

# Prosecutor Well-Being Supplemental Materials

---

Produced by the Institute for Innovation in Prosecution

The following is offered as a supplement to the Prosecutor Wellness powerpoint presentation to support prosecutors seeking to educate themselves or their staff about the benefits of attending to well-being. The materials, which were designed in consultation with a mental health expert, touch upon mental health issues to inform the discussion about prosecutor well-being. Prosecutors seeking to educate themselves or staff about mental health issues in this context are encouraged to consult with a mental health professional. Alison Trenk, LCSW and Rena Paul, Esq., co-authors of this presentation, are available to offer this training to prosecutor's offices. Contact the IIP at [iip\\_johnjay@prosecution.org](mailto:iip_johnjay@prosecution.org) for more information.

## Slide 1-2

### *Introduction:*

Prosecutors are charged with the tremendous responsibility of ensuring fair and just adjudication of criminal matters. Lawyers who hold this position routinely face challenging moral and ethical decisions and interact with individuals from all walks of life who have been touched by trauma. Through their work, prosecutors bear witness to the suffering of others; they are routinely exposed to graphic, traumatic, and sad realities. On a daily basis, prosecutors view grisly photographs, interview survivors of violent crime, and advocate for outcomes that result in the loss of individual freedom. The circumstances of a prosecutor's work are compounded by work stress, including heavy caseloads, consequential decision-making, and long hours, as well as common personal life stressors like childcare, healthcare, finances, and relationships.

Investing in prosecutor wellness is imperative to the fair adjudication of cases by individuals working in such a high stakes and stressful role. Fair prosecution requires empathy, compassion, and fair-minded reasoning, characteristics that can only exist in someone who takes care of their health. With this presentation, we seek to expand the concept of "well-being" beyond the sphere of personal responsibility to that of professional diligence. We believe prosecutors must attend to their own health and seek to equip them with tools to do so.

We believe prosecutors must take steps to ensure the well-being of attorneys and staff in order to uphold the duties and ethics of their office. We encourage leaders to consider a trauma-informed approach, which includes prioritizing prosecutor well-being.

## Slide 3

### **Disclaimer:**

This presentation is intended to educate prosecutors on some of the best practices in well-being, and discusses physical and mental health. Though this presentation was made in consultation with a mental health expert, it should not be used as a tool for self-diagnosis. Always seek the advice of your physician or other qualified health providers with any questions you may have regarding a medical condition.

---

## Slide 4

### **Objectives of the Presentation:**

- \* Suggest that tending to prosecutor well-being is the most accessible criminal justice reform that you can individually implement today
  - \* Define “well-being” as it relates to prosecutors
  - \* Discuss the connection between well-being and ethics for prosecutors
  - \* Demonstrate that attention to prosecutor well-being is critical to support fair case adjudication and reduce attrition
  - \* Identify the signs and consequences of not investing in well-being
  - \* Define six areas of well-being and provide practical guidance to support them
- 

## Slide 5

### **Excercise:**

- \* Ask the group three traits that make a good lawyer or prosecutor - see how many come up with traits like “perfectionism, self-reliance, always ready, zealous advocate” and discuss why these are in opposition to well-being/fight and flight.
- 

## Slide 6

### **Quote:**

Quote from Trauma Stewardship by Laura van Dernoot: *“We can sustain our work with trauma only if we combine our capacity for empathy with a dedication to personal insight and mindfulness.”*

- \* Getting to know yourself and cultivating a mindfulness practice are critical traits of a good prosecutor as they permit you to sustain your work with trauma.

# The Importance of Prosecutor Well-Being

## Slide 7

### *State of Lawyer Well-Being:*

- \* In 2016, a study by the American Bar Association and Hazelden Betty Ford Foundation found lawyers have higher rates of problematic drinking and mental health problems than the general population

#### Key Stats:

- \* Between 21 and 36% of lawyers qualify as “problematic drinkers”
- \* 28% struggle with depression (males higher than female; junior lawyers have higher rates)
- \* 19% suffer from anxiety (women higher than men)
- \* 23% are struggling with stress
- \* 11.5% reported suicidal thoughts during their career
- \* The highest rates of problematic drinking and depression were found in younger lawyers (in the first 10 years), and lawyers working at firms.<sup>1</sup>

<sup>1</sup> Krill, Patrick R. JD, LL.M.; Johnson, Ryan MA; Albert, Linda MSSW, The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, *Journal of Addiction Medicine* (January/February 2016).

