

Keeping Legal Minds Intact: Mitigating Compassion Fatigue among Legal Professionals

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What is Compassion Fatigue?

There are several different terms often used to refer to the same phenomenon; to name a few: compassion fatigue, vicarious trauma, secondary traumatic stress, second hand shock and secondary stress reaction. Compassion fatigue is defined as the cumulative physical, emotional and psychological effects of being continually exposed to traumatic stories or events when working in a helping capacity. It has been studied extensively in social workers, nurses, doctors and therapists who work with victims of trauma. Recently researchers have begun to examine the impact upon legal professionals including lawyers doing criminal law or family law and judges. Compassion fatigue involves a cluster of symptoms such as, but not limited to, sleep disturbance, anxiety, intrusive thoughts, a sense of futility or pessimism about people, lethargy, isolation and irritability. The development of compassion fatigue involves neurophysiology and is best addressed from both the neurobiological and the social psychological research and perspectives.

Who is most at risk?

Levin et al. (2003) found that attorneys and judges who work in the field of criminal or family law are considered at higher risk of developing compassion fatigue compared to those who work in other areas of the law. These legal professionals listen day after day to stories of human induced violence. They read and re-read detailed documentation of the traumatic material within cases. Attorneys are often times in long term relationships with their clients thereby witnessing the impact of the trauma upon their client or their clients' victim. Particularly in domestic violence cases they observe clients re-entering into risky environments without regard for safety and throughout their work with victims, offenders and the system are expected to perform at the top of their game without being impacted by the traumatic material. After all, lawyers and judges are taught not to show weakness, to deny, defend and deflect vulnerability, while staying emotionally detached at all times.

The reality is that attorneys and judges are human beings. Any person regardless of professional competence can develop compassion fatigue. The struggle for legal professionals is the assumption (both their own and that of others) that they will not be impacted by the work that they do. The reality can be quite different. Lawyers and judges when exposed to traumatic stories and events may have physiological reactions such as increased heart rate, breathing rate and muscle tension. They can have emotional responses such as anger or fear. They may also experience changes in their assumptions about life, other people and issues of

safety. Often legal professionals will be unaware of these reactions or ignore or dismiss them as unimportant. These reactions are indicative of the physiological and psychological changes occurring within the mind/body due to the processes of empathy or identification, reactions of the autonomic nervous system and patterns of thinking. If left unchecked and unattended to these reactions wear on the mind and the body resulting in the above mentioned cluster of symptoms known as compassion fatigue. It is comparable to erosion only it happens to a person, not an object. The results can be varying degrees of impairment for the attorney or judge.

What places legal professionals at increased risk?

Levin et al (2003) found that compared to mental health providers and social service workers, attorneys surveyed had “significantly higher levels of secondary traumatic stress and burnout”. Researchers went on to state that this is likely due to higher case loads, lack of supervision or support and lack of education in regards to the impact of ongoing exposure to traumatic material and events. Osofsky et al. (2008) also identified similar organizational and job issues which contribute to the development of compassion fatigue. Factors included high caseloads, minimal support from supervisors, lack of peer support, excessive paperwork, inadequate resources to meet demands and limited job recognition. These researchers also reported the impact of compassion fatigue upon the work environment listing such issues as increased absenteeism, impaired judgment, low motivation, lower productivity and high staff turnover.

These factors coupled with the culture of practicing law may discourage attorneys or judges from recognizing the signs of distress, disclosing if they are struggling or prevent them from seeking assistance. In contrast social service and mental health workers are educated about the potential impact of the work upon their mental and physical health and are encouraged to talk about it and address how the work affects them in order to lessen the impact. This is often done in a safe, confidential and supportive environment. Legal professionals and managers universally state they do not have this provision built in to their work environment, that they are bound by confidentiality and would lack the resources, time or energy to create this environment for themselves.

Those working as public defenders or prosecutors may identify with some of the above. For example, prosecutors or public defenders involved in a long, arduous trial are seldom afforded the time to replenish and restore themselves following the trial. Instead they are likely to go forward the next day into another formidable case without the ability to take pause and reflect upon how the work is impacting them physically, emotionally or mentally. One lawyer stated, “I am expected to operate like a machine, often getting notices to be at four places at the same time and go from trial to trial with no regard for what I can reasonable do or what the impact might be on myself as a professional or a person”.

