



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

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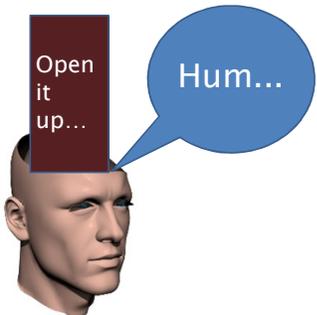
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Training Objectives

- 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

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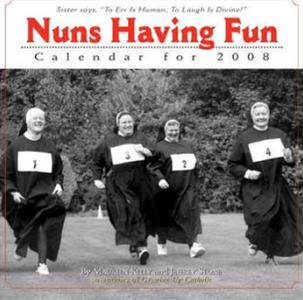
Open it up... Hum...

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Lawyers are Human Beings



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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 _____.

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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

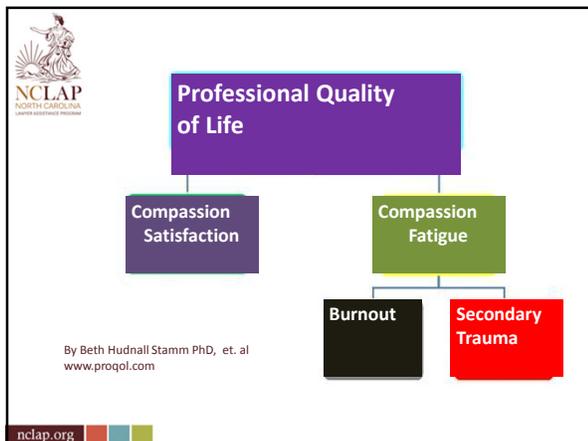
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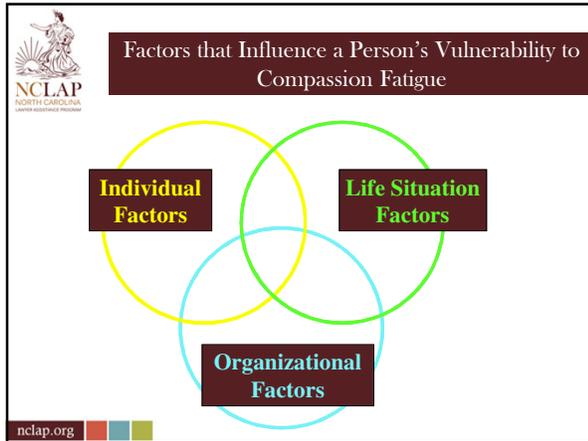


Doing...

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

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Compassion Fatigue Advisory...

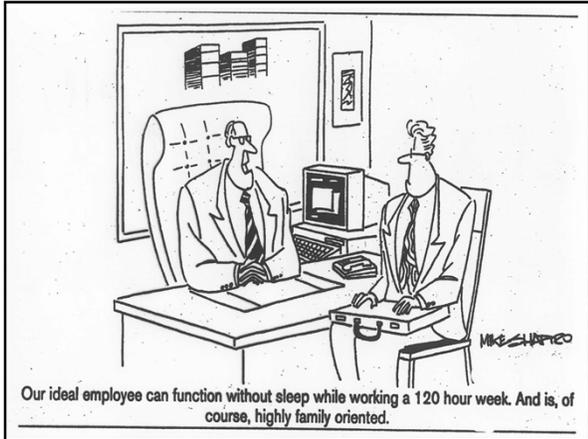
- Any person regardless of race, gender, ethnicity, age, occupation.... develop this condition
- Doesn't imply weakness, just "human-ness"
- Is more about "dis-ease" than disease.

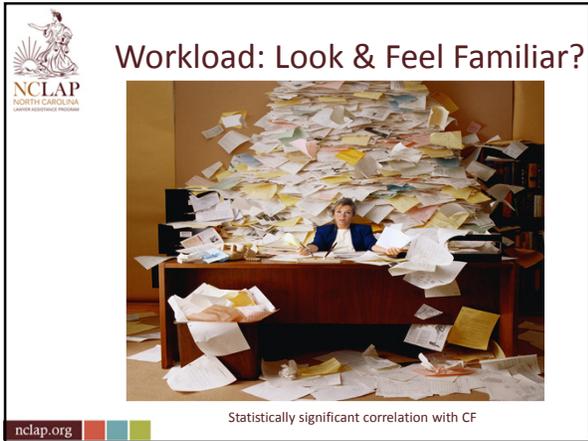
Disabled ←————→ Top of your game

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

Typical Attorney Workload

A photograph of a person from the waist up, holding a very tall, thick stack of multi-colored papers and folders that completely obscures their face. The NCLAP logo is in the top left, and 'nclap.org' is in the bottom left.





