

The Effects of Extended Exposure to Drama and Trauma in the Courtroom
An examination of Compassion Fatigue

Robynn Moraites
Executive Director
NC Lawyer Assistance Program

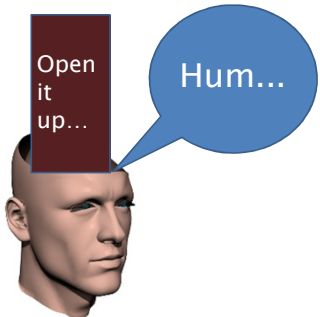

nclap.org



Training Objectives

- Gain an understanding of what compassion fatigue is
- Understand the signs and symptoms
- Understand the contributing factors
- Understand best practices for prevention and mitigation of compassion fatigue


nclap.org



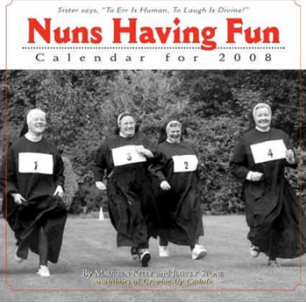
Open it up... Hum...

nclap.org






Lawyers are Human Beings



nclap.org



Fill in the blanks...

- The world is a _____ place.
- Life is _____.
- I am _____ as a human being.
- I want to change _____ about my job.
- I want to change _____ about myself.
- Most often I feel _____.


nclap.org



Compassion Fatigue Defined

- The cumulative physical/emotional/psychological effects of continual exposure to traumatic or distressing stories/events
- When working in a helping capacity
- Where demands outweigh resources

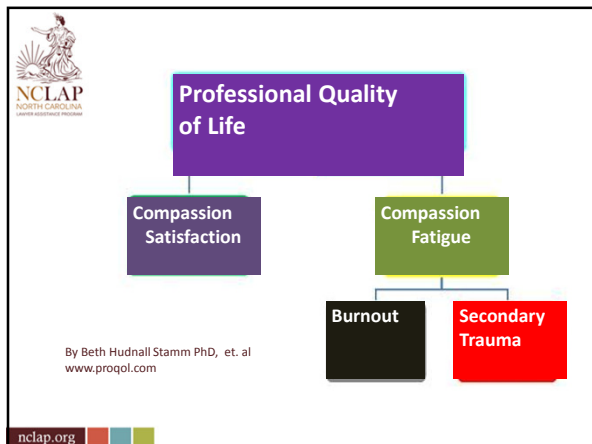
nclap.org

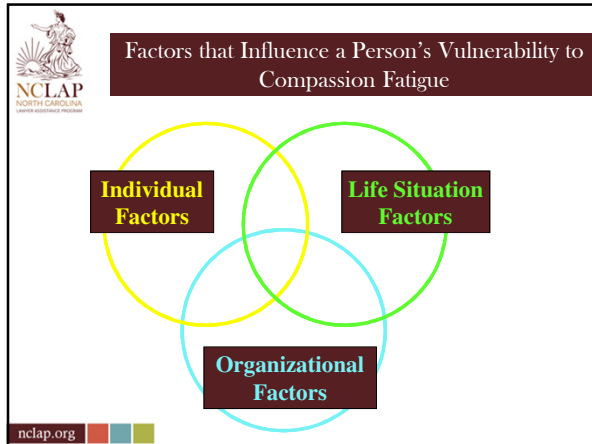


Doing...

- Too much
- For too long
- With too few resources
- And working with the “big uglies” in life

nclap.org





Compassion Fatigue Advisory...

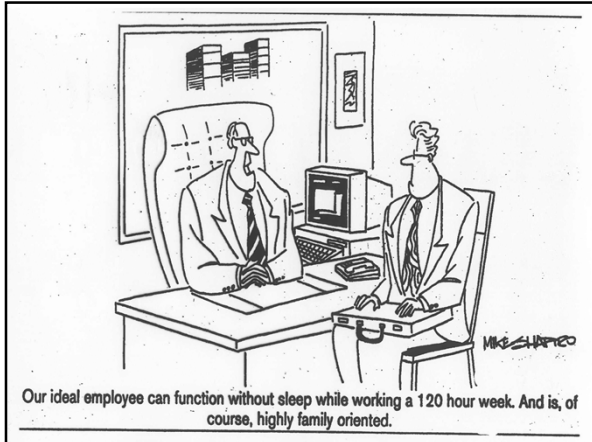
- Any person regardless of race, gender, ethnicity, age, occupation.... develop this condition
- Doesn't imply weakness, just "human-ness"
- Is more about "dis-ease" than disease.

