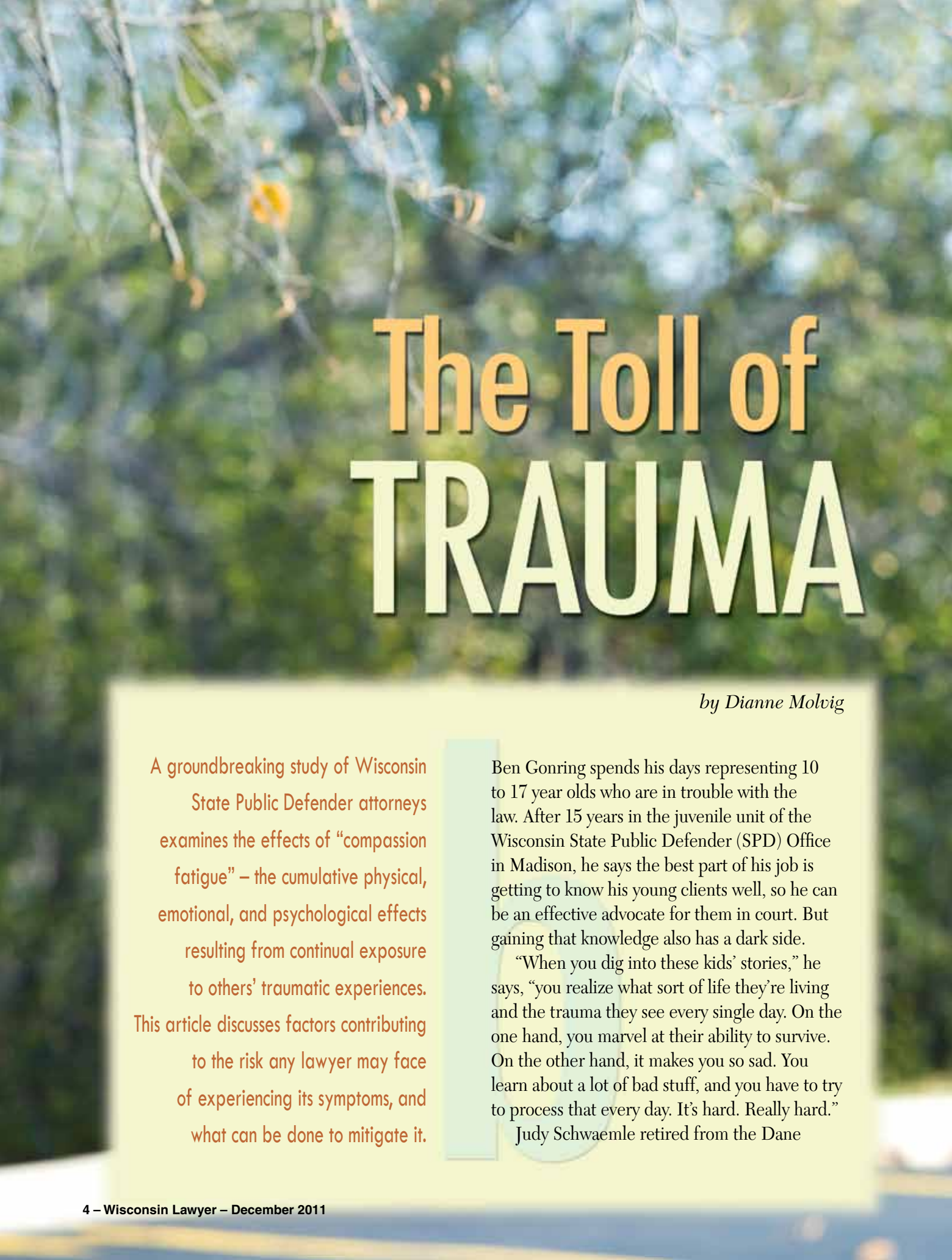




The Toll of TRAUMA

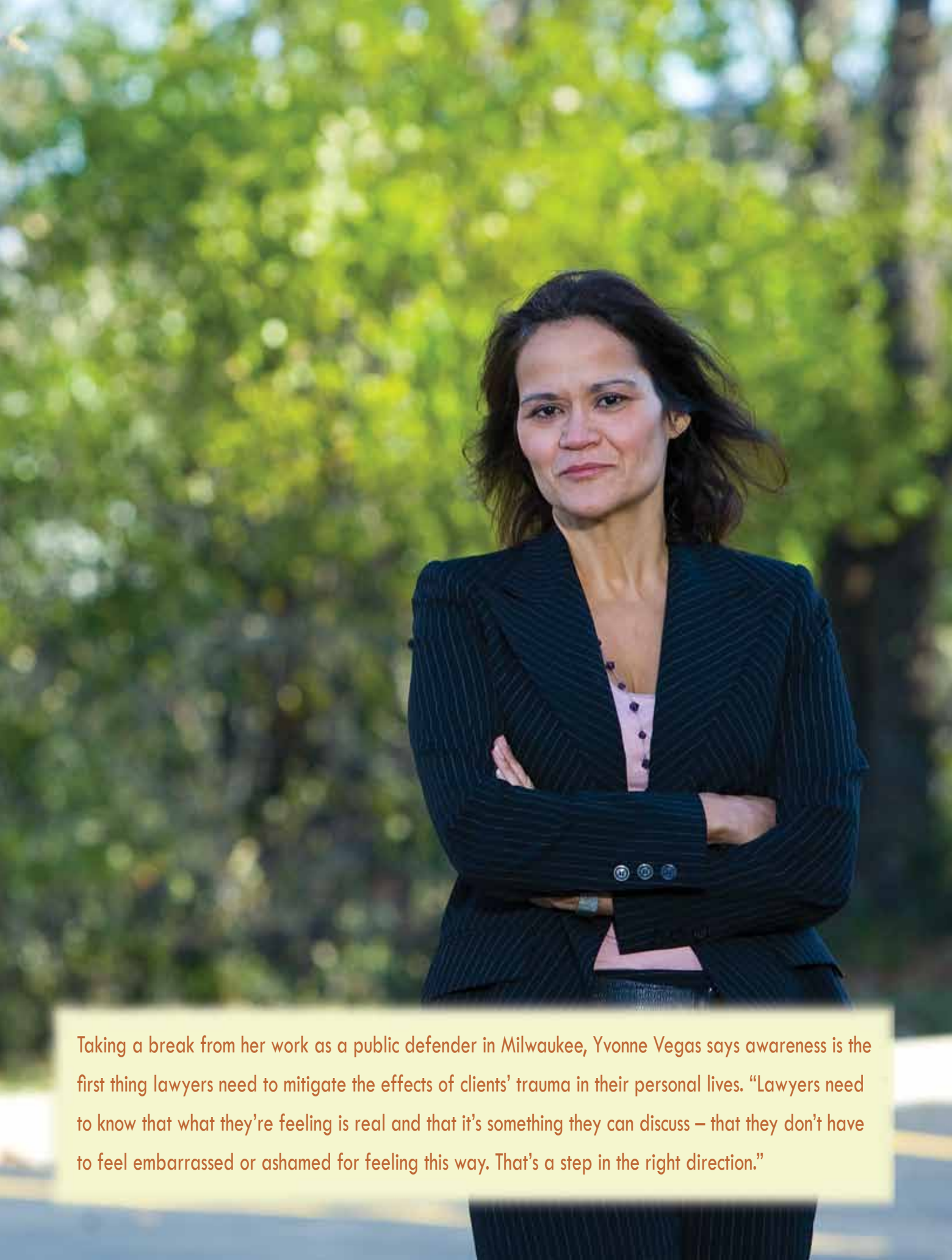
by Dianne Molvig

A groundbreaking study of Wisconsin State Public Defender attorneys examines the effects of “compassion fatigue” – the cumulative physical, emotional, and psychological effects resulting from continual exposure to others’ traumatic experiences. This article discusses factors contributing to the risk any lawyer may face of experiencing its symptoms, and what can be done to mitigate it.

