HUMAN ETHOS

WELLBEING FOR JUDGES AND LAWYERS

Vicarious trauma: *Wellbeing of those involved in sexual assault matters*

AIJA National Justice Forum on Sexual Assault, 2-4 August 2024

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What we will cover:

1. The psychology of empathy-based stress
2. How empathy-based stress is experienced
3. Strategies for managing empathy engagement

Empathy-based stress

What is empathy-based stress?

EMPATHY-BASED STRESS REACTIONS

VICARIOUS TRAUMA

Disruptions to a person's beliefs about safety, power, independence, esteem, intimacy, and/or frame of reference as a result of being exposed to another's traumatic experiences

SECONDARY TRAUMATIC STRESS

Development of PTSD symptoms (re-experiencing, arousal, avoidance, emotional numbness) following the traumatic experience of an important person

COMPASSION FATIGUE

Reduction in the capacity or interest in being empathetic towards others, believed to result from ongoing expenditure of empathy

BURNOUT

Presence of emotional exhaustion, cynicism, and feelings of disconnection from others, resulting from prolonged work and interpersonal demands

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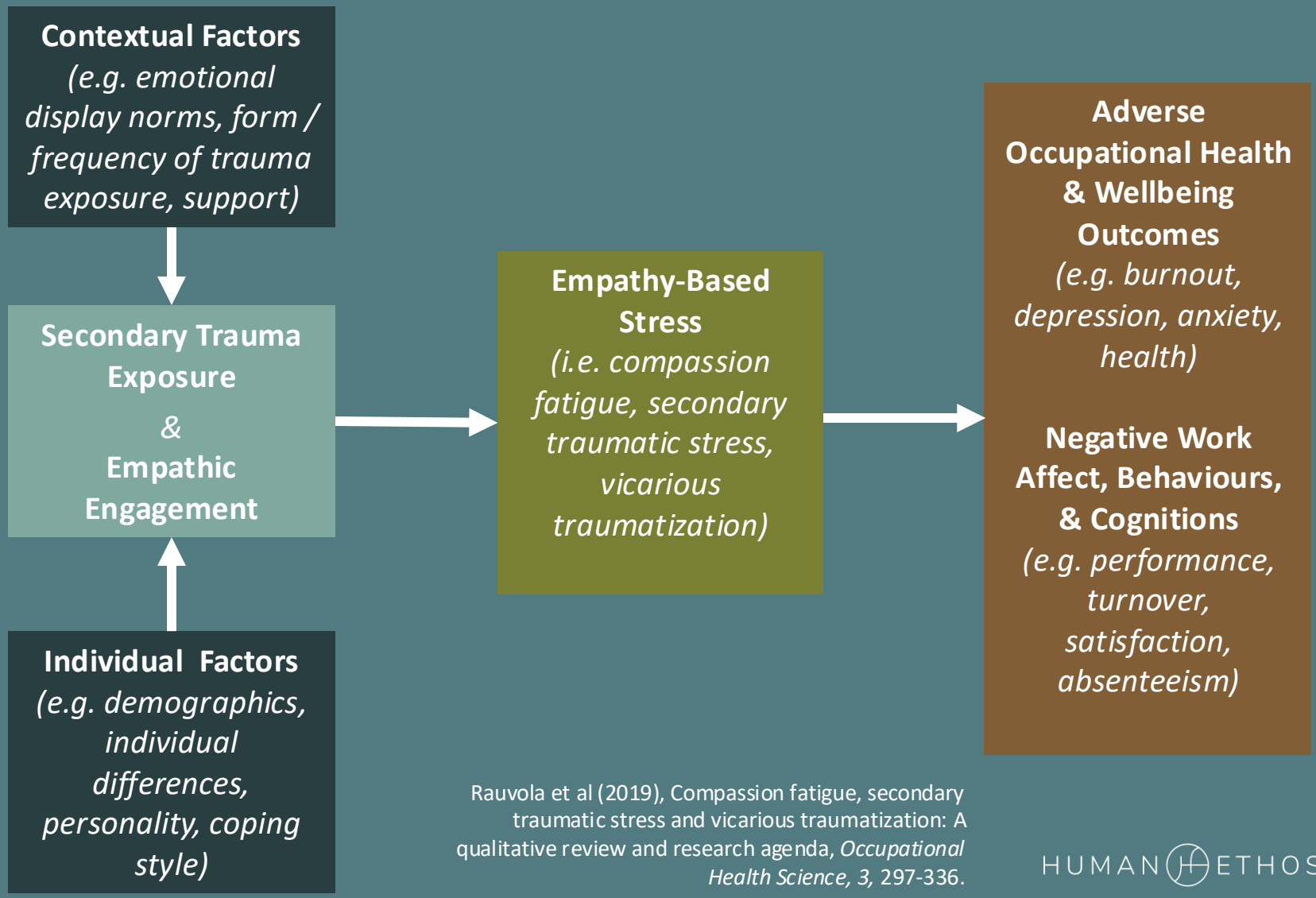
How empathy-based stress works



Rauvola et al (2019), Compassion fatigue, secondary traumatic stress and vicarious traumatization: A qualitative review and research agenda, *Occupational Health Science, 3,* 297-336.

