

1 **Vicarious Trauma in Attorneys**

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2 **Objectives**

- Discuss post-traumatic stress disorder and vicarious trauma and competence
- Explain trauma-informed lawyering
- Review a self-assessment on these conditions
- Promote resources available to attorneys dealing with mental health issues
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3 **Duty of Competence**

- (a) A lawyer shall not intentionally, recklessly, with gross negligence, or repeatedly fail to perform legal services with competence.
- (b) For purposes of this rule, "competence" in any legal service shall mean to apply the (i) learning and skill, and (ii) mental, emotional, and physical ability reasonably* necessary for the performance of such service.

4 **Mental Health with Attorneys**

- 60% of attorneys reported experiencing symptoms of anxiety
- 46% reported experiencing symptoms of depression
- 11% reported experiencing symptoms of PTSD

5 **Interfering with Competent Practice**

- Alcohol and drug abuse
- PTSD
- Vicarious Trauma
- Depression
- Anxiety
- Stress

6 **Trauma Defined**

- Trauma is:
 - Psychological, emotional response to an event, or
 - An experience that is deeply distressing or disturbing.

7 **Post-Traumatic Stress Disorder**

- PTSD is a mental health condition that is triggered by experiencing or witnessing a traumatic event.

8 **Vicarious Trauma**

- Vicarious trauma is the emotional residue of exposure to traumatic stories and experiences of others through work.

9 **Burnout**

- Feelings of energy depletion or exhaustion
- Increased mental distance
- Reduced professional efficacy

10 **PTSD**

- Re-living or re-experiencing
 - Nightmares
 - Flashbacks
 - Triggers
- Hyperarousal or being on-guard
 - Jittery/overly alert
 - Difficulty sleeping/concentrating
 - Feeling Angry
 - Irritable

11 **PTSD**

- Avoidance
 - Avoiding crowds
 - Avoiding certain smells, sights, or sounds
 - Avoiding talking or thinking about the event
- Negative changes in beliefs and feelings
 - Losing interest in things you use to enjoy
 - Feeling guilty/ashamed
 - Unable to trust others

12 **Vicarious Trauma**

- Behavioral
 - Sleep disturbances
 - Appetite changes
 - Losing things
 - Self-harm behaviors
- Cognitive
 - Lowered self-esteem
 - Trouble concentrating
 - Perfectionism
 - Racing thoughts

13 **Vicarious Trauma**

- Emotional
 - Oversensitivity
 - Anxiety
 - Emotional unpredictability
 - Sadness
 - Depression
- Social
 - Withdrawal
 - Isolation
 - Irritability
 - Intolerance
 - Projection of blame

14 **Competency**

- PTSD
 - Concentration
 - Remember important details
 - Manage emotions
 - Make rational decisions

15 **Competency**

- Vicarious Trauma
 - Emotional exhaustion
 - Reduced empathy
 - Intrusive thoughts
 - Anxiety
 - Depression
 - Sleep Disturbances
 - Avoidance behavior
 - Substance use disorders

16 **Competency**

- Burnout
 - Irritability
 - Trouble focusing
 - Depression
 - Anxiety
 - Frequent illnesses
 - Social Withdrawal
 - Self-medication

17 **Areas of Practice**

- Family Law
- Immigration Law
- Civil Rights Law
- Criminal Law
- Personal Injury Law
- Bankruptcy Law
- Probate Law

18 **Assessment**

- The assessment includes:
 - Thirty questions to identify burnout and vicarious trauma.
 - Explanations of what your score means.
 - Practices for organizations, supervisors, colleagues, and individuals.
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19 **Vicarious Trauma Assessment**

- Score Classification
 - 30-33 No signs of burnout
 - 34-62 Low risk of burnout unless some factors are particularly severe.
 - 62-75 High burnout risk

- 75-90 Burnout
- 90-150 Vicarious Trauma

20 **Tools**

- If you are experiencing vicarious trauma or PTSD, it is important to seek help.
- Personal Therapy
 - Trauma-Informed Therapists
 - Proactive Counseling

21 **Mitigating Vicarious Trauma and PTSD**

- Education
 - Recognize symptoms
 - Continue education
- Support
 - Peer network
 - Mentoring
 - Professional development
 - Social network

22 **Mitigating Vicarious Trauma and PTSD**

- Self-Care
 - Physical health
 - Mental health
- Boundaries
 - Work-life balance

23 **Reasons for not getting help**

- What gets in our way
 - Lack of time
 - Concerns about confidentiality
 - Stigma associated with mental health
 - Unsure of where to find resources

24 **Understanding Vicarious Trauma**

- Organizations can:
 - Talk about vicarious trauma;
 - Focus on changing the workplace and organizational culture;
 - Create a supportive atmosphere;
 - Be sensitive when discussing cases; and
 - Normalize conversation about vicarious traumatic stress.

25 **Trauma Informed Practice**

- Trauma-Informed Practice is when the practitioner:
 - Puts the realities of the client's trauma expertise at the forefront;
 - Adjusts the practice approach;
 - Reduces re-traumatization, and
 - Recognize the role trauma plays in the lawyer-client relationship.
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An Introduction to Trauma-Informed Lawyering Alexander S. Rusek and Aylsh B. Gallagher,
Michigan Bar Journal, August 2023

26 **Trauma Informed Practice**

- Benefits of Trauma-Informed Lawyering:
 - Clients will share more useful information.
 - Clients will hold the trauma-informed lawyer in higher regard.
 - Establish a more effective attorney-client relationship.
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27 **Trauma Informed Practice**

- Becoming a Trauma-Informed Lawyer:
 - Identify trauma
 - Adjusting the attorney-client relationship
 - Adapting litigation strategy
 - Preventing vicarious trauma

28 **Trauma Informed Practice**

- To accomplish these goals, the trauma-informed lawyer works to ensure that their client:
 - Feels safe;
 - Can trust them and develop transparency;
 - Client has the ability to make the choices and empowered to make those decisions;
 - Has a collaborative relationship with the lawyer, and
 - Recognizes that the lawyer has considered cultural, historical, gender, and other identity issues that the client may be experiencing.

29 **Resources for Legal Professionals**

- Substance Abuse and Mental Health Services Administration, Post Traumatic Stress Disorder
- Substance Abuse and Mental Health Services Administration, Understanding and Addressing Vicarious Trauma
- AMA Commission of Lawyer Assistance Program (CoLAP)
- Lawyer Depression Project: Free resources for attorneys, law students, paralegals, and administrative professionals
- 988 Suicide and Crisis Prevention Hotline-call or text 988
- Employee Assistance Programs (EAP) with your employer
- California Lawyers Association, Health and Wellness Committee
- Your law firm/law school/bar organizations

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