## Slide 8

- \* The study explored help-seeking behavior and found lawyers don't seek help because of:
  - \* Fear of being judged
  - \* Fear it will harm one's professional reputation
  - \* Fear it will impact their license
  - \* Thinking they can solve the problem
  - \* Denial about the existence of a problem
- \* The study found that younger, less experienced lawyers have higher levels of distress symptoms than their older, more experienced peers.
- \* Mechanism for seeking help as a lawyer: Lawyer Assistance Programs, which provide confidential services and support to judges, lawyers, and law students who are facing substance use disorders or mental health issues.
  - \* [https://www.americanbar.org/groups/lawyer\\_assistance/resources/lap\\_programs\\_by\\_state/](https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state/)

## Slide 9

### **Prosecutor Well-Being:**

- \* Lawyers tend to begin their prosecutorial careers within the first 10 years of legal practice. The ABA study suggests that as a result, they are particularly susceptible to problematic drinking and mental health issues.
  - \* Lawyers who choose to become prosecutors are often driven by a sense of mission and agree to accept a lesser paycheck to act as a public servant. Public service work is for the greater good of the community and the prosecutor's job is to represent the community. Because of this, it is possible that there is a higher rate of "meaning" in the job.
  - \* The culture of a prosecutor's office can be the same as firms:
    - \* Drinking is often part of the social culture
    - \* Hard work is admired and emphasized
    - \* Complex fact patterns
    - \* Late hours, long days
  - \* Prosecutors offices also have their own unique challenges. Prosecutors are given a lot of responsibility and autonomy with relatively little experience
    - \* Handling cases with difficult issues - rape, murder, child abuse
    - \* Working within the inequities in the justice system
    - \* Decisions have an impact on others - people go to prison
    - \* Under-resourced / too many cases
- 

## Slide 10

### **Quote:**

Quote from Trauma Stewardship by Laura van Dernoot: *"By the time you're thirsty, you're already dehydrated."*

It is universally known that you need to take care of your body in order to prevent physical illness. You get ahead of the problem by eating nutritious food, going to the doctor, exercising. However, your physical body is only a part of your wellness as a human being. One has to tend to your full well-being, in order to prevent suffering.

---

## Slide 11

### **What is "Well-Being"?:**

- \* Well-being is a multidimensional concept defined not as the absence of illness; but rather a positive state of health
- \* While Lawyers Assistance Programs address substance abuse and mental health problems when they are more advanced, taking care of one's well-being is a preventative effort
- \* The ABA defines "well-being" as *"A continuous process whereby lawyers seek to thrive*

*in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health and social connections with others.”<sup>2</sup>*

---

2 National Task Force on Lawyer Well-Being (August 14, 2017) <https://lawyerwellbeing.net/>

---

## Slide 12

### **6 Areas of Well-Being:**

- \* Consistent with the ABA, this presentation defines well-being for prosecutors as the ongoing practice to enhance and harmonize six areas of one’s life:
  - \* Physical health
  - \* Emotional health
  - \* Social connection / community
  - \* Creative and intellectual endeavors
  - \* Spirituality or greater purpose in life
  - \* Occupational pursuits

---

## Slide 13

### **Well-Being and Lawyers’ Ethical Responsibility:**

- \* Well-being is part of all attorneys’ ethical duty of competence and diligence.
  - \* ABA Model Rules of Professional Conduct 1.1 (Competence): *“A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.”<sup>3</sup>*
  - \* Rule 1.3 (Diligence): *“A lawyer shall act with reasonable diligence and promptness in representing a client.”<sup>4</sup>*
  - \* Essentially, you have to be WELL to do the job WELL. Put another way, doing one’s job well turns on maintaining one’s well-being.
- \* A lawyer who makes healthy, positive work and life choices is more likely to act with competence and diligence for their clients.
  - \* 40-70% of disciplinary proceedings and malpractice claims against lawyers relate to substance abuse, depression, or both.<sup>5</sup>

---

3 Model Rules of Prof’l Conduct. R.1.1 (2020) [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_1\\_1\\_competence/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/)

4 Model Rules of Prof’l Conduct. R.1.3 (2020) [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_1\\_3\\_diligence/comment\\_on\\_rule\\_1\\_3/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_3_diligence/comment_on_rule_1_3/)

5 Anne Chambers, LCSW and Anne McDonald, JD. Substance and Other Addictions in the Legal Profession. Mobar.org. <https://mobar.org/site/content/Articles/Addiction/Addictions.aspx#:~:text=Approximately%2040%2D70%25%20of%20attorney,already%20been%20sued%20for%20malpractice>

# Slide 14

## **Well-Being and Prosecutors' Ethical Responsibility**

- \* Beyond duties of competence and diligence<sup>6</sup>, prosecutors also have heightened responsibilities.
- \* ABA Standard for the Prosecution Function 3-1.7(f): *"The prosecutor should not permit the prosecutor's professional judgment or obligations to be affected by the prosecutor's personal, political, financial, professional, business, property, or other interests or relationships."*
- \* Prosecutors have additional standards of conduct they must conform to ([see ABA Standard for the Prosecution Function for all of prosecutor roles](#))<sup>7</sup>
  - \* This includes their relationship with themselves and their own well-being
  - \* Prosecutors must
    - \* Act with integrity and balanced judgment
    - \* Seek justice
    - \* Consider interests of victims and witnesses
    - \* Protect constitutional & legal rights of all persons
    - \* Handle difficult and violent fact patterns and evaluate them without bias
    - \* Make impactful decisions
    - \* Admit mistakes in decision-making as mistakes can result in loss of liberty

