



Secondary and Vicarious Trauma Among Judges and Court Personnel

**Deborah Wood Smith, Senior Knowledge and Information Services Analyst,
National Center for State Courts**

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Judges and other court staff may be at risk of suffering from secondary or vicarious trauma. There are strategies for building resilience that can help individuals deal with this issue.

The research on secondary or vicarious trauma initially focused on professions such as nurses, emergency responders, therapists, and other helping professions who were repeatedly exposed to the traumatic events that affected the people they were charged with helping. While some attempts have been made to define and differentiate between the terms compassion fatigue, burnout, secondary trauma, and vicarious trauma, they continue to be used interchangeably.^[1] The fifth edition of the *Diagnostic and Statistics Manual* (DSM-5) was released in May 2013 and for the first time included vicarious trauma defined as “repeated or extreme exposure to details of the event(s).” Exposure through pictures or media to someone else’s trauma did not qualify unless it was related to work.^[2] This is exactly what happens in a court every day. The repeated exposure to detailed accounts, pictures, and videos of traumatic events that affected someone else is a daily occurrence for judges and other court personnel.

Trial judges, to some degree, are isolated as they must make their rulings and decisions individually without the ability to discuss ongoing cases. In addition, legal and judicial training do not typically focus on how one feels. Judges are usually law trained, and lawyers as a group are known to be at high risk for depression and substance abuse. In 2003, 105 judges working in criminal, family, and juvenile court completed surveys on trauma while attending various judicial conferences. Based on the responses, 63 percent reported symptoms of work-related vicarious trauma.^[3] A 2009 study tested law students for anxiety and depression to determine if the individuals who chose law school were already experiencing these symptoms. While new law students were no more anxious or depressed than the general public, at six months a dramatic increase was seen. This elevation of stress symptoms continued during the three years of law school and for at least two years after. While it is not clear what causes this increase in anxiety and depression, it is clear that law-trained individuals are more susceptible to the effects of daily stressors.^[4]

People do not typically go to court for happy reasons. They may be involved in criminal cases involving horrific details or civil cases involving evictions, child abuse, or family breakdowns. Judges are expected to address each situation individually, listen impartially to witnesses, and view other evidence. Today, evidence comes in many formats, including grisly photos and videos or frightening emails, voice mails, and text messages. Everyone is taking pictures and videos at crime scenes with dash cameras, body-worn cameras (in the case of law enforcement), and smart phones. This repeated exposure to traumatic details that judges and other court personnel face daily can lead to secondary or vicarious trauma. In addition to presiding over cases involving traumatic events, judges in emotionally charged cases may have concerns about safety. Finally, the high caseloads that many judges deal with can add to the stress levels, which in turn makes them more susceptible to vicarious trauma.⁵¹

The symptoms of vicarious trauma are similar to Post Traumatic Stress Disorder (PTSD). They can include:

- > hypervigilance
- > hopelessness
- > inability to embrace complexity
- > inability to listen, avoidance
- > anger and cynicism
- > sleeplessness
- > fear
- > chronic exhaustion
- > physical ailments
- > minimizing
- > guilt

Many of these symptoms can interfere with the judicial decision-making process.⁶¹

Our brains are wired to feel empathy, and our bodies may experience this through sensory neurons known as “mirror neurons.” This was first discovered with physical motions, such as viewing someone drinking a glass of water. The same neurons light up in the person viewing the action as in the person drinking the water. Similarly, when listening to or viewing someone else’s trauma, our bodies can experience their pain through our mirror-neuron system. We can also use our mirror-neuron system to vicariously calm ourselves. To do this we must develop resilience, and there are ways to do this:

- > Awareness—First, it is important to know the signs and symptoms of vicarious trauma in yourself and in your colleagues. This can be accomplished by providing training to court personnel that identifies the stressors, symptoms, and techniques for preventing or addressing vicarious trauma by building resilience. This type of

training can emphasize that developing these types of reactions to trauma is part of being human and not a sign of weakness.

- > Balance—The second aspect of building resilience is the importance of self-care. Individuals who are exposed to these daily descriptions and pictures of the trauma experienced by others must learn to set boundaries between their work and private lives. To some extent, this can be accomplished by the usual admonitions to get enough sleep, to participate in an exercise program, and to eat a healthy diet. Other important techniques include meditation, yoga, and mindfulness training.
- > Connection—Because trial judges are typically isolated in dealing with specific cases, it is important to debrief with colleagues who understand the situation. When this is not possible, or is not enough, a therapist can provide this type of connection and support. Individuals facing this kind of vicarious trauma need to be surrounded by a strong system of supportive relationships.

By using these techniques, courts can ensure that judges and other court staff have the resources they need to address the symptoms of vicarious trauma.^[7]

Many courts are doing just that by providing training for judges and court staff. Different training models and curriculum are available. Some courts use outside educators to provide training while others develop in-house products. A leading expert in the area of secondary trauma, who has been used in several states for judicial training, is Laura Van Dernoot-Lipsky, author of *Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others* (Oakland, CA: Berrett-Koehler Publishers, 2009).^[8] The American Bar Association has also provided programming for secondary trauma to lawyers, judges, and other court staff. The Professional Quality of Life website at ProQOL.org provides resources for creating individualized training on secondary trauma. These include slides, handouts, screening tools, bibliographies, and other materials that can be customized for training purposes.^[9]

Judges and court staff are susceptible to vicarious or secondary trauma due to the combination of working in a busy court, hearing repeated accounts of harrowing or traumatic events, and worrying about safety issues that may arise around volatile or emotionally charged cases. Law-trained individuals have been found to be at high risk for anxiety and depression, and this may be traced back to the law-school environment. Courts can address these issues by providing resilience training based on an awareness of the signs and symptoms, the need for balance and self-care, and the importance of connecting with a strong support system that may include friends, colleagues, family, and professional therapists.

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- [2] L. K. Jones and J. L. Cureton, "[Trauma Redefined in the DSM-5: Rationale and Implications for Counseling Practice](#)," *Professional Counselor* 4, no. 3 (2014).
- [3] P. G. Jaffe et al., "[Vicarious Trauma in Judges: The Personal Challenge of Dispensing Justice](#)," *Juvenile and Family Court Journal* (Fall 2003): 1.
- [4] T. D. Peterson and E. W. Peterson, "[Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology](#)," *Yale Journal of Health Policy, Law, and Ethics* 9, no. 2 (2009).
- [5] J. Chamberlain and M. K. Miller, "[Evidence of Secondary Traumatic Stress, Safety Concerns, and Burnout Among a Homogeneous Group of Judges in a Single Jurisdiction](#)," *Journal of the American Academy of Psychiatry and the Law* 37, no. 2 (2009): 214-24.
- [6] A. Chambers, "[Judges and Compassion Fatigue: What Is It and What to Do About It](#)," Missouri Lawyers' Assistance Program, 2017.
- [7] K. M. Hazilla, "[Vicarious Trauma Primer for the Juvenile Court Practitioner](#)," *Youth, Rights and Justice Juvenile Law Reader* 13, no. 3 (2016).
- [8] Responses to [Ask NCSC Connected Community](#) query on secondary trauma, November 2016.
- [9] American Bar Association, "[Understanding the Impact of Secondary Trauma on Lawyers Working with Children and Families](#)," presentation, Center for Professional Development, Chicago, 2016.



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