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Traumatic stress and judicial work

- **Cumulative impact** of traumatic material and environments
- Often triggered by a **detail of personal relevance** or significance
- Disruptions to beliefs about the world… and the **justice system**

Vicarious Trauma: The Impact on Solicitors of Exposure to Traumatic Material

Lila Petar Vrklevski and John Franklin

This study explored vicarious trauma in the legal profession. A random sample of male and female criminal law (n = 50) and noncriminal law (n = 50) solicitors completed a research pack containing the following questionnaires: a demographic questionnaire; Vicarious Trauma Scale; Satisfaction With Work Scale; Depression, Anxiety, and Stress Scales; Impact of Event Scale–Revised; and Trauma and Attachment Belief Scale. Criminal lawyers reported significantly higher levels of subjective distress and vicarious trauma, depression, stress, and cognitive changes in relation to self-safety, other safety, and other intimacy. No significant differences were found between the two groups on measures of satisfaction with work or coping strategies in relation to work-related distress. Multiple trauma history was associated with higher scores on measures of symptomatic distress.

Keywords: vicarious trauma; solicitors; depression; anxiety; stress; cognitive changes

The term *vicarious traumatization* is attributed to McCann and Pearlman (1990b) and describes the changes that occur in trauma workers as a result of working with trauma survivors. It is a cumulative process "through which the therapist's inner experience is negatively transformed through empathic engagement with the clients' traumatic material" (Pearlman & Saakvitne, 1995, p. 280).

Several other terms have also been used to describe the negative effects that result from working with trauma survivors. These include compassion fatigue or secondary traumatic stress, countertransference, and burnout (Stamm, 1997). Figley (1995) used the term *compassion fatigue* to describe secondary traumatic stress effects. He explained that "compassion is a feeling of deep sympathy or sorrow for another who is stricken by suffering or misfortune, accompanied by a strong desire to alleviate the pain or remove its cause" (p. 7). Countertransference refers to a therapist's unconscious and conscious responses to a particular client's transference. It is not specific to trauma work (Wilson & Lindy, 1994). Burnout occurs as a result of prolonged work, leading to emotional exhaustion, erosion of idealism, depersonalization, and loss of self-efficacy (Figley, 1989; Pearlman & Saakvitne, 1995; Sexton, 1999). Burnout can occur in all types of work. The distinction between these terms in the empirical literature is often not made clear, with various studies using some of the terms interchangeably. While there are similarities, overlap, and an interactional effect between the concepts of vicarious trauma, compassion fatigue, countertransference, and burnout, there are also discernible differences (Pearlman & Saakvitne, 1995; Salston-Farrell & Turpin, 2003). The

Vicarious trauma involves "profound changes in the core aspects of the therapist's self" (Pearlman & Saakvitne, 1995, p. 152). These changes include disruptions in both self and professional identity, worldview, spirituality, abilities, and cognitive beliefs particularly in the areas of safety, trust, esteem, intimacy, and control (Saakvitne & Pearlman, 1996). Whereas posttraumatic stress disorder (PTSD) refers to the impact on primary victims of trauma, vicarious traumatization refers to the impact on secondary victims of trauma (i.e., those that work with the primary victims of trauma).

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Vrklevski & Franklin, (2008), 'Vicarious trauma: The impact on solicitors of exposure to traumatic material', *Traumatology, 14*(1)

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Psychiatry, Psychology and Law, 2017
Vol. 24, No. 2, 233–243, http://dx.doi.org/10.1080/13218719.2016.1220037