Disabled ←————→ Top of your game

The NCLAP logo is in the top left corner, and 'nclap.org' is in the bottom left corner.

Typical Attorney Workload

The image shows a person from the waist up, holding a massive, tall stack of colorful papers that completely obscures their face. The NCLAP logo is in the top left corner, and 'nclap.org' is in the bottom left corner.






NCLAP
NORTH CAROLINA
LAWRENCE ASSISTANCE PROGRAM

Individual Vulnerabilities and Life Situations

- History of or current trauma
- Health problems
- Alcohol or drug use/troubles
- Poor job performance
- Depression or anxiety
- Generic life problems-
 - Spouse/partner,
 - Children,
 - Parents
 - Finances


nclap.org



Organizational Stressors

- Unrealistic expectations
- Unrecognized accomplishments
- Budget cuts
- Eliminating positions
- Performing multiple jobs
- Personalities and politics
- Intense competition (within and without)

nclap.org



Client Expectations/Stressors

- Unrealistic
- Want it now
- Unhappy, sad, mad, frustrated
- Stress from the pressure
- Stress from the difficult material being reviewed and the workload yet expected to appear and be completely unaffected by it (i.e. not be human)

nclap.org




Competitive Nature of Stress




nclap.org



 **Lawyering - an At Risk Profession**
Seems to imply that it is hard.

- 1990 Johns Hopkins study ranked lawyers first in experiencing depression
- job dissatisfaction data doubled from 1984 data
- 44% of lawyers feel they don't have enough time with families
- 54 % feel they don't have enough time for themselves
- Studies show higher incidence of MI and Alcohol and other Drug problems compared to the general population

nclap.org

 **Balancing Act for Lawyers**

- Pessimism works in the professional world but not in the interpersonal world

nclap.org



Symptoms Reported


- ▶ Intrusive thoughts
- ▶ Anger/anxiety/fear
- ▶ Sleep disturbance
- ▶ Fatigue
- ▶ Loss of Appetite
- ▶ Loss of empathy
- ▶ Loss of faith in humanity
- ▶ Sense of isolation from others
- ▶ Physical complaints

Source: Vrkljevski et al. (2008) and Levin et al. (2003) and Jaffe et al. (2006)


nclap.org



Role of Mirror Neurons in the Brain



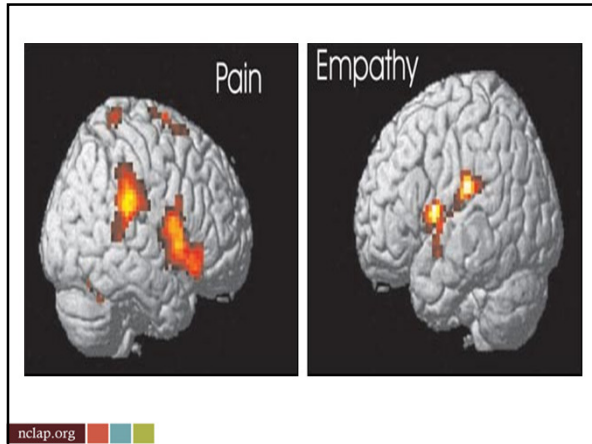
nclap.org




Empathy

- Experience the experiences of someone else (Shane, 2008)
- Enduring those same experiences and emotions (Lydia Lyle Gibson)
- Empathy is involuntary: a shared emotion- this is hardwired into the brain (L. Gibson)
- *Human beings who spend time with other human beings who are empathetic tend to feel better*

nclap.org





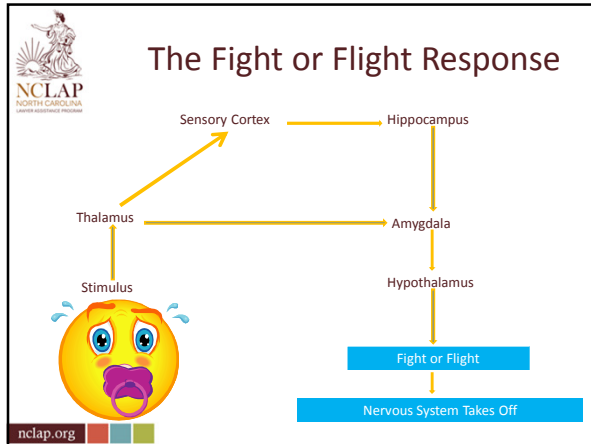


Brain Chemistry

- Reptilian Brain (instincts)
- Limbic Brain (emotion, memory)
- Frontal Lobe (reason)

- These work together, while we think, something else is going on.

nclap.org



Stress: Portrait of a Killer

This movie sheds wonderful insight into the propagation of illness in today's society via the inner workings of the human stress response.