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



Organizational Stressors

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

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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)

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Competitive Nature of Stress



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 **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

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 **Balancing Act for Lawyers**

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

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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)

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Role of Mirror Neurons in the Brain



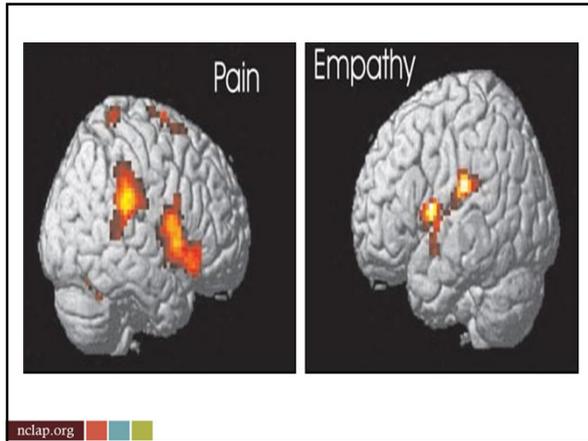
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Empathy

- 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*

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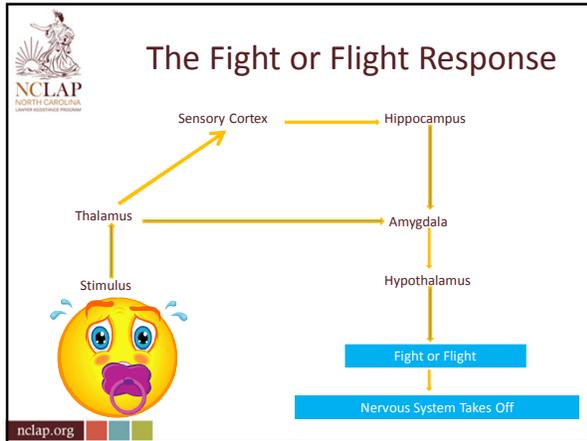


Brain Chemistry

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

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

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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.

Impact on Primary Assumptions

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

Source: Bulman, Shattered Assumptions



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/...

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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

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

• Cases are complex, varied, often involving children, and the judge and job as a judge is probably considered beyond anyone being swept away by the gruesome evidence I have to confront.

• I live in a small town in a small community where you know everyone in the church, the neighborhood and your own back.

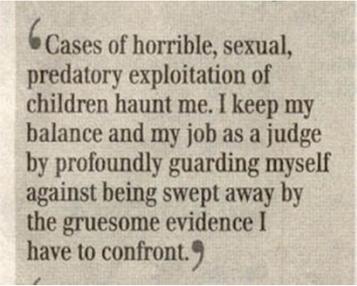
• On 100% of my work involves legal issues in my neighborhood. It may seem in family court, we are the dumping ground for massive social and economic issues and the social and educational issues. I feel I am more a social worker than a judge.

• I always take work home. On the weekends I work... if possible, we do a week of practice, we do a week of school. My goal of course? I can't even control the government in my courtroom.

• I wasn't prepared for the volume of the work. It was a roller coaster how often they see the things that I see in my courtroom.

• You're always on charge in the courtroom. It's not like you can just go home when you're not in court.

• The sheer volume of work that we have to do. It's not just the volume of work, it's the fact that we have to be in court every day.



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

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Impact on Lawyers

- Powerlessness
 - Indecisive/Anxious
- Alienate from others



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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 _____.

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So slow, is it even moving?



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



Victor Frankl

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



Burning



Uncomfortable



Overwhelming

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So what happens?



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We crash.

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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

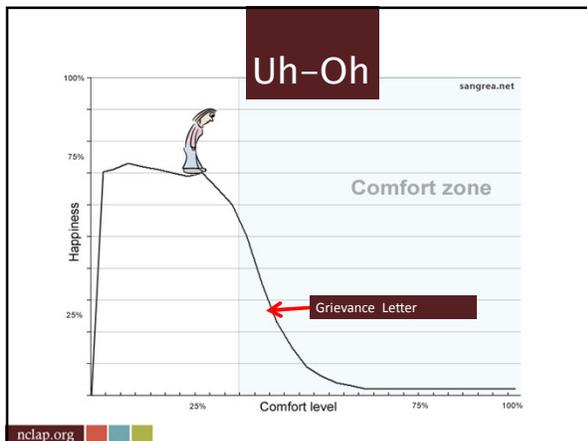
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Most common client complaints & grievance notices

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

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The Two Big Uglies

The diagram features two boxes. The left box, labeled 'Workload/Hours', contains several black binder folders. The right box, labeled 'Trauma Exposure', contains a blue 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.

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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

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There is Hope for all of us...

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

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Mitigating Compassion Fatigue for Lawyers

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

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



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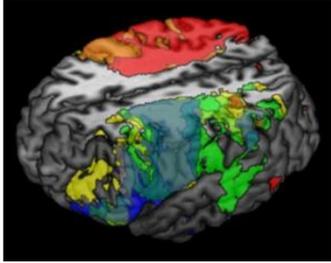
Organizational Contributions to Compassion Fatigue

- 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)

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Talking and Connections Help the Brain



What Individuals Can Do

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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

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Understanding Triggers

•What are yours?

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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



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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

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How Many are You Spinning?...



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Becoming Happier

- Spin fewer plates:
–Squeeze in less.

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Becoming Happier

- It is the obvious:

Sleep
Exercise
Eat

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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.

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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.

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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

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Thank you!

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