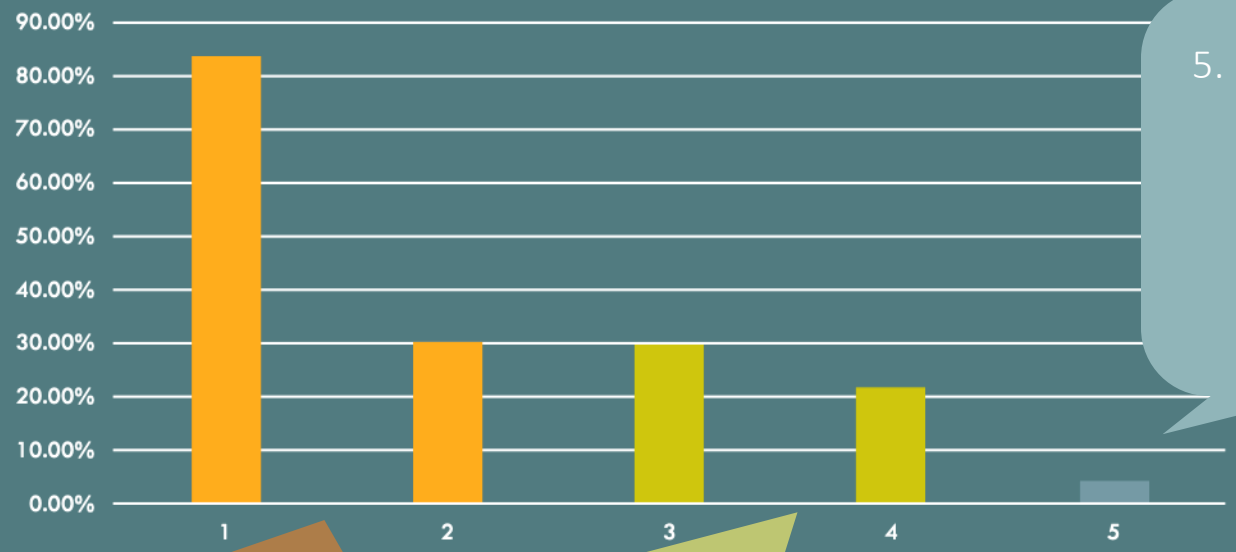
The Law Is Not as Blind as It Seems: Relative Rates of Vicarious Trauma among Lawyers and Mental Health Professionals

Gina McGuire and Mitchell K. Byrne

School of Psychology, University of Wollongong, Wollongong, NSW, Australia

McGuire & Byrne (2017), The law is not as blind as it seems, *Psychiatry, Psychology and Law*

Traumatic stress and the judiciary



5. 12 month population prevalence of PTSD in Australia is 5.7%

Schrever Study:

1. 83.6% of judicial officers reported at least 1 symptom of secondary traumatic stress
2. 30.4% scored above the cut-off warranting PTSD assessment (Schrever et al, 2019)

NSW Study:

3. 30% of NSW judicial officers' scores suggested PTSD diagnosis
4. 22% scores suggested possible suppression of immune system functioning (Hunter et al, 2021)

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How empathy-based stress is experienced

Traumatic stress: Warning signs and potential impacts

- **Physical**
  - Heightened or changed arousal levels
  - Deep fatigue & sleep disturbance
- **Behavioural**
  - Avoidance
  - Difficulty separating work and home
- **Psychological**
  - Re-experiencing of events or images
  - Change to core beliefs about the self or world view
  - Emotional numbness

Traumatic stress: Warning signs and potential impacts

- **Professional**
  - Avoiding responding to emails
  - Avoiding calling people back
  - Difficulty concentrating
  - Overuse of black humour
  - Feeling ineffective
  - Feeling cynical about the work
  - Loss of purpose
  - Being more emotionally reactive

Traumatic stress is an occupational hazard for professionals working in sexual assault matters

"Now, there's two things that can happen to you. Either you're going to ***remain a decent person and become terribly upset*** *by it all because your emotions, because your feelings, are being pricked by all of this constantly. Or you're going to become – you're going to* ***grow a skin on you as thick as a rhino****, in which case I believe you're going to* ***become an inadequate judicial officer*** *because once you lose the human – the feeling for humanity you can't really – I don't believe you can do the job."*

Australian magistrate, quoted in Roach Anleu & Mack (2005), Magistrates everyday work and emotional labour, *Journal of Law and Society*

The Overinvolvement-Underinvolvement Continuum

Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT): 2016), "Compassion Fatigue, Burnout, and Vicarious Trauma Guidebook"

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The Overinvolvement-Underinvolvement Continuum

MOVING TOWARD WORKING WITH SURVIVORS

MOVING AWAY FROM WORKING WITH SURVIVORS

"Because you see the worst of the worst you can sort of catastrophise in your life so you get a headache and think oh my God I've got brain cancer or my daughter had a massive bruise on her elbow and I thought oh my gosh she's got a broken arm. It's just natural because you see it every day and my husband is constantly saying 'it's not as bad as you think it is, you'll be fine, it's just because this is what you see every day so you think that everything is bad so you actually find it hard to come away from that and say actually life is good, the sun is shining, people are happy'."