What can legal organizations do?

A review of the literature suggests that law organizations or entities first and foremost need to recognize and acknowledge that compassion fatigue exists and identify how it impacts the legal professional and the organization. Prevention strategies include reducing caseloads due to the correlation between high caseloads and the prevalence of compassion fatigue and educating legal professionals about what compassion fatigue is and how a person may be impacted while working with traumatic stories and events. Supervisors and managers would be astute to address this issue, educate their legal staff and encourage staff to debrief their high trauma cases on a regular basis in a supportive atmosphere. With the current culture of budget deficits, limited space and resources and increasing caseloads it is imperative (albeit difficult) for public defenders, prosecutors, family law attorneys and judicial entities to adopt a strategy of how to address and mitigate this versus why they cannot.

What can legal professionals do?

Whether an attorney, judge, doctor or a mental health professional the recommendations to mitigate or treat compassion fatigue are similar.

Awareness. It is important for legal professionals to understand what compassion fatigue is, be assessing for it through utilizing a survey, checklist or other instrument on a regular basis.

Debriefing. Talking on a regular basis with another practitioner who understands and is supportive is seen as helpful. This involves talking about the traumatic material, how one thinks and feels about it, acknowledging how one is personally affected by it and putting a plan in place for balance.

Balance. Working on balance in all areas of one's life is emphasized throughout the research on mitigating compassion fatigue. Because of the physiological and psychological changes that occur a holistic approach is best. Yes, this means establishing a healthy diet, sleep and exercise program which we all talk about but few of us actually attend to. Exercise and relaxation work can be beneficial in counteracting the impact on the autonomic nervous system. Working on healthy interpersonal relationships is also a good idea (even if we have been married or divorced for many years and live with small children, adolescents or have aging parents giving us the excuse to say "balance is impossible"). Most of us give up on finding balance as work and personal life just keeps pouring it on but the truth is there are probably steps we can take to simplify, to do less of, to ask for help or just plain stop trying to be all things to all people, including our clients. Sound familiar? Start thinking about how you can work on balance versus why you cannot.

Be intentional. If your life is out of whack, you have compassion fatigue, depression, anxiety, substance abuse problems or are just plain overwhelmed, put a plan in place for change. Work with your thoughts. Recognize and acknowledge that the skills you possess which contribute to your success as an attorney or judge (motivated, perfectionist, achievement oriented, driven,

fixer,) and the environment in which you work in may contribute to an imbalance in your life. Seeking balance encompasses a change in lifestyle which requires hard work addressing thoughts, emotions and behaviors. Intentionally seek assistance to help yourself implement change and redirect the thoughts that tell you, “I should be able to do this by myself”. Your new mantra can become, “I don’t have to do it all by myself”.

The good news: WisLAP can be a resource specifically for you.

If you want to consult with a mental health professional or work with a trained attorney or judge consider calling the Wisconsin Lawyers Assistance Program (WisLAP). The program offers free in house educational sessions or one on one consultation or assistance. WisLAP specializes in understanding and addressing the issues which face today’s legal professionals.

WisLAP is a member service of the State Bar of Wisconsin. The program utilizes trained Wisconsin judges and attorneys who provide confidential assistance to judges, lawyers, law students and their families. Each request for help is treated with the same confidentiality as the lawyer-client relationship. WisLAP is exempt from reporting professional misconduct to the Office of Lawyer Regulation (OLR) or to the Judicial Commission. WisLAP does not ask callers to disclose their identity and does not keep case records. The program is designed to help members build on their strengths and provide support through the enhancement of physical, mental and emotional health. Confidential support is available 24/7 by calling 800-543-2625. Or contact Linda Albert, WisLAP Coordinator directly at 800-444-9404 ext 6172 or email lalbert@wisbar.org.



Linda Albert is a Licensed Clinical Social Worker and a Certified Alcohol and Drug Counselor. She received her Master’s Degree from UW-Madison in Social Work. She has professional assessment/treatment/referral competencies in the areas of addictions, eating disorders, depression, anxiety, trauma and illness impacted by stress. Linda has worked over the past 25 years as an administrator, consultant, trainer and psychotherapist, in a variety of settings including providing services to impaired professionals. She has done multiple presentations for conferences at the local, state and national level. Currently Linda is employed by the State Bar of Wisconsin as the WisLap Coordinator.

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