

## S P O T L I G H T

## Trauma for the tough-minded prosecutor

As a profession, lawyers consistently rank high for stress, depression, and suicide. Those in prosecutor's offices are hit with the double-whammy of repeated secondary trauma (exposure to other people's trauma). Here's how to recognize these stresses and care for yourself in the midst of seeking justice for our communities.

Several months ago I began to have a series of violent nightmares. In one, I went out with my investigator to a dangerous area of town to find a victim for a trial we were working on. In the dream, my investigator walked up to the door to see if it was the correct house while I stayed in the car. I watched as a man burst through the front door and shot her, then stood over her while I screamed frantically from the car. I got on the radio and called in, yelling, "Officer down, officer down!"

The next day at work, I begged her not to go out looking for this victim, that there must be some other means to find him.

I'm sure many of us who work in prosecution can relate to the creeping feeling of vulnerability we experience. Some of it can be attributed to real threats and dangers we face in our roles, but other fears are more likely because of our exposure to trauma. When you can't reach a loved one on the phone, for example, do you tend to think her phone must not be charged, or do you imagine

that something awful has happened to her? When you see a man holding hands with a little girl, do you think it's a sweet image, or do you wonder if the man is molesting her? Even putting these examples in writing sounds crazy, but I have had these thoughts, and other people in my office have confided the same.

Most people are familiar with burnout, which is mental, physical, and emotional exhaustion due to prolonged stress. Burnout can happen to anyone. And those of us in prosecutor's offices are also prone to secondary trauma, also referred to as vicarious trauma or compassion fatigue. It is a condition unique to professionals repeatedly exposed to the trauma of others, such as law enforcement officers, firefighters, nurses, social workers, judges, and criminal lawyers (among others). While burnout is the result of general stress and frustration over a long period of time, secondary trauma has a much more pervasive impact. It likely includes physical and emotional symptoms and disruption of one's social life and spiritual beliefs.

### Vulnerabilities in the legal profession

Lawyers are particularly vulnerable to burnout and stress, and as a professional group they are at a high risk for depression, substance abuse, and suicide. The problems can be observed in law school and continue throughout one's career.

According to the Dave Nee Foundation, whose program Uncommon Counsel helps combat depression and suicide among law students, stress among law students is reported at 96 percent, compared to 43 percent for other graduate students. Chronic stress can trigger the onset of clinical depression, and depression among law students is 8–9 percent prior to matriculation and 40 percent after three years. Lawyers are 3.6 times more likely to suffer from depression than non-lawyers. Lawyers also rank fifth in incidence of suicide by occupational group.<sup>1</sup> In a survey conducted by the American Bar Association and the Hazelden Betty Ford Foundation of 15,000 American lawyers, 21 percent acknowledged a drinking problem, 28 percent battle depression, and 11.5 percent reported suicidal thoughts.<sup>2</sup>

Not only does the work of prosecution itself induce stress, but the legal culture can also create conditions that exacerbate stress and prevent people from seeking support.



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Attorneys are in an adversarial position most of their working hours and are expected to be tough-minded and strong. Emotional vulnerability is viewed as a weakness and a problem. Perfection is expected, as any mistake or oversight can dramatically change the outcome of a case or a trial. This expectation leaves little room for the very normal human experience and error. Spending most of the work day in the “lawyer” mindset can establish the habit of viewing the world through the lens of pessimism and perfectionism. When you take that legal persona into the grocery store, your child’s school, or dinner with your partner, the stress permeates your entire life.

## Secondary trauma

Secondary trauma (also called secondary traumatic stress) is defined as “the emotional duress that results when an individual hears about the firsthand trauma experiences of another. Its symptoms mimic those of post-traumatic stress disorder (PTSD).”<sup>3</sup> Exposure to a single traumatic incident can induce a reaction in some people—victims of crime experience PTSD to some extent. But secondary trauma is the cumulative effect of repeated exposure to trauma that can impact us in numerous ways and ultimately erode our sense of self, damage our outlook on life, and harm our overall well-being.

Exposure to constant trauma and violence is an added burden that attorneys and other professionals in criminal law shoulder. The victims we work with aren’t in our office because they’re having a great day. We meet to talk about what is most likely the worst or most horrifying

thing that has happened to them. During trial preparation meetings, the devastating or terrifying facts are laid out before us, accompanied by the victims’ powerful and raw emotions. Our role in these times is to listen objectively, assess our case, and analyze how to present it to a jury. Naturally we are deeply moved or upset by the victims’ pain, but the role demands a professional persona. In addition to this continual exposure to trauma, prosecutors shoulder the enormous expectation that they alone will be responsible for bringing justice about, both for the victims and the offenders.

