

# Trauma-Informed Lawyering: Effects of Secondary Trauma on Attorneys & Advocates

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## Key Challenges

Trauma suffered by legal services clients can significantly impact the lawyer/advocate-client relationship. Exposure of advocates and attorneys to client trauma can also significantly impact their quality of work. In light of the impact that trauma has on clients and staff, strategies to create a trauma-informed workplace and combat secondary trauma on a personal and organizational level can mitigate these impacts and help support staff who are experiencing secondary trauma. Outlined below are several strategies to consider when combatting secondary trauma and its impacts.

## Personal Strategies to Combat Secondary Trauma

### 1. Knowing and Recognizing the Warning Signs of Secondary Trauma

Secondary trauma, vicarious trauma, burnout, and compassion fatigue are different names for a similar phenomenon that occurs when you are exposed to the trauma of others. As human beings, we are not immune to the suffering of others, and after repeated exposure to the trauma of our clients we can also experience symptoms similar to those who experienced the original trauma. In fact, a person can be impacted by secondary trauma “merely by working in an office where others are suffering from secondary trauma.”<sup>1</sup> Knowing and recognizing the warning signs of secondary trauma is one of the first steps in addressing the problem. Attorneys and advocates should be aware of their own reactions to clients and cases to recognize if they may be impacted by secondary trauma.

#### Warning signs of a trauma exposure response include:

- Hopelessness
- Hypervigilance
- Diminished Creativity
- Inability to Listen
- Feelings that you can never do enough
- Chronic Exhaustion
- Fear and Guilt
- Inability to Empathize
- Feeling helpless and hopeless

<sup>1</sup> *Understanding Secondary Trauma: A Guide for Lawyers Working with Child Victims*, Christina Rainville, ABA, [americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-34/september-2015/understanding-secondary-trauma--a-guide-for-lawyers-working-with/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-34/september-2015/understanding-secondary-trauma--a-guide-for-lawyers-working-with/).

## 2. Developing Resilience and Stress Resistance

Resilience creates the ability to resist the impacts of stress in our lives. Becoming a more stress-resistant person helps mitigate the impacts of the trauma of others for your own well-being. Those who are resilient are often able to integrate traumatic experiences into their lives instead of being debilitated by them.<sup>2</sup> Bessel Van Der Kolk identifies the following characteristics of stress resistant persons:

- A sense of personal control
- Pursuit of personally meaningful tasks
- Healthy lifestyle choices
- Social supports

## 3. Implement Practices that Protect Your Peace

Following the characteristics above, you can create practices that help you become more stress-resistant. For example, creating a self-care regimen that works for you, taking time off from work to care for yourself regularly, and creating time for your own personal interests are ways to create a sense of personal control and engage in personally meaningful tasks. It is important to remember that only part of the work to combat secondary trauma can be done on the personal level. The other part is creating an environment in your organization that supports staff and actively works to combat secondary trauma. Below are additional steps organizations can take to further support staff.

## Organizational Strategies to Combat Secondary Trauma

### 1. Knowing and Recognizing the Warning Signs of Secondary Trauma

Organizations should familiarize themselves with the warning signs of secondary trauma and work to recognize them within the staff. If supervisors see warning signs exhibited by staff members, it should be seen as an opportunity to improve the workplace and not an opportunity to punish staff. Engage staff in an open dialogue about what improvements can be made to enhance their work and lessen stress. Be open to new and novel ways of completing work. For example, prior to the COVID-19 pandemic, many workplaces never considered remote work feasible. In light of the pandemic, remote work is not only now feasible, but many have found it to be beneficial to their work/life balance. When evaluating warning signs of secondary trauma, supervisors should look for:

- Employees struggling to complete tasks
- Diminished empathy for clients among staff
- High turnover
- Low staff morale
- Disconnection from other staff

### 2. Support Staff in Becoming More Stress Resistant

Organizations should support staff in becoming more stress resistant. This means staff should be supported in creating time for themselves to engage in healthy practices, spend time with friends and family, and reflect on difficult work. The creation of a periodic meeting where staff can discuss and reflect on difficult cases and seek support from others may be useful. Remember, staff may not feel comfortable in these situations if their direct supervisors are present, so be mindful of the size and makeup of these groups.

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<sup>2</sup> *Trauma Stewardship, An Everyday Guide to Caring for Self While Caring for Others*; Laura van Dernoot Lipsky with Connie Burk, p. 121

Staff should be supported in taking vacation and sick time. When creating a work environment where staff feel comfortable taking vacation, look into whether everyone has taken time off this year. If not, propose to those who have not taken time that the organization supports them and will work to figure out a way for them to take time off without fear of falling behind on work (i.e. having others cover their cases or hearings while gone). In addition, when someone is on vacation, staff should refrain from contacting that staff member and interrupting their break unless absolutely needed.

Staff should also be supported in taking sick time when needed. You should consider whether your organization has a culture of having people come in to work even if they are sick, or working when they are sick. In light of the COVID-19 pandemic, it is even more important to protect staff by creating boundaries around coming into work sick and taking the proper amount of time to get well.

### 3. Analyze Workloads and Work Assignments

Organizations should re-examine how work is assigned and review current workloads. Is work assigned equitably within teams and across the organization? Do some staff members seem to always have more work than others? Do staff members have a clear pathway to ask for assistance with heavy workloads? A more flexible workload and work assignment system allows for staff to engage in healthy practices outside of work that increase productivity and lessen stress.

### 4. Employee Assistance Programs

Employee Assistance Programs (EAP) are widely available through many State Bar Associations and organizations, but are often underutilized by staff. EAP's offer free, confidential, short-term counseling for staff who are having personal or work-related problems. EAP's can be helpful in addressing stress, trauma, substance abuse, and general mental well-being. Further, the employer never knows if the employee accesses the services. EAP's also offer referrals to long-term counseling services. Organizations should check whether an EAP is available through their State Bar Association or look into providing this service to staff. If you already provide an EAP to staff, make sure to regularly promote it with explanations on how to access the resources.

### Additional Resources

- NCLER Issue Brief: [Trauma-Informed Lawyering](#)
- [Trauma Stewardship, An Everyday Guide to Caring for Self While Caring for Others](#); Laura van Dernoot Lipsky with Connie Burk
- [The Body Keeps the Score, Brain, Mind and Body in the Healing of Trauma](#); Bessel Van Der Kolk, M.D.
  - » Interview: [Bessel van der Kolk on Trauma, Development and Healing](#); David Bullard
  - » Podcast: [How Trauma Lodges in the Body](#); Bessel van der Kolk
- [Office for Victims of Crime: Vicarious Trauma Toolkit](#)
- [Understanding Secondary Trauma: A Guide for Lawyers Working with Child Victims](#); Christina Rainville, ABA

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