Ben Gonring spends his days representing 10 to 17 year olds who are in trouble with the law. After 15 years in the juvenile unit of the Wisconsin State Public Defender (SPD) Office in Madison, he says the best part of his job is getting to know his young clients well, so he can be an effective advocate for them in court. But gaining that knowledge also has a dark side.

“When you dig into these kids’ stories,” he says, “you realize what sort of life they’re living and the trauma they see every single day. On the one hand, you marvel at their ability to survive. On the other hand, it makes you so sad. You learn about a lot of bad stuff, and you have to try to process that every day. It’s hard. Really hard.”

Judy Schwaemle retired from the Dane



Taking a break from her work as a public defender in Milwaukee, Yvonne Vegas says awareness is the first thing lawyers need to mitigate the effects of clients' trauma in their personal lives. "Lawyers need to know that what they're feeling is real and that it's something they can discuss – that they don't have to feel embarrassed or ashamed for feeling this way. That's a step in the right direction."

Key Study Findings

The study found that SPD attorneys reported significantly higher levels of compassion fatigue than administrative support staff and the general population, when data for the latter were available for comparison. The study's findings break down by specific symptoms of compassion fatigue as follows.

"A major finding of our study," Dr. Andrew Levin reports, "is that the extent of caseload and lawyers' exposure to other people's trauma were clearly related to symptoms of compassion fatigue." Interestingly, factors such as years on the job, age, office size, gender, and personal history of trauma made no significant differences in compassion fatigue levels.

Depression

Depressed mood, loss of interest or pleasure, disturbed sleep, loss of appetite, low energy, poor concentration, feelings of guilt or low self-worth

- General population: 10 percent
- SPD administrative support staff: 19.3 percent
- SPD attorneys: 39.5 percent

Post-traumatic Stress Disorder

PTSD, triggered by a terrifying event; symptoms include flashbacks, nightmares, severe anxiety, uncontrollable thoughts

- General population: 7 percent
- SPD support staff: 1 percent
- SPD attorneys: 11 percent

Functional Impairment

The extent to which exposure to traumatic material interferes with functioning in work, social/leisure life, and family/home life

- SPD support staff: 27.5 percent
- SPD attorneys: 74.8 percent

Secondary Traumatic Stress

The "cost of caring" about another person who has experienced trauma; symptoms are similar to those of PTSD

- SPD support staff: 10.1 percent
- SPD attorneys: 34 percent

Burnout

Job-induced physical, emotional, or mental exhaustion combined with doubts about one's competence and the value of one's work

- SPD support staff: 8.3 percent
- SPD attorneys: 37.4 percent

Compassion Satisfaction

The study also measured "compassion satisfaction," or the pleasure derived from one's work. Reports of high levels of satisfaction were as follows:

- SPD support staff: 25.7 percent
- SPD attorneys: 19.3 percent

What the Numbers Mean

Are we to conclude from the key findings that SPD attorneys are impaired on the job? Absolutely not, says Dr. Andrew Levin, medical director at the Westchester Jewish Community Center in Hartsdale, N.Y., and cofacilitator of the study. Bear in mind, he emphasizes, these results come from self-reporting instruments, which indicate trends, not diagnoses of conditions.

Take, for instance, the depression statistic. "It shows that almost 40 percent of attorneys are over the threshold number on the depression inventory," Levin explains. "That does not mean they have a clinical diagnosis of depression. All it means is that they have a likelihood for being at risk for depression."

Likewise, the functional impairment measure doesn't mean SPD lawyers are failing to function well on the job. "It may mean, for example, that you had a tough day at work," Levin explains, "and when you got home you weren't able to pay as much attention to your family as you would have liked, or you were irritable. Your job is interfering with your home life."