---

<sup>6</sup> Criminal Justice Standards for the Prosecution Function 3-1.9 (2017)

<sup>7</sup> [https://www.americanbar.org/groups/criminal\\_justice/standards/ProsecutionFunctionFourthEdition/](https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition/)

---

# Slide 15

## **"Soft Skills" and Well-Being:**

- \* Prosecutors are litigators and advocates:
  - \* Public speaking itself requires mental focus and clarity
    - \* Communicating complex ideas to juries
- \* Beyond advocacy skills, prosecuting effectively requires "soft skills"
- \* You have to know how to connect with people and "meet people where they are." Do this by bringing a nonjudgmental attitude and empathy.

---

# Slide 16

## **Neurobiology of Stress:**

- \* Play video: The brain under stress (3 minutes)
  - \* <https://youtu.be/0gb7KYLtVLY>

# Slide 17

## **Prosecutors and Stress:**

- \* "Zebras don't get ulcers" example:<sup>8</sup>
  - \* Animals in the wild are able to respond to stress in the moment, but after the life threatening event is over, they do something with their body to notify it that the threat is gone. They complete the stress cycle.<sup>9</sup>
  - \* If you have watched any nature documentaries or if you have a pet, you may notice that after an animal is in a fight, it does this action with its body where it "shakes it off" or gets rid of the negative feeling with physical movement after.
    - \* They do that in order to **re-regulate!**
  - \* When we speak about stress with humans, it's not typically because our life is threatened, but because we have evolved in a way that our body responds to routine life demands as "life threatening"- and we don't do anything after to self regulate.<sup>10</sup>
  - \* Our body doesn't know the difference between a work deadline and a lion chasing us. Many of us just hold onto these fears and operate in the world in a perpetual state of stress.<sup>11</sup>

---

8 R. M. Sapolsky, *Why zebras don't get ulcers: A guide to stress, stress related diseases, and coping*. New York: W.H. Freeman (1994).

9 Emily Nagoski, Amelia Nagoski, *Burnout : The Secret to Unlocking the Stress Cycle*. New York: Ballantine Books (2019).

10 Id.

11 Id.

---

# Slide 18

## **Trauma - Defined:**

- \* Prosecutors deal with trauma.
- \* According to SAMHSA (Substance Abuse and Mental Health Services Administration):  
*"Individual trauma results from an event, series of events, or set of circumstances [one can suffer from all three at the same time; i.e. they may overlap and have a compounding effect] experienced by an individual as physically or emotionally harmful or life threatening with lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being."*

---

# Slide 19

## **Places Prosecutors Encounter Trauma:**

- \* The following are all examples of places prosecutors encounter trauma or the content of trauma. Notice the diversity of areas in which you are engaging with trauma.
  - \* Interacting with crime survivors and witnesses
  - \* Interacting with family members of the deceased
  - \* Interacting with family members of those charged



- \* Interacting with people charged with crimes
- \* Sentencing - watching someone go to jail knowing you were part of it
- \* Trial - interacting with jurors with trauma
- \* Getting threatened - death threats/threats by family/ad hominem attacks in court
- \* Media attention to work
- \* Inherent bias + issues in the criminal justice system
- \* Inherent inequality in the system / lack of ability to do anything about it from an individual perspective
- \* "Failing" to protect a victim
- \* Going into the work to help people and harming / being seen as harming people
- \* Dinner party - people's response to your job

---

## Slide 20

### **Working with Stress and Trauma:**

- \* It's important to note:
  - \* Stressful events in life are inevitable and healthy amounts of stress can be positive and motivating. Still, excessive amounts of negative stress can wear down your body.
  - \* Then, prosecutorial work can compound that stress because it entails working with traumatic content. Without support or healthy coping mechanisms, this combination can be overwhelming; it can impact your physical, psychological, or emotional safety.
    - \* EXAMPLE: A single-parent prosecutor has a sick child that they are taking care of. The bills are mounting at home, and they have to come to work late a couple of days/week in order to bring the child to treatments. Will this person have the patience and emotional bandwidth to interview a domestic violence victim who wants to drop the case against their partner who has 20 domestic incident reports?
  - \* The way in which we cope with/recover from traumatic stress or a traumatic situation is impacted by intrinsic and extrinsic factors:
    - \* Intrinsic: our biology, our personality, our abilities, mental health, and previous trauma memories/coping skills that inform the present.
    - \* Extrinsic: intergenerational histories, communal/familial support, access to therapeutic resources, access to basic resources, safety of environment, and the ability to ensure safety.

