

Emotionally demanding situations, such as participating in legal proceedings, can make regulating our emotions especially difficult. However, becoming emotionally dysregulated can have many negative impacts in this context.

A court user who has difficulties with emotional management may struggle to focus on and 'take in' important information, struggle to make considered decisions, have difficulty expressing themselves coherently and may communicate in a manner which is perceived negatively by a judge or jury.



Tips for supporting emotional management

The strategies required to support an individual who has particular difficulty with emotional management will vary from person to person. The following general tips may be of assistance:



Build rapport. Effective rapport can help your client feel safer, more supported and better able to request help when they need it. Build time for casual conversation into conferences and meetings. Consistency of legal representative can also assist in this area.



Ask your client about their emotional management. They may have insight into triggers, coping strategies, signs of imminent dysregulation and how you can best assist them.



Take regular breaks and encourage your client to have a complete rest from proceedings. They may benefit from some fresh air or playing a smartphone game.



Try using a visual scale which your client can use to indicate how they are feeling. This can help to inform when breaks are taken.



Use a 'break card' to help your client self-advocate when they feel they are becoming emotionally dysregulated.



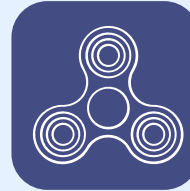
Agree an "emergency exit" plan with your client and the court. Knowing they can leave (and how), if necessary, can assist emotional regulation.



Undertake a familiarisation visit to the courtroom and witness box (or video link room etc.), if they are giving evidence.



Introduce your client to legal professionals involved in proceedings informally, outside of court.



Provide a fidget object such as a stress ball, a simple piece of Blu Tack or pens and paper for doodling.



Encourage an 'outlet' in the courtroom to allow your client to express their feelings in a manner which does not disrupt the court. You could ask them to write or draw the things they feel like shouting out or don't agree with. Explain you will review these points in breaks.



Encourage breathing exercises. For some clients, breathing techniques which focus on elongating the out breath can help to activate the calming parasympathetic nervous system. [Box breathing](#) is an easy and memorable technique which may assist. Mindfulness tools like the [5, 4, 3, 2, 1 Technique](#) can also help to ground your client in the present moment, by focusing on the senses and simple things in the environment. Resources such as mindful colouring books can also be helpful for some court users.



Acknowledge your client's emotions. Simply mirroring their statements back to them can be surprisingly helpful in some cases. Phrases like, "*You are really angry about X*", "*I can see how upset you are about Y*", can be used to acknowledge your client's feelings.

Further reading

- The Advocate's Gateway - [Toolkit 12: Planning to question someone with a suspected \(or diagnosed\) mental health disorder](#)
- Dr Shirley Reynolds - [Free online training & resources for professionals](#) working with adults with mental health difficulties.

From The Access Brief

- [ADHD in legal proceedings](#)
- [Autism in legal proceedings](#)
- [PTSD in legal proceedings](#)
- [Anxiety in legal proceedings](#)
- [Depression in legal proceedings](#)
- [Communication tips for legal conferences](#)
- [How can an intermediary assist throughout a trial?](#)



Intermediary services

If you are concerned about your client's ability to communicate effectively and participate in legal proceedings, Communicourt can help.

We will assess your client to understand their communication needs and how these might affect them in court. Your client does not need to have a diagnosis. Our reports will identify any particular communication issues and make bespoke recommendations to help you and your client throughout proceedings.

If intermediary assistance is recommended, one of our highly trained intermediaries can be there throughout proceedings to facilitate those recommendations.

Intermediaries are mostly funded by HMCTS, with no charges or payments required by legal representatives.

How to book an intermediary

- 1 Refer online.** Refer your client for an assessment through [our online portal](#) (5 minutes).
- 2 Funding.** We send a quote for you to send to Legal Aid / HMCTS to approve (24 hours).
- 3 Book assessment.** Once funding is approved, please let us know. We will schedule an assessment (2-6 weeks).
- 4 Assessment will** take up to 3 hours and can be conducted in person or remotely. You will then receive a report (7 days).
- 5 Book dates** for hearings or conferences. We will send you booking forms to be signed by the court. Once signed, we will book the intermediary.