While everyone responds differently to trauma, in their book *Trauma Stewardship*, authors Lipsky and Burk explore 16 of the most common responses people have to trauma exposure:<sup>4</sup>

- feeling helpless and hopeless,
- a sense that one can never do enough,
- hypervigilance,
- diminished creativity,
- inability to embrace complexity,
- minimizing,
- chronic exhaustion or physical ailments,
- inability to listen or deliberate avoidance,
- dissociative moments,
- sense of persecution,
- guilt,
- fear,
- anger and cynicism,
- inability to empathize or numbing,
- addictions, and
- grandiosity (an inflated sense of importance related to one’s work).

Many of these are self-explanatory, but I’d like to explore a few in

more depth. **Hypervigilance** is the sense of being “on” at all times—it can be exhausting and leave a person frazzled. Some of my colleagues feel nervous about being in large crowds and have said they constantly watch people’s hands in case somebody tries to make a sudden move for a weapon. Prosecutors and investigators sometimes fear going to everyday places like the grocery store or restaurants because they may run into a defendant or defendant’s family.

The **inability to embrace complexity** can result in black-or-white thinking: that there is good and bad, that this person is right and that person is wrong. In the workplace this can take the form of gossip and negativity. It’s harder to assess and understand others’ perspectives or situations than it is to label others with sweeping generalizations. This polarization is easy to slip into when you work within the criminal justice system, where the set-up is us vs. them, guilty or not-guilty, and good guys vs. bad guys.

**Minimizing** occurs when we get so flooded with others’ pain that we have difficulty relating in an empathetic way to less-serious situations. Once, when my teenage daughter expressed frustration at my husband and me for being too attentive and overly involved in her life, I proceeded to tell her about a girl her same age who had run away from her group foster home to fall into the hands of a sex trafficker. Boy, didn’t *she* wish she had involved parents who loved her?! My response was clearly not helpful or empathetic.

**Inability to listen or deliberate avoidance** may manifest at work or

*Continued on page 36*

*Continued from page 35*

in our personal lives. I know a number of people who can't stand answering the phone and have a difficult time going to social engagements because they are so drained. At work, you may find yourself longing for distractions or shuffling files without making any progress. My personal nemesis is the message light blinking on my phone. I find myself putting off checking it, stealing glances at the message light with guilt and dread.

**Dissociative moments** may sound severe, but this can be anything from checking out in a meeting, to realizing that you've had to read the same sentence five times, to finding yourself running scenarios in your head over and over. You may be in the middle of dinner and images from a crime scene keep coming up. This can be especially difficult for those who have experienced trauma themselves, as certain types of cases may bring back a flood of memories.

As I've worked with colleagues over the years, I've seen secondary trauma manifest in countless ways. Do any of these sound familiar?

"I would feel really bad right now if I had any feelings left."

"I used to be such a happy person—I wish I could be like that again."

"When I drive around town, I see crime scenes everywhere. Over there is where that child was raped. This is the field where that woman's body was found."

### **Addressing the trauma**

If there's anything I would stress here, it's that these are all normal reactions to being exposed to such intense pain and horror. And these

are things we won't talk about with our non-prosecutor friends because we think they won't understand or would think we are losing our minds. What do you do with the evil you've seen? How can you possibly process with loved ones when what's bothering you is that you spent the day sorting through child pornography to prepare for a trial? Or that you sat all afternoon with a man whose wife was murdered in their home and had to ask him question after question about it?

This work will change us, but by recognizing its impact and employing strategies to address the secondary trauma, we can hope to avoid or transform the damage it does. Authors Karen Saakvitne and Laurie Anne Pearlman break down the trauma response into two categories and recommend addressing each.<sup>5</sup> First, secondary trauma creates day-to-day stress. Then, at a deeper level, secondary trauma can cause demoralization, which impacts our core beliefs, strips our lives of meaning and hope, and leads to despair.

### **Addressing day-to-day stress**

First, how do we address the everyday stress we feel? Doing so involves self-care, nurturing activities, and escape. It's critical that we're intentional about putting in place habits and activities that sustain us and reduce stress. For each of us, this picture will look different. Healthy habits are an important foundation, so we can start by making a commitment to improving our diet, moving our bodies more, and spending time with people who nurture us.

Nurturing and escape aren't

long-term solutions to secondary trauma, but they are absolutely critical to our well-being. What do you do that brings you pleasure? Is it renting a kayak and spending time on the water alone? Going on a hike in a beautiful place? Getting a massage? Having a get-together with friends? Make sure you are doing these things regularly. Be careful about letting work constantly bleed into your personal life. Some of this, such as working a long weekend to meet a deadline or making some calls after office hours, is necessary, but when you don't have to be "on," drop your work persona and don't check your email. If a reminder of a work task pops up, jot a note and put it aside for later. Be fully present in your life and with your family and friends. And use those vacation hours!