---

## Slide 21

### **Significant Consequences of Working with Trauma:<sup>12</sup>**

- \* According to William Steele in *Reducing Compassion Fatigue, Secondary Traumatic Stress, and Burnout*, the following are 5 significant consequences of working with stress and trauma. Recognize there are different ways that we respond to working with stress and trauma. All consequences are preventable and treatable if you are aware of what is going

---

<sup>12</sup> William Steele, *Reducing Compassion Fatigue, Secondary Traumatic Stress and Burnout*. New York: Routledge (2020).

on.

1. **Burnout:** Burnout happens over time in any work environment, based on exhaustion from work demands. It can happen from a grocery store to an investment bank. Excessive stress is going to burn anyone out.
  - \* Burnout is specific to the work culture and practices at the job and it can lead to increased risk for compassion fatigue if you are working with a population that is in high need.
2. **Compassion Fatigue (CF):** This concept was originally coined in emergency rooms but expanded to a wide range of helping professions.
  - \* Compassion Fatigue occurs when, over a period of time, a person loses the ability to have compassion toward the people who they are helping, typically people who are traumatized or suffering.

Both of the aforementioned consequences come from working with stressful job environments, but not necessarily trauma. The next 3 wellness consequences are from working with a population of people who have experienced trauma.

---

## Slide 22

### **Significant Consequences of Working with Trauma (cont)<sup>13</sup>:**

3. **Secondary Traumatic Stress (STS):** is triggered by direct/indirect exposure to trauma. It can include:
  - \* Emotional – feeling numb or detached; feeling overwhelmed or maybe even hopeless.
  - \* Physical – having low energy or feeling fatigued.
  - \* Behavioral – changing your routine or engaging in self-destructive coping mechanisms.
  - \* Professional – poor performance of tasks and responsibilities; feeling low job morale.
  - \* Cognitive – experiencing confusion, diminished concentration, and difficulty with decision-making; experiencing trauma imagery, which is seeing events over and over again.
  - \* Interpersonal – physically withdrawing or becoming emotionally unavailable to your co-workers or your family. (see: <https://traumaawareschools.org/secondaryStress>)  
***\*It is a condition that is specific to those who work with a traumatized population but does NOT meet any DSMV criteria such as Post Traumatic Stress Disorder or Depressive Disorder.(The DSMV is the diagnostic criteria used by mental health professionals).\****
4. **Vicarious Trauma (VT):** VT has similar symptoms to Secondary Traumatic Stress and was coined around the same time, however it includes the shift in world view. This essentially means that you no longer look at the world the same way.
  - \* Just like STS, it is specific to those who work with the traumatized population, but does NOT meet any DSMV criteria such as Post Traumatic Stress Disorder.
  - \* The best way to think about it is the symptoms of Secondary Traumatic Stress + shift in worldview.
5. **Post-Traumatic Stress Disorder (PTSD):** This is triggered by direct/indirect exposure to

trauma.

- \* PTSD has a list of diagnostic criteria and is diagnosed by a licensed professional. (view this link for more info about the criteria: <https://www.brainline.org/article/dsm-5-criteria-ptsd>)
- \* In general, the Mayo Clinic summarized that post-traumatic stress disorder symptoms may start within one month of a traumatic event, but sometimes symptoms may not appear until years after the event. These symptoms cause significant problems in social or work situations and in relationships. They can also interfere with your ability to go about your normal daily tasks.
- \* A diagnosis of any mental health disorder can only be made by a licensed professional.

---

13 William Steel. Reducing Compassion Fatigue, Secondary Traumatic Stress and Burnout. New York: Routledge (2020).

---

## Slide 23

### ***Practical Implications of Stress and/or Trauma:***

Within each of the 6 petals of the graphic is an area of wellness. Each area represents examples of consequences of neglecting that area of wellness:

- \* Some potential consequences of neglecting your physical health can result in:
  - \* Physical ailments
  - \* Physical discomfort
  - \* Substance misuse/addictions
- \* Consequences of neglecting your emotional health can result in:
  - \* Uncomfortable feelings
  - \* Dissociative moments / feeling detached
  - \* Feeling helpless/hopeless
  - \* Minimizing the impact of stress and trauma on your work and overall health
  - \* Avoidance of issues/people/places
  - \* Intrusive thoughts
  - \* Numbing out emotions through unhealthy coping mechanisms
- \* When one doesn't tend to their intellectual and creative endeavors, it can result in:
  - \* Diminished creativity
  - \* Foggy thought process
  - \* Lack of organization
- \* When a person is removed from their community and social connection it can result in:
  - \* Isolation
  - \* Inability to empathize
  - \* Strained (work and personal) relationships
  - \* Extreme concern for safety in relation to others
- \* When one lacks spirituality or a greater purpose, it can leave someone with:
  - \* A sense that they can never do enough
  - \* A negative world view, or
  - \* A loss of connection to the living