Only 50 minutes long.

Available on Netflix.


nclap.org

Impact on Primary Assumptions

- The World is Benevolent
- The World is Meaningful
- The Self is Worthy

Source: Bulman, Shattered Assumptions


nclap.org



Impact of Continual Exposure...

- Shattered assumptions about basic beliefs in our world for safety, security, trust, justice
- The world is not a good place, there is no meaning; pessimism, depression, irritability, sickness
- Heightened awareness of vulnerability and the fragility of life-increased anxiety/anger/...

nclap.org



One Attorney Says...

- “I think this happens to everyone whether they admit or not or show it or not. It is inevitable with that kind of caseload that one will at least at times go bonkers. This wears on all of us and on some of us more than others. We see colleagues severely affected all the time. I think the practice leaves scars. Some make it better than others, obviously, but everyone suffers..... ”

--criminal lawyer

Source: WisLAP Program permission granted

nclap.org

JUDGES SPEAK OUT
Some of the things the Canadian judges told U.S. participants last fall.
Summarized about their jobs:

• Cases of horrible, sexual, predatory exploitation of children haunt me. I keep my balance and my job as a judge by profoundly guarding myself against being swept away by the gruesome evidence I have to confront.

• I am in a small town in a small community where you know everyone in the church, the neighborhood and your next door.

• On 10% of my work involves legal issues in family adjustment. It may seem in family court, we are the dumping ground for massive social and economic issues and the social work professionals handle it but I am more a part of it than I would like to be.

• I always like work better than the work itself. I work... if possible, we do a week of practice, we do a week of school. Very good of course! I don't even want to be a barrister in my courtroom.

• I wasn't prepared for the volume of the work. It was a roller coaster how often they see the things near friends and family.

• You're always on charge in the morning of these things. You're always on charge, you have your degree, where you open.

• The sheer volume of each day's work makes me feel like I'm always on charge and I'm always on charge and I'm always on charge.

“Cases of horrible, sexual, predatory exploitation of children haunt me. I keep my balance and my job as a judge by profoundly guarding myself against being swept away by the gruesome evidence I have to confront.”

Zimmerman, (2002). Trauma and Judges. Canadian Bar Association Annual Meeting


nclap.org

**Impact on Lawyers**

- Powerlessness
 - Indecisive/Anxious
- Alienate from others





nclap.org

**Fill in the blanks**


- The world is a _____ place.
- Life is _____.
- I am _____ as a human being.
- I want to change _____ about my job.
- I want to change _____ about myself.
- Most often I feel _____.

nclap.org


**So slow, is it even moving?**




nclap.org

 **NCLAP**
NORTH CAROLINA
LAWYER ASSISTANCE PROGRAM

That which is to give light must endure burning....



Victor Frankl

nclap.org 

 **NCLAP**
NORTH CAROLINA
LAWYER ASSISTANCE PROGRAM

Rather slow and insidious...
then increases... then overwhelming....



Burning



Uncomfortable



Overwhelming

nclap.org 

 **NCLAP**
NORTH CAROLINA
LAWYER ASSISTANCE PROGRAM

So what happens?



clipart.com

We crash.

nclap.org 



Visible Results

- Strong correlation with what is known as “Disruptive Behavior”
 - Intimidation, Anger and Lashing Out
 - At opposing counsel
 - At support staff
 - At associates
- “Kick the dog” syndrome
- Spouse/partner and kids take the brunt of the frustration
- Enter the grievance and discipline process

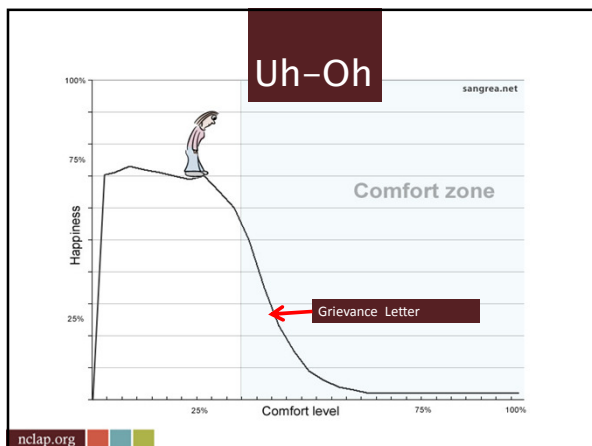
nclap.org



Most common client complaints & grievance notices

- Lack of communication
- Apathy (improper advocacy)
- Lack of Diligence
- i.e. “I just don’t care anymore.”

nclap.org



The Two Big Uglies

The diagram features two boxes. The left box, labeled 'Workload/Hours', contains an image of several binders. The right box, labeled 'Trauma Exposure', contains an image of a handgun. Two red arrows point from the 'Workload/Hours' box to the 'Trauma Exposure' box, and two red arrows point from the 'Trauma Exposure' box back to the 'Workload/Hours' box, indicating a reciprocal relationship between the two factors.

nclap.org

Who most at risk?