If anything, the data show just how resilient the study participants are, Albert points out. "Despite the fact that they endure ongoing exposure to trauma and have these high caseloads, they continue to meet the requirements of their employment," she says. "It's amazing that they do. They are handling the demands of the job, but not easily and not without it having an impact on their lives."



County District Attorney's Office last year after 27 years. Many times in her career, she saw horrifying evidence of what one human did to another. Those disturbing images often lingered and intruded into her thoughts away from work. Even now that she's retired, memories remain.

"To this day," she says, "when I go past a place where a homicide occurred that I prosecuted, I think about it, every time. I drive past and think, that's where Sarah was killed."

Experiences such as these can take a toll on lawyers. Recently, the State Bar of Wisconsin undertook a study to learn just how significant that toll is and what can be done to mitigate it.

The study examined the prevalence of what's known as "compassion fatigue" – that is, the cumulative physical, emotional, and psychological effects of continual exposure to traumatic stories or events when working in a helping capacity.

On a late fall day, State Public Defender lawyers Ben Gonring and Deb Smith talk about how the nature of their jobs may contribute to compassion fatigue. "When you dig into kids' stories, you realize what sort of life they're living and the trauma they see every single day. ... You learn about a lot of bad stuff, and you have to try to process that every day," says Gonring, who represents juveniles. "It's hard. Really hard."

Smith, SPD director of assigned counsel, agrees. "Many of us who have been around for a while know there can be a cost, emotionally and psychologically, to doing this kind of work. Even for lawyers who know how to maintain an appropriate professional demeanor and distance, this stuff seeps in. It changes your perspective on the world."



More from the authors ...

In this video, at www.wisbar.org/wl, WisLAP coordinator Linda Albert and Deb Smith, director of assigned counsel for the SPD, discuss the agency's involvement with the State Bar's compassion fatigue study, what it learned, and what it will do to help support its staff.

In psychological language, exposure to another person's trauma is referred to as secondary trauma. "There's research on the impact of secondary trauma on human beings, but it's never been looked at extensively with lawyers. We're on the forefront of this," says Linda Albert, coordinator of the State Bar's Wisconsin Lawyers Assistance Program (WisLAP) and cofacilitator of the compassion fatigue study.

Research exists on the effects of stress on attorneys, and some researchers have used some of the language related to compassion fatigue. "But no one has studied it systematically," says Dr. Andrew Levin, medical director at the Westchester Jewish Community Center in Hartsdale, N.Y., who facilitated the study with Albert. "So this was an effort to say, 'People have made these observations. They seem to have some validity. Can we establish that more rigorously?'"

Roots of the Study

As WisLAP coordinator, Albert has given presentations about compassion fatigue to many groups of legal professionals in recent years. She's seen the topic hit home again and again with various audiences.

"I've done this with bankruptcy lawyers, guardians ad litem, public defenders, prosecutors, judges, court commissioners. ... Every time it's resonated," she says.

Levin and Albert learned of their mutual interest in the topic of compassion fatigue and decided to do a formal study of its effects on Wisconsin attorneys. They decided to focus on one specific group: state public defenders.

"Compassion fatigue is an important issue," says Deb Smith, director of assigned counsel for the SPD and the agency's point person for the study. "Many of us who have been around for a while know there can be a cost, emotionally and psychologically, to doing this kind of work. We deal with a lot of unpleasantness. Even for lawyers who know how to maintain an appropriate professional demeanor and distance, this stuff seeps in. It changes your perspective on the world."

To learn more about such effects, study questionnaires went out to a total of 474 SPD attorneys and administrative support staff. Response rates for completed surveys were remarkable: 78 percent of attorneys and 65 percent of support staff.