- \* And last, when your occupational pursuits are not reviewed or honored, it can leave you with:
    - \* A sense of persecution
    - \* A sense of loss of agency in one's own life
    - \* Trouble with decision-making
    - \* Missed career opportunities
- 

## Slide 24

### **Exercise: Why Did You Choose This Work?:**

- \* What past personal experiences are you bringing to this work?
  - \* To begin self-inquiry through the lens of your work, consider why you chose this work.
  - \* Prosecutors often self-identify as empaths, wanting to "make a difference," and "helping people." Rarely do they self-identify as wanting to "put people in jail" or "harm others."
  - \* Considering past personal experience, race and culture is an integral part of understanding the nuances prosecutors face when experiencing secondary trauma or work stressors. This is especially true in the field of criminal justice, and in today's climate surrounding the system.
- 

## Slide 25

### **Personal History, Culture, and Race:**

- \* Consider how your own history of hardship, pain, suffering, or trauma brought you to this work.
- \* Consider what ways your cultural history may impact your work.
- \* Cultures have different norms and ways of processing external stressors.
- \* Racialized trauma is embedded in everyone due to the racist history of the world and our country. In fact, scientists have found that this intergenerational transmission of trauma is passed on through epigenetics.<sup>14</sup>
- \* Exercise: Reflect on how your own culture informs your beliefs on wellness. What are the cultural norms/beliefs you have around self care, wellness, or mental health? How do these beliefs impact the way you respond to stressors in your work and life?

---

<sup>14</sup> Michelle R. Ancharoff, James F. Munroe, Lisa M. Fisher. The Legacy of Combat Trauma. Clinical Implications of Inter-generational Transmission. In Y. Danieli, (Ed.), International Handbook of Multigenerational Legacies of Trauma. P. 257-276 (1998).

---

## Slide 26

### **Racialized Trauma and the Prosecutor Experience:**

- \* Being aware of the presence of racialized intergenerational trauma can help you identify certain stressors as you consider your own well-being.
- \* You are prosecuting cases in a system directly impacted by a history of discrimination

and violence against communities of color. Prosecutors may have a complex relationship with their role in prosecuting cases. The evidence that systemic racism has led to mass incarceration can be an uncomfortable reality for those who work within the justice system. With the knowledge that poverty, trauma, and systemic racism can lead to criminogenic behavior, carrying out the daily functions of a prosecutor may cause internal conflict and stress.

- \* For instance, after the death of George Floyd, criminal justice system actors, especially those of color, were awakened to or reaffirmed in their understanding of the harm the criminal justice system has caused communities of color. This uncomfortable truth has become unavoidable in prosecutors' social and professional lives.
- \* This history impacts the work of prosecutors in multiple ways. It can be very challenging to be a prosecutor who always intended to help people but confront the reality that there is so much injustice in the system. That is hard, and beginning the dialogue about it is the first step.
- \* Acknowledging the role of racialized trauma and how one's identity can impact job performance is an integral step for prosecutors in a fair adjudication of cases. Being aware of the presence of intergenerational racialized trauma can help you identify certain stressors as you consider your own well-being.

---

## Slide 27

### ***Prosecutorial Wellness and Culture:***

- \* The culture within a prosecutor's office can vary, but there are commonalities that can contribute to a stressful environment:
  - \* Heavy caseloads
  - \* Relatively low wages
  - \* Long hours and unpaid overtime
  - \* The inherent work ethic that attracts people to the legal profession (i.e. typically hiring the top performing students)
  - \* Immense power and responsibility of the role of a prosecutor in the community
  - \* Lack of support or mentorship
  - \* Training
  - \* Prevalence of alcohol at social events
- \* Historic attitudes also impact prosecutor well-being:
  - \* Prosecutors are often applauded for being "tough-minded" and "strong" in handling their difficult roles
  - \* There may be a culture that help-seeking behavior or showing vulnerability is considered weak
- \* It is normal to be affected by the job of absorbing violence and pain on a daily basis. Human beings are built for connection, and the work of a prosecutor is dealing with cases of human disconnection.