OVERINVOLVEMENT | IDEAL RANGE | UNDERINVOLVEMENT

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The Overinvolvement-Underinvolvement Continuum

MOVING TOWARD WORKING WITH SURVIVORS

MOVING AWAY FROM WORKING WITH SURVIVORS

"I went through a stage where I really thought I was losing my empathy, because I was starting to get to the point where I would be listening to a Victim Impact Statement or something… there was a woman in one particular – and she broke down, and I didn't say anything, but I did: I felt impatient with her. And then you know there was another voice in my head saying 'well look don't you care about this poor woman', you know. And all I wanted her to do was get through it, get on with it, get finished, get out of the witness box and let me get on with dealing with the legal aspects. And that concerned me, because I thought 'I don't know how much I care anymore', you know, I'm starting to think I don't really care as much as I should"

OVERINVOLVEMENT | IDEAL RANGE | **UNDERINVOLVEMENT**

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The Overinvolvement-Underinvolvement Continuum

MOVING TOWARD WORKING WITH SURVIVORS

MOVING AWAY FROM WORKING WITH SURVIVORS

"I think it's an emotionally and intellectually challenging role, I feel worried about people, I'm concerned what's going to happen to them, I can be indignant at how violent they are or – but even the most violent, family violence offender, I find I still have some empathy for, which is you know – and I think that's probably a good thing, because people are complex, and finding what is allowing them to choose that behaviour, and enabling that behaviour, is what I'm searching for. So I still am motivated to keep looking and finding and searching and encouraging. So that's the level of satisfaction I get."

OVERINVOLVEMENT	**IDEAL RANGE**	UNDERINVOLVEMENT

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The Overinvolvement-Underinvolvement Continuum

MOVING TOWARD WORKING WITH SURVIVORS

MOVING AWAY FROM WORKING WITH SURVIVORS

"There's that clinical approach I adopt in the Court. Like someone could be in tears you know before me, and it doesn't affect me 9 times out of 10. I'll just wait, I'll be patient, I'll make sure they get water, make sure they get a box of tissues – or go through that sort of list of trying to assuage their concerns, their fears, whatever it is that's upsetting them – and then we move on to whatever it is we're here for. So I don't take on a personal burden of anyone who appears before me in a Court room… I realised that unless I detached emotionally from these people I was going to be a wreck. And so you have to do that in order to work in that field. A bit like working in a psych ward or working in a funeral parlour – you know you just - you can't have an emotional connection with the subject matter"