While the study's target group was public defenders, Smith believes it will have value for the profession as a whole. "There's a large community of lawyers who deal with trauma-exposed clients and who need to be aware of compassion fatigue," she says. "These lawyers need to make sure they're taking care of themselves. This isn't just a public defender issue; it's a lawyer issue."

Count judges among those affected by compassion fatigue, as well. Neal Nielsen, an eight-year veteran on the circuit court bench in Vilas County, says judges' exposure to trauma differs from lawyers'. "Attorneys are much more closely related to the facts of the case for a much longer period of time than are judges," he notes.

Still, judges sit on the bench hearing, day in and day out, about a procession of incidents of trauma inflicted or endured by people in their courtrooms. "And I can sit here now and call up in my mind with great accuracy all the autopsy photos I've ever seen," Nielsen says.

In the Trenches

Dana Smetana sees a key message her fellow SPD attorneys ought to take away from the study results: There's nothing wrong with you. "I think sometimes lawyers think they're going crazy," says Smetana of the SPD Eau Claire office, where her duties include trying cases as well as being a regional supervisor. She's been with the SPD for 27 years. "If lawyers are feeling this

What you don't expect is that as you're trying to keep people safe – whether it's keeping an individual safe from an abuser or keeping society in general safe from a psychopath – you won't get the support you need to do your job.

– Robert Kaiser, Dane County assistant district attorney

To this day, when I go past a place where a homicide occurred that I prosecuted, I think about it, every time. I drive past and think, that's where Sarah was killed.

– Judy Schwaemle, Dane County assistant district attorney, retired

way, it's the symptoms of what's going on with this job. It's nothing negative about you as a person. Awareness of that is a huge factor."

As a supervisor, she knows young SPD lawyers must learn to put up protective boundaries, to keep their emotions in check. "The older attorneys get good at that," she observes, "but then when they go home, they have trouble lifting those boundaries" with families and friends.

Not letting the effects of exposure to trauma spill over into one's personal life is one of the most difficult aspects for lawyers, agrees Yvonne Vegas, a 22-year SPD veteran who's now in the Milwaukee office. "Our clients have a lot of trauma in their lives: poverty, lack of education, homelessness, joblessness, mental health issues, substance abuse issues," she says. "Their issues become ours. You absorb that on a day-to-day basis, and you take it home with you. It can make you irritable and short-fused with your family."

Like Smetana, Vegas believes awareness of these dynamics is critical for lawyers exposed to clients' trauma. "Lawyers need to know that what they're feeling is real," she says, "and that it's something they can discuss – that they don't have to feel embarrassed or ashamed for feeling this way. That's a step in the right direction."

Some observers, of course, might point out that public defenders and prosecutors know what they're in for when they decide to pursue this type

of law practice. True, says former district attorney Schwaemle. "You knew this would be coming," she says. "But there's knowing, and then there's *knowing*."

The effects can cut deeper than some might have imagined. Take, for instance, prosecuting a sexual assault case. "When you prepare for the trial," Schwaemle says, "you put

yourself in the place of the victim. You have to ask yourself why the victim behaved a certain way because you have to explain that to the jury. You relive the victim's experience and put yourself in her shoes."

Robert Kaiser also has seen "inexplicably, indescribably horrible evidence" in his 34 years as a district attorney, the last 24 of those in Dane

Coping with Compassion Fatigue

Exposure to clients' trauma isn't going to stop. But you can mitigate the effects this exposure has on you. Here are a few strategies:

- **Debrief.** Talk with another lawyer who understands what you're going through and can offer support. Debriefing can become a part of the office culture. Remember, this is a discussion about how the case is affecting you as a person, not a rehashing of legal strategies.
- **Take care of yourself.** Eat healthy foods. Exercise regularly. Get enough sleep. Learn relaxation techniques so you can let go of stress and disturbing, repetitive thoughts. Know what truly brings you joy in life and make time for it.
- **Strive for balance and interconnection.** Give up the urge to be all things to all people, including clients. Allow time to connect with friends and family to counter-balance the stresses you feel at work and put everything back in perspective.
- **Come up with a plan.** When compassion fatigue is weighing on you, it can be difficult to get off the treadmill and set a new course. Stop long enough to notice how you're feeling, reacting, and behaving at work and at home. Develop a plan of action for yourself. What needs to change? Where can you start?
- **Seek help.** If you think compassion fatigue is interfering with your work or personal life, reach out for help. A good place to start is WisLAP. Call the 24-hour helpline, at (800) 543-2625, or coordinator Linda Albert at (800) 444-9404, ext. 6172. All inquiries are confidential.

