



GDLP / Practical
Legal Training

ANU School of Legal Practice
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Towards Trauma-Informed Legal Practice

Some interventions

7th National Australian Women Lawyers' Association Conference Sydney
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<http://ssrn.com/author=556126>

Being Well in the Law - <https://tinyurl.com/y8n959ot>

16 Warning signs of Trauma exposure response

Laura van Dernoot Lipsky (2009) 'Trauma Stewardship'

1. Feeling helpless and hopeless
2. A sense that one can never do enough
3. Hypervigilance
4. Diminished creativity
5. Inability to embrace complexity
6. Minimizing
7. Chronic exhaustion/physical ailments
8. Inability to listen/deliberate avoidance
9. Dissociative moments
10. Sense of persecution
11. Guilt
12. Fear
13. Anger and Cynicism
14. Inability to empathize/numbing
15. Addictions
16. Grandiosity: an inflated sense of the importance of one's work

Trauma is a normal

Indirect trauma is a normal



POLICE LINE DO NOT CROSS

Emotional, cognitive, physical symptoms...flashbacks, irritable, poor relationships, headache and nausea.

Why are lawyers at risk?

- high rates of exposure to trauma
- no training in trauma
- no training, history or culture of self-care
- cognitive bias
- performance/productivity bias (fake resilience)
- high case-loads, time-billing and 'variable' supervision

April 2015

Stress, Burnout, Vicarious Trauma, and Other Emotional Realities in the Lawyer/Client Relationship

Marjorie A. Silver

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Sanford Portnoy

Jean Koh Peters

‘an ethical duty ..to attend to the ways in which trauma and vicarious trauma disrupt ourselves and to repair that on a regular basis.’

Burnout

Compassion fatigue

Secondary Trauma Stress

Vicarious Trauma



Burnout

- Too much work
- Perfectionism
- Maslach Burnout Inventory
- Burnout Measure
- chest pain
- stomach pain
- appetite reduction
- heart palpitations
- headaches
- panic attacks
- inability to relax
- cynical, apathetic and pessimistic ..
- Can link to depression



Compassion Fatigue

- Too much emotional investment in clients/work
- CFST & ProQOL
- exhaustion
- reduced empathy
- poor decisions
- ineffective
- anger



Secondary Trauma Stress

- Single or accumulated exposure to client's trauma
- Untreated compassion fatigue and burnout
- STSS, ProQOL
- PTSD symptoms
- Intrusions (flashbacks), avoidance, hyperarousal, denial, change in thinking or emotions.



Vicarious Trauma

- Accumulated or single exposure
- Untreated CF or STS
- Psych assessment
- PTSD, dissociative disorders, cognitive shift, change in world view





PTSD

- DSM Code 309.81
- ICD-10 Code 4310 (or 4312)
- One month
- Criterion 4
 - '...(such as) repeated or extreme indirect exposure to aversive details of the event(s), usually in the course of professional duties (eg, first responders, collecting body parts: professionals repeatedly exposed to details of child abuse).'

Trauma-Informed Care (and Practice)

Organisational recognition and understanding trauma effects on clients and patients (*and staff*), focusing on:

- Safety
- Recovery
- Collaboration
- Client agency
- Empowerment, strength and resilience



The Hidden Cost of Empathy: How to Address Secondary Trauma Stress in a Child Law Office

Tamara Steckler and Vicki E. Light – January 9, 2017

- Professional techniques for managing STS
- Institutional techniques for managing STS
- Personal techniques for managing STS

Professional strategies for becoming trauma-informed

- Kill stigma
- Law schools
 - Explicitly teach vicarious trauma risks in undergrad, clinics and PLT
 - Therapeutic jurisprudence
 - Restorative justice
 - Client-centred practice
- Law societies
 - Fund research
 - Develop protocols on *trauma-informed best practice*
 - Promote training in trauma-informed CPD seminars