# Slide 28

## **Prosecutorial Passion & Boundaries:**

- \* Passion can help prosecutors perform well and enjoy their work.
- \* Sometimes, however, prosecutors can be taken over by passion and lose sight of their role. This is especially true when working with violent crimes, sex crimes, domestic violence, child abuse, and human trafficking cases.
- \* Maintaining an unbiased role as a fact finder can become difficult as you develop relationships with victims, their loved ones, and witnesses.
  - \* For example, a prosecutor might develop anger or resentment towards an accused individual as they grow more passionate and involved with a case. This anger can build up and distort one's ability to fairly proceed with a case.
- \* Service rationing might arise as a result of passion. A prosecutor might devote more resources to one case at the expense of another because of a connection with a witness or victim. Prosecutors must be mindful of this possibility and pay attention to their own behavior.<sup>15</sup>
  - \* This phenomenon has led to cognitive bias amongst prosecutors, which can lead to dismissing exculpatory evidence, distrusting defense counsel, and wrongful convictions.
- \* Being overtaken by prosecutorial passion is normal and expected. Any human being who is working with individuals who have been brutally victimized is susceptible to these strong emotions and biased tendencies. Prosecutors must be mindful of this and pay attention to their own behavior.
- \* Awareness is the first step.
- \* With that awareness comes boundaries.
  - \* Take time to check in with yourself and evaluate the boundaries you have between yourself and the case/crime survivor/ victim's family/and defendant.
- \* Have you given someone your personal cell phone?
- \* Do you find yourself devoting all of your time to one case?
- \* This is not to say you should not have emotions about cases. Have emotions, process them, and be mindful of how they impact your work.

<sup>15</sup> Major Evan Seamone. Sex Crimes Litigation as Hazardous Duty: Practical Tools for Trauma-Exposed Prosecutors, Defense Counsel, and Paralegals. Vol 11:2. Ohio State J. Crim. Law. 486 (2014), [https://kb.osu.edu/bitstream/handle/1811/73447/OSJCL\\_V11N2\\_487.pdf](https://kb.osu.edu/bitstream/handle/1811/73447/OSJCL_V11N2_487.pdf)

---

# Slide 29

## **6 Areas of Self Care To Promote Well-Being**

---

# Slide 30

## **Exercise: 6 Areas of Wellness Graphic:**

- \* Similar to the earlier graphic of consequences, these petals are replaced by suggestions of practices you can do in your life in order to enhance wellness.

- \* Think of each section as an area to routinely evaluate and strengthen for wellness.

Exercise: Please use the WORKSHEET that we provided you or a blank paper:

- \* Take a look and consider each section. Take notes on ideas that you may have as we go through each section. Jot down small acts or ideas you want to commit to incorporating in your life going forward.
- 

## Slide 31

### **No One Solution + Cartoon:**

- \* There is no “magic bullet” approach to well-being, no pill to take. The process is holistic, ongoing, and different for everyone.
- 

## Slide 32

### **Goals:**

- \* The goal is not to reach the “perfect” state of well-being as that does not exist. The goal is to integrate practices into your life that enhance well-being to:
    - \* Do your job more efficiently
    - \* Improve job performance by improving overall happiness
    - \* Prevent burnout
    - \* Support your physical health
    - \* Reduce the risk of developing an addiction
    - \* Cultivate time + presence
    - \* Enhance relationships
  - \* The next few slides will define the 6 areas of well-being and introduce some practices to consider.
    - \* The practices listed are suggestions - try out one or all!
    - \* All of the practices are meant to cultivate the quality of being present, both to our own experience and to the experience of others.
  - \* Be gentle with yourself. Be patient and consistent. Recognize that attending to your own needs is an act of courage.
- 

## Slide 33

### **1. Physical Health**

- \* Physical health includes:
  - \* Caring for and being in touch with the physical body
  - \* Physical exercise
  - \* Connecting with the breath
  - \* Diet / Nutrition
  - \* Sleep / Rest

- \* Basic security - comfortable and safe home, a living wage, access to health care
- \* Everyone knows that you have to take care of your body, in order for it to function well in the world. However, you also need to recognize that working in a chronically stressful environment, will cause your body to respond as if it is being threatened.
- \* The importance of Physical Health:
  - \* The stress response causes the body to go into fight, flight, or freeze. Each response triggers stress hormones in the body. These hormones can help to protect you. An increase in adrenaline and cortisol can give you the energy to evade danger. Prolonged states in stress response can cause these hormones to remain elevated, leading to negative long term health outcomes.<sup>16</sup>
  - \* Anxiety
  - \* Depression
  - \* Digestive problems
  - \* Headaches
  - \* Heart disease
  - \* Sleep problems
  - \* Weight gain
  - \* Memory and concentration impairment

16 Mayo Clinic Staff. Chronic Stress Puts Your Health at Risk. (March, 19 2019)

<https://www.mayoclinic.org/healthy-lifestyle/stress-management/in-depth/stress/art-20046037>