- Criminal or family law attorneys/judges
- High caseloads; long work hours
- High % exposure to graphic evidence, 911 tapes, photos, videotapes, victim impact statements
- Serving clients who have high levels of distress
- Little if any education on the subject of CF
- Little support from peers-isolation

nclap.org

There is Hope for all of us...

An X-ray of a human head in profile, facing left. The brain is highlighted with a bright blue glow, and a small, glowing flower-like shape is visible within the brain's structure, symbolizing hope and mental health.


nclap.org


 **Mitigating Compassion Fatigue for Lawyers**

- Individual
- Professional
- Societal


- Awareness, Balance and Connection (Jaffe, et al.)

nclap.org

 **The things that cause the things that cause the things.....**



nclap.org

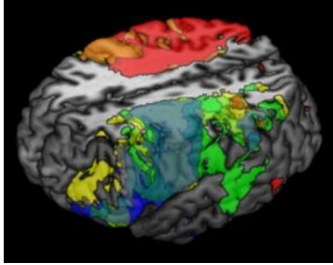
 **Organizational Contributions to Compassion Fatigue**

- Heavy caseloads-Long Hours
- Inefficient administration
- Excessive paperwork
- Inadequate resources to meet the demands
- Lack of supportive supervision

Source: Levin et al. (2003), Osofsky et al. (2008)

nclap.org

Talking and Connections Help the Brain



What Individuals Can Do

nclap.org

Understanding Triggers



Emotional triggers are events or personality types that cause an intense emotional response.



Understanding Triggers

- Different for each one of us
- Examples:
 - Double Bind
 - Abuse of vulnerable populations
 - Disrespect from colleagues/judges/clients/people
 - Unfair, unjust realities of life and the system
 - The line at your door

nclap.org



Understanding Triggers

•What are yours?

nclap.org




Typical Responses to Triggers

- ▶ Anger,
- ▶ Depression, withdrawal
- ▶ Anxiety; work harder
- ▶ Stop caring, looks like burnout but is really a defense mechanism
- ▶ Physical complaints, headaches, stomach problems, back pain, fatigue
- ▶ Coping mechanisms that hurt more than help




nclap.org



Research-based suggestions for improving mood, increasing life satisfaction and mitigating stress

- Recognize the **risks** for yourself
- Find a way to **debrief** distressing material
- Work on **self awareness** every day
- Take an **inventory** of how balanced your life is-be intentional about balancing it out
- **Evaluate** your tension reducing behaviors
- Be **intentional** about **protecting** yourself

nclap.org

How Many are You Spinning?...



nclap.org



Becoming Happier

- Spin fewer plates:
–Squeeze in less.

nclap.org




Becoming Happier

- It is the obvious:

Sleep
Exercise
Eat


nclap.org



Becoming Happier

- Don't deny negative emotions [fear, sadness, anxiety] – move toward them and accept them.
- Identify and speak with a close person (or people) who you trust to share your internal experience.


nclap.org



Becoming Happier

- It is not state of status or bank account – “state of mind” is what matters most.
- While we may be paid well, **money does not trigger the mirror neuron stimulus we (all humans) need to translate into better emotional health** in our bodies and psyches.
- What do you do at the end of the day to transition out of work? If nothing, admit that. Then change it.

nclap.org




Becoming Happier

- Intersect pleasure and meaning → interests are central.
- Express Gratitude
- Try making a gratitude list every morning of 3 things you are grateful for. Do it for a few months and see what you notice. It will change your life.

Adapted from T. Ben-Shahar

nclap.org



If you need to reach us:

Robynn Moraites Executive Director 704-892-5699 robynnmoraites@gmail.com	Cathy Killian Charlotte and Areas West 704-910-2310 cathy.d.killian@gmail.com
Ed Ward Raleigh and Areas East 919-828-6425 eward@ncbar.gov	Towanda Garner Piedmont Triad Area 919-719-9290 tgarner@ncbar.gov

Thank you!

nclap.org 