Workplace strategies for becoming trauma-informed

- Kill stigma - discuss indirect trauma effects in meetings and informally
- Kill bullying – anti-emotion bias
- T/Informed strategic plan – updates, best practice
- T/Informed protocols including policies and procedures for critical incidents
- Balanced workload – billing targets are risky
- T/Informed supervision – RU OK? - encourage self-care
- T/Informed referrals and EAPs – connections with other agencies

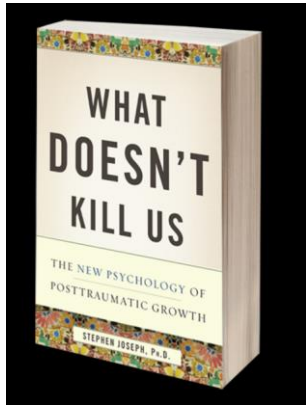
Personal strategies for becoming trauma-informed & resilient

- Kill stigma
- Get informed
- Boundaries : hyper-arousal and hyper-sensitivity (unresolved anger, sadness, frustration, outrage or empathic resonance)
- Be your own best friend and advocate
 - Sleep
 - Diet
 - Fitness
 - Friends & fun
 - Kill perfectionism
 - Kill rumination
 - Time out - meditate – nature
 - Journaling – counselling – peer supervision

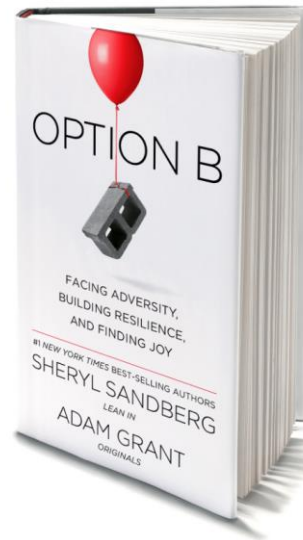
Turning it around and building resilience

- Post-Traumatic Growth *can* follow PTSD, but usually hand-in-hand.

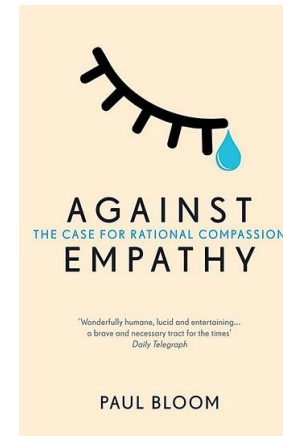
- Stephen Joseph PhD



- Sheryl Sandberg & Adam Grant



- Paul Bloom



- Compassion Satisfaction
- Vicarious Resilience

- The Power of Vulnerability – Brene Brown <https://tinyurl.com/k5y5k2d>

Dan Siegel: 'If you can name it, you can tame it'

- Robyn Bradey - <https://tinyurl.com/ybprz6jy>
- MHCC – TICPOT - <https://tinyurl.com/ybcmg2mm>
- David Rock's SCARF - <https://tinyurl.com/y9prfdpp>
- Kristen Neff - <https://self-compassion.org/>
- Ruth Crocker - <https://www.ruthcrocker.com/benefits-mindfulness/>
- Elisha Goldstein's STOP - <https://tinyurl.com/y8upnsoy>
- OVC VT Toolkit - <https://vtt.ovc.ojp.gov/what-is-the-vt-org>
- NIH PTSD overview - <https://tinyurl.com/ybxolvji>



Other research

- Bloom, S. L. (2017). [Encountering Trauma, Countertrauma, and Countering Trauma](#). In R. B. Gartner (Ed.), *Trauma and Countertrauma, Resilience and Counterresilience*. London: Routledge.
- Wall, L., Higgins, D., & Hunter, C. (2016). [Trauma-informed care in child/family welfare services](#). *Child Family Community Australia - Paper No. 37*.
- Katz, S., & Haldar, D. (2016). [The Pedagogy of Trauma-Informed Lawyering](#). *Clinical Law Review*, 22(2), 359.
- SAMHSA. (2014). [SAMHSA's Concept of trauma and guidance for a trauma-informed approach](#). U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.
- Fines, B. G., & Madsen, C. A. (2007). [Caring Too Little, Caring Too Much: Competence and the Family Law Attorney](#). *University of Missouri-Kansas City Law Review*, 75(4).