## Slide 34

### **Physical Health~ Practices:**

- \* So what are the things we can do to mitigate the damages?
  - \* Drink more water
  - \* Take a daily vitamin
  - \* Limit intake of substances (such as: sugar, caffeine, alcohol, TV, social media)
  - \* Incorporate more physical activity into your daily routine
    - \* Take the stairs
    - \* Walk to work or park your car further away from your destination
  - \* Pay attention to your breath- Are you chest breathing or are you taking even, fuller breaths?
  - \* You can always do a lifestyle change such as eating healthier or joining a gym, but small steps can make a big impact on your wellness, are more attainable, and are more sustainable in the long-run.
- \* Another important thing is to complete the stress cycle. According to Nagoski and Nagoski<sup>17</sup> :
  - \* As discussed in slide 17 the body doesn't know the difference between running away from a wild lion and having to complete your work by a deadline. It just knows body languages, such as jumping up and down, taking slow deep breaths, laughter, and/or doing something that indicates to the brain that that you have survived a

17Emily Nagoski and Amelia Nagoski, Burnout : @he >ecret to Bnlocking the >ress fiøcle. New York : Ballantine Books (2019)



threat and you are now safe. Physical activity is the single most efficient strategy for completing the stress cycle.

- \* Incorporate physical activities and movements into daily practices to close out a work day. Perhaps, at the end of the work day, do something intentional with the body, to let it know that it is safe (you can walk, run, dance, do jumping jacks, yoga, but do something physical).
- \* The important thing is to do the act with intention of re-regulating.

Exercise:

- \* Stand up, or sit up... and shake your body/arms
- \* Run in place
- \* It doesn't matter what you do to move, but the key direction is while you are moving, say to yourself:
  - \* Remind yourself: "I am safe"

---

## Slide 35

### **2. Emotional Health:**

- \* Emotional Health Includes:
  - \* Tend to your mental health
  - \* Feel emotions (joy, fear, anger, disgust) --- feeling your emotions provides information
  - \* Learning to process the emotion you feel / not become consumed by an emotion
  - \* Striving for healthy and balanced relationships (family, significant other, friendships)
  - \* Cultivating emotional intelligence
  - \* Be mindful of how you communicate
    - \* Develop empathy and compassion
    - \* Strengthen resilience
- \* Why Emotional Health is Important:
  - \* To be human, is to experience emotions. Emotions can act as an indicator or symptom that you are having a psychological experience. By acknowledging those emotions, it creates a rich and meaningful existence.
  - \* Emotions are not "bad." Think of them as energy in motion. They require digestion.
  - \* Numbing out one emotion numbs out all emotions - ie. if you suppress anger, you suppress joy.
  - \* Prosecutors are often encouraged to operate without emotion about their cases. While it is true to an extent that prosecutors must not allow emotion to change the course of a just outcome, understanding one's emotions is critical to functioning as a lawyer. By identifying your emotional connection to a case, you can more easily separate emotion from decision-making.

# Slide 36

## **Emotional Health- Practices**

- \* The following are practices to strengthen your emotional health:
  - \* The first is self-study - get to know yourself, understand how others perceive you.
    - \* This is an ongoing practice where one can be curious about oneself. Take a look at oneself and be mindful of your judgments.
      - \* We are all judgmental of ourselves and others... it's normal. However, when you notice a self-judgment, see if you can choose a kinder thought that doesn't invalidate yourself.
    - \* A helpful mantra: *"I am doing the best I can, AND I can at the same time, strive for growth"*
  - \* Pay attention to where you feel emotions in your physical body
    - \* Some people feel stress in the shoulders, some feel it in the top chest, others feel it in the belly.
    - \* Your body will have different physical feelings that correspond to different emotions... you just need to pay attention.
    - \* Once you know the physical feeling that corresponds to emotion, you will be able to decode your emotional radar!
- \* Another great practice is to use a feelings wheel to identify words to name emotions. (link to the tiny chart you see on the slide: [https://cdn.gottman.com/wp-content/uploads/2020/04/The-Gottman-Institute\\_The-Feeling-Wheel.pdf](https://cdn.gottman.com/wp-content/uploads/2020/04/The-Gottman-Institute_The-Feeling-Wheel.pdf))
  - \* This tool can increase your emotional vocabulary in order to distinguish the nuances in your emotions.
  - \* There are different degrees of feelings
    - \* For example, the feeling of anger can include frustration, irritation, hostility, or rage
    - \* You want to know the difference in order to best self-assess and respond in the proper way
- \* You can also:
  - \* Journal
  - \* Practice gratitude
  - \* Address perfectionism
  - \* Observe and practice dialectics (holding two opposite concepts at the same time)
  - \* Practice mindfulness

---

# Slide 37

## **3. Community / Social Connections:**

- \* The need for community, connection to others and a sense of belonging is paramount
- \* Community is important for a base of support
- \* People to bounce ideas off of

- \* Learn new things from
  - \* Isolation and loneliness are not good for overall well-being
  - \* Social media has made us constantly connected (plugged in) and also not connected
  - \* Positive social interaction or affection can complete the stress cycle
  - \* Going home after a long day and getting a hug can complete the stress cycle
- 

