



# Healing Power

*How to keep legal minds intact by mitigating compassion fatigue.*

BY LINDA ALBERT

## WHAT IS COMPASSION FATIGUE?

There are several different terms often used to refer to this phenomenon; to name a few: compassion fatigue, vicarious trauma, secondary traumatic stress, secondhand 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 with 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 oftentimes 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 risky environments without regard for safety. Throughout their work with victims, offenders, and the system, they 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, and 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. When exposed to traumatic stories and events, lawyers and judges may have physiological reactions such as muscle tension and increased heart and breathing rates. They can have emotional responses such as anger or fear and may 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 and 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 with 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 caseloads, 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 that contribute to the develop-

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ment 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.

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

Those working as public defenders or prosecutors may identify with similar issues. For example, prosecutors or public defenders involved in a long, arduous trial are seldom afforded the time to replenish and restore themselves following the hearing. Instead, they are likely to go forward the next day into another formidable case without the ability to 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 reasonably 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 compassion fatigue 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 team, 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 increased 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.

#### WHAT CAN LEGAL PROFESSIONALS DO?

Regardless of profession, the recommendations to alleviate or treat compassion fatigue are similar.

**Be Aware.** Understand compassion fatigue and assess for it through a routine survey, checklist, or other instrument.

**Debrief.** Communicate on a regular basis with another practitioner who understands and is supportive. This involves talking about the traumatic material—how you think and feel about it and how you are personally affected by it. Then discuss putting a plan in place for balance.

**Find Balance.** Work on balancing all areas of life, which is emphasized throughout the research on mitigating compassion fatigue. Because of the physiological and psychological changes that occur, a holistic approach is best. This means establishing a healthy diet, sleep, and exercise program, which people often seem to talk about but few actually execute. Exercise and relaxation can be beneficial in counteracting the impact on the autonomic nervous system. Healthy interpersonal relationships are also a good idea. Many give up on finding balance as work and personal life keep adding on tasks, but the truth is there are steps to take to simplify, to do less of, to ask for help, or to stop trying to be all things to all people, including clients.

**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. Recognize and acknowledge that the skills you possess that contribute to your success as an attorney or judge (motivated, perfectionist, achievement-oriented, driven, fixer, etc.) and the environment in which you work may contribute to an imbalance in your life. Seeking balance encompasses a change in lifestyle, which requires 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: THERE ARE RESOURCES SPECIFICALLY FOR YOU.

If you want to consult with a mental health professional or work with a trained attorney or judge, consider calling the Texas Lawyers' Assistance Program (TLAP) or other similar programs across the nation that offer free in-house educational sessions or one-on-one consultations or assistance. To get confidential support 24/7, call TLAP at (800) 343-8527. **TBJ**

## NOTES

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## HOW TLAP CAN HELP

- If you are concerned that you may be suffering from compassion fatigue, contact TLAP at (800) 343-8527 to learn more about the condition and how you can develop strategies for balance in your life. If desired, TLAP can provide you with referrals to a mental health professional in your area.
- You can find additional information about compassion fatigue, including a self-evaluation, on the Wellness Page of TLAP's website at [texasbar.com/TLAP](http://texasbar.com/TLAP).
- TLAP can provide customized presentations on compassion fatigue, as well as wellness strategies, for your firm or bar association. Please contact TLAP at (800) 343-8527.



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