### **Transforming despair**

Secondly, how do we turn our despair into something hopeful? The strategies Saakvitne and Pearlman suggest for transforming despair involve:

- 1) creating meaning or infusing an activity you currently engage in with meaning,
- 2) challenging your negative beliefs and assumptions, and
- 3) participating in community-building.

To find or reclaim meaning, think about why you got into prosecution. You could have chosen a different course involving more money and no interaction with crime victims or criminals, but here you are. Perhaps there are more frustrations, hassle, and bureaucracy than we anticipated, but the meaning in and

importance of our jobs is still present. We do make a difference, and we matter a great deal to the crime victims and communities we serve. I regularly start the day by asking myself, “Who do I want to be today in the midst of any difficulties?” It’s a good centering question and helps me focus less on my bursting inbox and more on providing a caring presence for crime victims. Outside of work, you can sit on the playground with your kids checking Facebook, or you can soak up the joy of their play and delight in the feel of the sun and that particular shade of green in the trees and grass. It’s all a matter of perspective, so figure out what you already do as a part of your daily life, and focus on the grace and beauty in the moment. Allow yourself to experience awe and relish it, whatever that may be for you.

Challenging negative beliefs and assumptions begins with becoming aware of them. As you experience frustration or anger, pay attention to your internal dialogue. Thinking patterns can become a habit, just as water rushing down a slope will form a groove over time. When you find yourself furious at someone who cut you off during this morning’s commute, pause to reflect: Is it really true that all the other drivers are idiots, or could some of them be tired and distracted like we all are? Is the world actually a terrible and dangerous place, or do terrible things happen along with the millions of wonderful acts? Asking such questions is part of “mindfulness,” which simply means being fully present and aware of your reactions. The “mindfulness movement” has been embraced by numerous fields in recent years—there are

## Helpful resources

### Books

- *The Anxious Lawyer: An 8-week Beginner’s Guide to Meditation and Mindfulness* by Jeena Cho and Karen Gifford
- *In the Body of the World: A Memoir of Cancer and Connection* by Eve Ensler
- *Transforming the Pain: A Workbook on Vicarious Traumatization* by Karen Saakvitne and Laurie Anne Pearlman
- *Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others* by Laura van Dernoot Lipsky and Connie Burk

### Organizations

- The Compassion Fatigue Awareness Project promotes awareness and understanding of compassion fatigue and its effects: <http://compassionfatigue.org>.
- *Psychology Today* has a therapist finder to assist in locating a therapist in your area and can narrow down by topic, such as trauma, depression, and substance abuse: <https://www.psychologytoday.com>.
- Suicide Prevention Lifeline is a 24-hour crisis hotline and website offering a chat option: <http://www.suicidepreventionlifeline.org>.
- Texas Lawyers’ Assistance Program provides confidential help for lawyers, law students, and judges <https://www.texasbar.com/TLAP>.

### Other goodies

- *Above The Law*, a blog providing news and commentary about the U.S. legal profession: <http://abovethelaw.com>.
- The Professional Quality of Life Scale is a self-scoring instrument that measures compassion satisfaction, burnout, and secondary traumatic stress. Take the assessment at <http://proqol.org>.
- *The Resilient Lawyer* podcast is available on iTunes. ✨

even a number of legal professionals bringing mindfulness and meditation into their law practice. (Attorney Jeena Cho, for example, is a partner at her firm, an author, and the host of the podcast “The Resilient Lawyer.” She is a strong advocate for mindfulness and meditation and has a number of good resources for attorneys, including her book *The Anxious Lawyer*, which I highly recommend.<sup>6</sup>) It’s an effective and proven way to build resiliency

in ourselves and control our reactions to outside stimuli.

Participating in community-building is an important way to connect with others at work and personally and to build meaning in your life. Friendships on the job contribute a great deal of job satisfaction and provide the camaraderie that helps reduce stress. If you are able to cultivate the kind of friendships at work that allow for vulnerability and

*Continued on page 38*

*Continued from page 37*

emotional support, these connections can be a lifeline. Think also about the kind of support and encouragement you can provide your colleagues. It doesn't have to be sappy or sentimental, but it helps to have someone you can talk to when a case really gets under your skin. Outside of work, make space for connections. Friends, family, and even volunteer work can help you feel that there is more to life than your work persona and that life is more meaningful than the crime and punishment we're mired in every day.

