

IN RE: When You Are Affected By Your Cases

By: Carol P. Waldhauser

As each slide changed, many of the jury members sobbed, while others sat paralyzed, and still others motioned to be excused because they were violently ill. The lead prosecutor had just entered into evidence the machete knife that was used to brutally murder four children. It was evident that all in the courtroom were deeply affected by the gruesome crime scene photos showing the slain children.

The lead prosecutor, Jim, continued his strong examination of the prosecution's forensic expert witness. The trial lasted for weeks; but it only took the jury two days to return a verdict of guilty on all counts.

Jim received enormous accolades for his outstanding work on this case. A brilliant and hard working prosecutor, Jim was known too for his energy and enthusiasm. Many wondered, however, how Jim could continue to try such "dark cases" one after another? How did he deal with the pain and suffering of victims year after year? How could he sleep at night?

When asked, Jim stated: "a few years back, I thought that I was losing it. In fact, I was showing signs of burnout. I was finding it difficult to maintain a healthy balance of empathy and objectivity in my work. I began to exhibit symptoms of physical, emotional and spiritual burnout." It was then that I decided to take responsibility for maintaining my own mental health and overall well-being. Rather than leave my symptoms go unchecked, I sought professional medical help." Jim suffered from Compassion Fatigue/Vicarious traumatization. Fortunately, there was treatment.

THE PROBLEM:

The following terms are referred to: compassion fatigue, vicarious trauma and burnout.

Compassion fatigue (Figley, 1995) is a general term applied to anyone who suffers as a result of serving in a helping capacity.

Vicarious Trauma (McCann & Pearlman, 1990) A stress reaction experienced by therapists and researchers who are exposed to disclosures of traumatic images and materials by clients and research participants, in which therapists or researchers experience enduring changes in the manner in which they view self, others and the world. Additional terms often used to describe vicarious trauma: secondary traumatic stress, secondary traumatic stress disorder, and compassion stress and compassion fatigue.

Burnout (Blair & Romones,1996:24) Burnout refers to a complex of psychological responses to the stressors of constant interaction with people in need. Burnout can occur when nurses struggle to maintain high levels of empathy and caring in work situations where there is likely to be unrealized, unrealistic expectations.

In other words, these terms are used to describe the thoughts, feelings and behaviors that can result from the repeated exposure to the trauma of others.

COMPASSION FATIGUE/VICARIOUS TRAUMA IN THE LEGAL PROFESSION:

Narrowing the scope to include attorneys, Karne Saakvitne and Laurie Anne Pearlman in their book, Transforming the Pain, write that criminal defense lawyers, along with prosecutors, "family law" lawyers, and judges are identified as a professional group at risk of vicarious traumatization. (Saakvitne, Karen W. and Pearlman, Laurie Anne; Transforming the Pain: A Workbook on Vicarious Traumatization, W.W. Norton & Company Inc. (1996) at p. 20.)

More specifically, Jan I. Richardson in Guidebook on Vicarious Trauma: Recommended Solutions for Anti-Violence Worker writes "Legal professionals, like doctors and nurses and social workers are visually and emotionally confronted by clients whose bodies have been injured by purposeful violence. Legal professionals, like social workers and police, may witness families being torn apart by destructive behaviors – whether criminal or not. Legal professionals, like therapists, encounter a broad variety of traumatic material as wide as human experience in the course of providing empathic counseling to and advocacy for their clients." (Introduction, P. 3)

Richardson goes on to explain:

"Vicarious trauma is the experience of bearing witness to the atrocities committed against another. It is the result of absorbing the sight, smell, sound, touch and feel of the stories told in detail by victims searching for a way to release their own pain...Confusion, apathy, isolation, anxiety, sadness and illness are often the result." (Richardson, loc.cit.)

Further research finds that Richardson's work is supported with the research of two other experts in this field, Dutton and Rubinstein who concur that: "Trauma workers are persons who work directly with or have direct exposure to trauma victims, and include mental health professionals, lawyers, victim advocates, case workers, judges, physicians, and applied researchers, among others..." Equally their research of literature suggests that vicarious trauma has the potential to adversely affect the functioning of lawyers in many different ways – both because of its symptoms, and its consequences if unsuccessfully managed. (Dutton and Rubinstein, at p. 83).

THE SIGNS:

It is up to the licensed health care professional to make the diagnosis, however, compassion fatigue/vicarious trauma are natural reactions to working with traumatized people. And, while reactions to traumatic events are normal, it is imperative that professionals working in such an environment continuously monitor their own reactions and not minimize negative reactions. Remember prosecutor, Jim? He elected not to let his symptoms go unchecked and sought professional help. Some of the possible negative effects include but are not limited to:

Cognitive Changes: decreased concentration and self-esteem; increased confusion and forgetfulness; traumatic stress imagery and apathy.

Emotional Changes: increased sense of powerlessness and helplessness; anxiety; guilt; anger or rage; depression hypersensitivity; feeling overwhelmed.

Behavioral Changes: increasingly impatient and/or irritable; withdrawal; changes in sleep patterns and/or appetite; nightmares; elevated startle response; increased use of negative coping methods such as smoking, alcohol and other substance use.

Spiritual Changes: questioning the meaning of life; loss of purpose; anger towards God or another higher power; questioning of prior religious or spiritual beliefs.

Interpersonal Changes: withdrawn; isolation; loneliness; increased interpersonal conflicts.

Physical Changes: shock; increased sweating; rapid heartbeat; feeling dizzy; other somatic reactions.

Work Performance Changes: decreased sense of morale; avoiding certain tasks; increased negativity and absenteeism; poor performance and productivity; increased conflict among staff.

(Adapted from Figley, 2002, Treating compassion fatigue. New York: Brunner-Routledge.; Yassen, 1995 Preventing secondary traumatic stress disorder.)

SUMMARY:

The terms are confusing; the scope is broad, however, legal professionals should be aware of compassion fatigue, vicarious trauma and burnout. As lawyers and judges, it can be difficult to process the terrible things that you see and hear. Using the example of the jury, it is normal to be affected by trauma. On the other hand, using the example of Jim, the Prosecutor, legal professionals must recognize too their vulnerability to exposure to trauma. If you are affected by your cases in a similar way, remember there is help for the helper. For more information on this topic or other assistance call the Delaware Lawyer Assistance Program (DE-LAP) or e-mail cwaldhauser@de-lap.org and mark your calendar to hear experts discuss vicarious trauma on Friday, April 11, 2008, Adjudication of Capital Cases In Delaware.