



Where to Start Toolkit

Sample Candor Script



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Sample Candor Script

This is a sample script for discussing the issue of client candor. The script assumes that basic privacy and confidentiality rules have already been explained to the client. You may choose to modify the verbiage of the Script so that it is appropriate or and relatable to the specific client base with whom you are speaking (e.g., children, teens, individuals with cognitive impairments). The Sample Script is meant to be used as a guide: you are encouraged to personalize it to match your style of communicating with clients. The Script can be shortened, or gone into in more detail, as needed.

Getting Started:

It is normal for someone who has experienced sexual violence to want to keep some or many of the details of their experience as private as possible. I understand it can be difficult to discuss sexual violence, but in order to assist you to the best of my ability, I may need to ask some uncomfortable questions. We will likely speak many more times. I will not need all the details today and depending on your legal needs, I may never need all the details. Please share as much as you are comfortable discussing. If I need more information for some reason, I will ask, and I will explain why I need that information.

I understand that it can be challenging to talk about offensive or threatening things the perpetrator said or did. I regularly speak with survivors about their experiences. Please do not worry about my comfort or whether it is difficult for me to hear something. I am here to support you.

Addressing Adverse Facts

Some victims are hesitant to admit to using drugs or alcohol before or after the assault, or to talk about other illegal activities that occurred in relation to the assault. Other victims are embarrassed or reluctant to say that they had been sexually active with the perpetrator, or had flirted with the perpetrator before the assault took place. Some victims blame themselves for being in the situation in which the assault occurred. All of these are normal responses to sexual violence; it is helpful for me to know if anything like this happened or is concerning you. Sexual assault is never the victim's fault, and victims should never be blamed for what happened to them. To do the best job I can representing you, it is important for you share these kinds of relevant details with me as openly as you can.



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My job is to prepare the best legal case possible given the circumstances. I want to be well prepared for the arguments and defenses the other side will likely make. It's always better for me to hear things from you than to hear them from someone else or to be surprised in a deposition or in another court proceeding. The questions I ask you will help me to gather all of the information I need to put together the strongest case.

Addressing Memory Loss

As I mentioned, you don't have to tell me everything today; we can, and will, talk often over the next few weeks. Please share with me at a time and pace with which you are comfortable. It's normal for a survivor's recollection about the assault and surrounding circumstances to come back in bits and pieces; it's also common for survivors to not remember all of the details of the assault or the exact chronology of events leading up to or following the assault. Please let me know if you are having difficulty remembering any details. You can contact me if you have more information to share after our initial meeting. The better I understand your experience, the better I can represent you.

Privilege and Confidentiality

The law recognizes that trust and private communications between a lawyer and their client *[or an advocate and a victim]* are critically important. As your lawyer, I am required to keep confidential almost anything you say to me, unless you ask me to release it. *[Detail any exceptions here, particularly if you are a mandatory reporter. If you are an advocate and not an attorney, explain any limitations to confidentiality here, including mandatory reporting obligations]*. Except in very rare circumstances, as your attorney, I cannot reveal what you share with me. *[If you are an advocate and not an attorney, this statement may not be true for all of your communications with a victim; review jurisdictional limitations to advocate privilege and inform clients. If you are unsure about advocate privilege in your jurisdiction, contact the VRLC TA team]*. I will do my best to represent you and to protect your privacy fiercely. I believe you and know that you are not to blame for what happened to you. I will share with you a more detailed written Notice of Confidentiality to explain your rights. Do you have any questions about privilege and confidentiality?