I also remember a quote by Fred Rogers of "Mister Rogers' Neighborhood," which resonated with me. When he was a child and he saw something frightening on the news, his mother would try to find out who was helping the people who were hurt. "Always look for the people who are helping," she'd tell us," he said in an interview. "You'll always find somebody who's trying to help." So even today, when I read the newspaper and see the news on television, I look for the people who are trying to help.<sup>7</sup>

This incredible piece of wisdom has become part of my strategy to transform despair when I work on a case or navigate a family through a trial. I intentionally pay attention to the many acts of kindness and compassion that usually surround tragic events. We had a case in our jurisdiction of a horrible auto-pedestrian crash where the defendant drove through a crowd of people, killing four and injuring many others. (You can read about it at <http://www.tdcaa.com/journal/charging-capital-murder-sxsw-tragedy>.) It was overwhelming to think of the tidal

wave of pain this man caused. In hearing stories from witnesses and victims, I reminded myself that one person did something evil and created a horrible tragedy, but in the midst of that were dozens, even hundreds of people whose compassion moved them to act: a bystander holding the hand of a stranger lying on the ground; people taking off their shirts to cover injured victims because it was a chilly night; a man waiting at the hospital for someone he didn't know, just so that that injured victim wouldn't be alone; people donating money for funerals and therapy; and hundreds praying earnestly for total strangers.

### Emergency measures

Given the statistics on depression, substance abuse, and suicide in our field, it is important to know how to reach out for help, either for yourself or for someone else. One of the best resources for attorneys practicing in Texas is the Texas Lawyers' Assistance Program (TLAP), a service of the State Bar of Texas. TLAP provides confidential help for lawyers, law students, and judges by phone or email. They are peers who are passionate about helping others in the field and provide life-saving peer support programs and CLE. You can call for yourself or call if you're concerned about a colleague at 800/343-8527.<sup>8</sup>

If you work for a governmental entity, you likely have access to an employee assistance program that can provide crisis intervention and resources for ongoing support. The same therapy appropriate for crime victims is also recommended for help with secondary trauma, so find-

ing a therapist who specifically treats trauma is important. Lastly, if there is a concern about suicide, the National Suicide Prevention Lifeline is available 24 hours a day at 800/273-8255.

### Conclusion

You are here for a reason, whether you believe you were called to this work or just find it exciting and interesting. We aren't going to change the nature of it, but we do have control over who we are in the midst of it. Don't run from your feelings. Pushing them underground doesn't eliminate them, it just buries them. Much healthier is to recognize in the moment that you're sad, horrified, or overwhelmed by whatever is going on around you, and you can then focus on breathing and staying present. Find one or two safe people at work to debrief with, and be available for them when they need to talk as well. Using the suggestions above, create a plan for yourself to manage stress, take care of yourself, and cultivate hope and meaning.

I'd like to close with a quote from Iain Thomas: "Be soft. Do not let the world make you hard. Do not let the pain make you hate. Do not let the bitterness steal your sweetness. Take pride that even though the rest of the world may disagree, you still believe it to be a beautiful place." ❄

### Endnotes

<sup>1</sup> Uncommon Counsel. (n.d.). Retrieved May 02, 2016, from [www.daveneefoundation.org/uncommon-counsel](http://www.daveneefoundation.org/uncommon-counsel).

<sup>2</sup> Middleton, M. (2015, December). "Big Trouble: Experts say Substance Abuse and Mental Health

Issues are a growing problem for the legal profession." Retrieved from [www.abajournal.com](http://www.abajournal.com).

<sup>3</sup> "Secondary Traumatic Stress." (n.d.). Retrieved April 28, 2016, from [www.nctsn.org/resources/topics/secondary-traumatic-stress](http://www.nctsn.org/resources/topics/secondary-traumatic-stress).

<sup>4</sup> Lipsky, L. v. D., & Burk, C. (2009). *Trauma stewardship: An everyday guide to caring for self while caring for others*. San Francisco, CA: Berrett-Koehler Publishers.

Saakvitne, K. W., & Pearlman, L. A. (1996). *Transforming the pain: A workbook on vicarious traumatization*. New York: W.W. Norton & Company.

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<sup>7</sup> Rare Video: Mister Rogers Talks to Children & Adults About Violence. (n.d.). Retrieved May 06, 2016, from [www.fredrogers.org/frc/news/rare-video-mister-rogers-talks-children-adults-about-violence](http://www.fredrogers.org/frc/news/rare-video-mister-rogers-talks-children-adults-about-violence).

<sup>8</sup> [www.texasbar.com/TLAP](http://www.texasbar.com/TLAP).