OVERINVOLVEMENT	**IDEAL RANGE**	UNDERINVOLVEMENT

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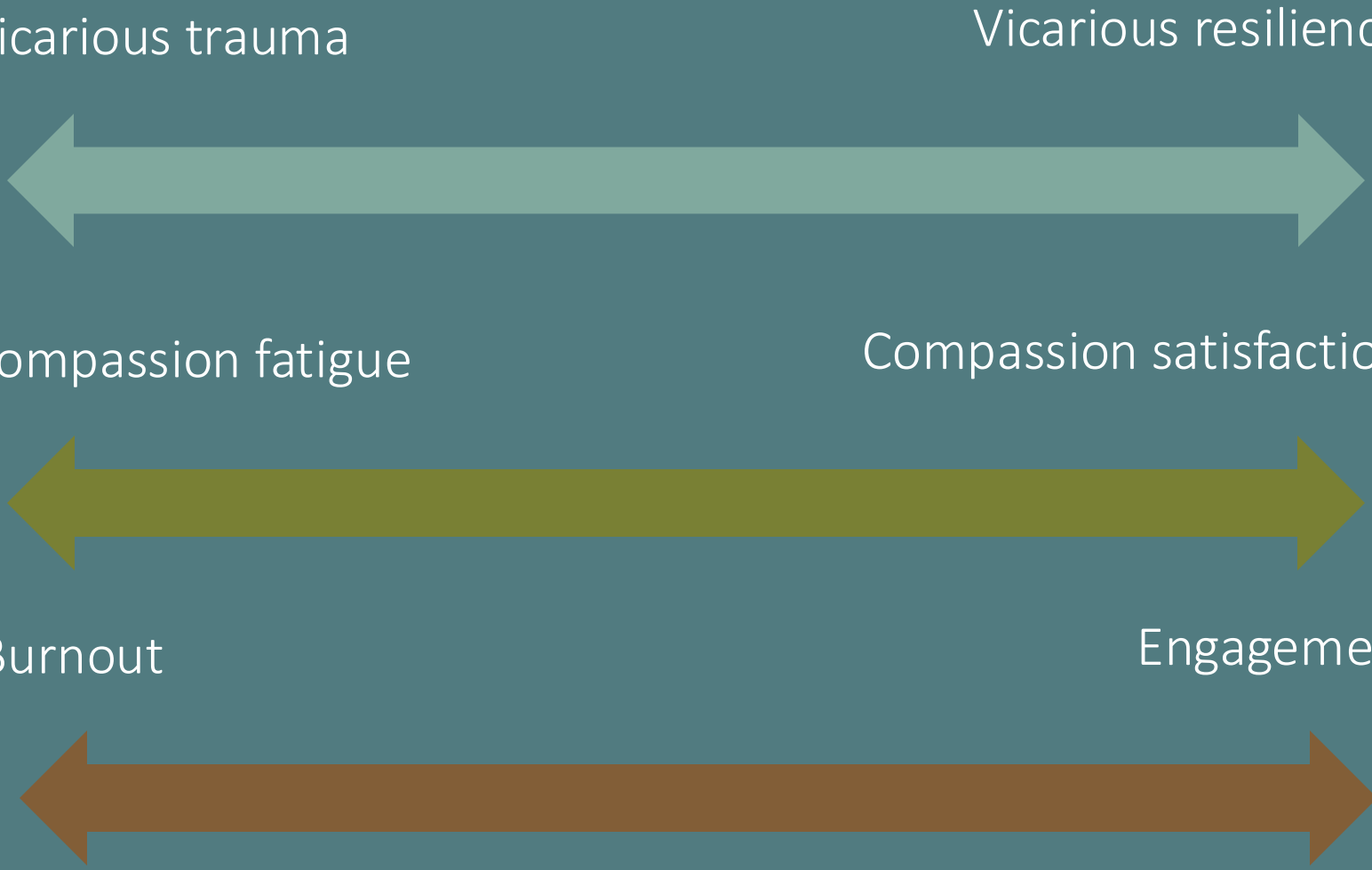
Continuum of Experience



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Continuum of Experience

Risk Factors

ENVIRONMENT

- Work overload (long hours, time pressure)
- Role ambiguity, lack of control & autonomy
- Values misalignment, feelings of unfairness
- Minimal or no case variety
- Effort-reward imbalance
- Lack of social support – peers, leaders

INDIVIDUAL

- Perfectionism, sensitivity to judgment
- Stress as threat
- External locus of control
- Lower EQ
- History of trauma

Protective Factors

ENVIRONMENT

- Ebb and flow of workload pressure
- Clear and appropriate role definition and boundaries
- Autonomy support
- Acknowledgement, appreciation, respect
- Meaning making opportunities

INDIVIDUAL

- Diligence, self-trust and self-acceptance
- Stress as challenge
- Internal locus of control
- High EQ
- History of adversity recovery

Strategies for managing empathic engagement

Managing traumatic stress & burnout

1. Acknowledge the risk
2. Know the warning signs

- **Physical**
  - Heightened or changed arousal levels
  - Deep fatigue
  - Sleep disturbance
- **Behavioural**
  - Avoidance
  - Irritability
  - Difficulty separating work and home
- **Psychological**
  - Re-experiencing of events or imagining or events
  - Change to core beliefs about the self or world view
  - Emotional numbness

Managing traumatic stress & burnout

1. Acknowledge the risk
2. Know the warning signs
3. Prioritise general wellbeing

A holistic wellbeing plan includes:

- **Physica**l health
- **Intellectua**l engagement
- **Social** connection
- **Emotional** expression and regulation
- **Occupational** clarity, competence and value alignment
- **Spiritual** meaning, purpose and direction

Managing traumatic stress & burnout

1. Acknowledge the risk
2. Know the warning signs
3. Prioritise general wellbeing
4. Limiting exposure to traumatic material – to the extent possible
    - Reducing the evocativeness of visual material
    - Limiting the number of challenging cases dealt with in a row
5. Personal rituals to support role definition
    - Transition rituals
    - Boundaries
6. Emotion regulation strategies when emotionally triggered
7. Connection to meaning and purpose
8. Regular proactive counselling and debriefing

Thank you

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WELLBEING FOR JUDGES AND LAWYERS

When should you act?

- **Prevent**
  - Self care plan
  - Know your signs
  - Check in with yourself…Physical? Emotional? Relationship? Work?
- **Manage**
  - Ongoing debriefing with colleagues
  - Ongoing debriefing with professionals
- **Respond**
  - Duration: 2-3 days, 2+ weeks
  - When signs get in the way of your normal routines