“We have to acknowledge what people in criminal justice, not just public defenders, go through. We need to recognize how difficult it is to see people in crisis every single day. And we have to be able to talk about it.”

— Kelli Thompson, State Public Defender

County and the remainder in Chicago. He never wanted to be anything but a district attorney, and he knew exposure to trauma would be part of the job.

“What you don’t expect,” Kaiser says, “is that as you’re trying to keep people safe – whether it’s keeping an individual safe from an abuser, or keeping society in general safe from a psychopath who will victimize anybody he can get his hands on – you won’t get the support you need to do your job.”

The combination of burgeoning caseloads and shrinking budgets makes it increasingly difficult for district attorneys to fulfill their duty to protect the public, Kaiser notes. In his eyes, lack of support sends a message that crime victims and the district attorneys’ work don’t matter.

“We’re saddened by our work,” he says. “We’re certainly affected by it. But when you live it and then people act as though what you do is not important, that’s trauma.”

Public defenders, too, are hurt by budget cuts. And they’re targets of public scorn for simply doing their job: defending people’s constitutional rights.

Thus, heavy caseload and exposure to trauma aren’t the only factors fueling compassion fatigue in attorneys. In the State Bar’s study, SPD participants wrote in comments about additional contributing factors. The top three were lack of respect, lack of control in one’s work life, and

lack of enough time to process issues and give or get support.

“When you have those factors,” observes WisLAP’s Albert, “on top of exposure to trauma and heavy caseloads, that’s where I see the perfect storm.”

Next Steps

The State Bar’s study puts compassion fatigue on the legal profession’s radar. “We have to acknowledge what people in criminal justice, not just public defenders, go through,” says State Public Defender Kelli Thompson. “We need to recognize how difficult it is to see people in crisis every single day. And we have to be able to talk about it.”

Going forward, she says, the SPD will provide more staff training to educate people about compassion fatigue and to learn coping skills. Open day-to-day communication in the office is also critical, she says. “Our lawyers

need to know it’s okay to take a breath,” she says. “You can’t live with a terrible case for a year, close it, and then just say, ‘On to the next one.’”

The results of the study, the first of its kind, appear in the December issue of the *Journal of Nervous and Mental Disease* and will draw wider attention to the topic of attorneys’ compassion fatigue. Albert already has spoken about it at a Canadian conference and for the national conference of the American Bar Association’s Commission on Lawyer Assistance Programs. In addition, Albert is working with the SPD to develop strategies that both individual attorneys and the agency can use to minimize work-related stress. She anticipates adapting these strategies for use by lawyers in other practice areas.

“I think these findings will be unsettling for the legal profession,” Albert says. “The implications of this study definitely will go way beyond Wisconsin.”

The State Bar is one of several bar associations participating in a second study that seeks information on factors, personal and professional, that contribute to life and career satisfaction or dissatisfaction. The study, to be conducted in May 2012, is headed by Dr. Kennon Sheldon, University of Missouri, Department of Psychology, and Prof. Lawrence Krieger, Florida State University College of Law. “WisLAP will use the data to develop ways to prevent and mitigate professionalism, ethics, and mental health and substance abuse problems within the profession,” Albert says. ☐

There’s research on the impact of secondary trauma on human beings, but it’s never been looked at extensively with lawyers. We’re on the forefront of this.

— Linda Albert, WisLAP coordinator