## Slide 38

### **Community/Social Connections- Practices:**

- \* Take stock of communities you are involved in (family, friends, work groups, cultural groups, community service, exercise groups, bar associations)
  - \* Check your social media use
  - \* Spend time disconnected from your phone, especially at night right before bed
  - \* Cultivate a reliable support network
  - \* Get to know yourself, then cultivate your community - find a group of people that lights you up
  - \* Join and contribute to groups and communities
- 

## Slide 39

### **4. Creative and Intellectual Endeavors:**

- \* Creativity is critical to advocacy.
- \* Diminished creativity can be a trauma-exposure response.
  - \* *"When experiencing trauma, the body's senses take in the emotions, images, smells, etc., first through the right side of the brain/emotional brain. Once the right side has processed a traumatic event through the senses and emotions (taking milliseconds) experiences are then processed by the left side of the brain. The left side categorizes in a logical way through facts, statistics, and vocabulary. But the left side of the brain doesn't always interpret things correctly. The left brain wants to analyze, categorize, and put everything neatly into its place to help a person feel organized or rational, putting up the façade of functionality even if that isn't the case. The brain has even been known to completely block memories that are too painful, leading to amnesia about painful events or traumatic circumstances."*<sup>18</sup>

18 Terry O'Brien, How Creative Expression Can Help You Heal After Trauma and Loss, Art and Movement (Dec. 14, 2017), <https://terynobrien.com/art/creative-expression-heal-trauma-loss/>

---

## Slide 40

### **Creative and Intellectual Practices:**

- \* Make art -- write, draw, paint, dance
- \* Read
- \* Play

- \* Take time off
  - \* Move your body
  - \* Seek out new experiences
  - \* Slowing down and doing nothing can sometimes provide the most benefit
  - \* Moving your body also helps with creativity
  - \* Lose the fear of being wrong: The legal profession is a profession of perfectionists, so getting to paint outside of the lines and make mistakes helps with well-being and advocacy.
- 

## Slide 41

### **5. Spirituality / Greater Purpose**

- \* Spirituality is not a religious concept. It may mean different things and manifest in different ways for everyone. It involves a sense of purpose or meaning in life, a sense of connection to something greater, and/or a sense that we are all connected.
- 

## Slide 42

### **Spirituality/ Greater Purpose- Practices:**

- \* Evaluating the role spirituality plays in your life is a very personal question. Consider beginning by making space for contemplation and personal inquiry. Ask yourself: why am I doing what I am doing?
    - \* *"He who has a why to live for can bear with almost any how."* -- Friedrich Nietzsche
  - \* Get closer to nature - take a walk in the woods, pet an animal, watch a sunrise or sunset
  - \* Be curious and open-minded
  - \* Meditate
- 

## Slide 43

### **6. Occupational Pursuits:**

- \* This category involves personal satisfaction and enrichment derived from one's work.
  - \* Ask yourself: Are you moving toward your values or away from them? Who are you at work? What are the values that you want to live every day in your work?
- 

## Slide 44

### **Occupational Pursuits- Practices:**

- \* Do a self-evaluation - what am I passionate about? What is my job?
- \* Do a skills evaluation - what skills do I have that other people don't? What is easy for me?
- \* Network with people outside of the office and learn about other ways to use your skills.

- \* Attend training and lectures to enhance professional skills.
  - \* Explore media and literature related to your career.
  - \* Cultivate mentors inside or outside the office that can help you realize goals.
- 

## Slide 45

### ***Suggestions for Prosecutors' Offices:***

- \* Offices have a responsibility to take care of their employees and create an environment that supports well-being. The implementation guide provides best practices and guidance for prosecutors looking to integrate wellness practices into their operations.
- \* Tough conversations are necessary to implement organizational responses to trauma
  - \* *"Leaders must either invest a reasonable amount of time attending to fears and feelings, or squander an unreasonable amount of time trying to manage ineffective and unproductive behavior."*<sup>19</sup>
- \* The National Task Force on Lawyer Well-Being offered recommendations for legal employers to increase overall wellness in the profession and eliminate the stigma associated with help-seeking behaviors.
- \* **Recommendations for Prosecutors' Offices**
  - \* Enlist leaders
  - \* Launch a well-being committee
  - \* Identify needs within your office
  - \* Create an action plan to support employee well-being
  - \* Create a community where employees feel supported
  - \* Devote resources and policy decisions to culture improvement in your office
  - \* Support employees with substance abuse and mental health issues
  - \* Attract a diverse workforce
  - \* Continually evaluate, measure and improve

---

<sup>19</sup> Brene Brown, Dare to Lead (Random House 2018)

**Please refer to the implementation guide for more information on office obligations and suggestions.**

Please follow us on Instagram and Twitter @IIP\_JohnJay  
For our other initiatives, visit [prosecution.org](http://prosecution.org)

Produced by the Insititute for Innovation in Prosecution in 2021.