

How Judges Can Respond to Secondary Trauma and Compassion Fatigue

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The Problem

The Problem

- We work with people who can be dangerous
 - All of them abuse drugs
 - They are all at risk of overdose
 - Most have histories of trauma
 - Many have considered suicide, and some have tried it
 - Some have histories of violence
- We are likely to experience exposure to all of these



Common Stresses in Family Law Cases

- Hearing traumatic stories of domestic violence, child abuse and neglect, sexual abuse, kidnapping, suicides, and deaths
- Seeing pictures of abused and neglected children
- Exposure to the worst impulses, behaviors, and beliefs in people
- Seeing the effects on the most vulnerable among us





Results of Exposure: Secondary Traumatic Stress

Exposure to trauma, self-harm, suicide, violence, homicide, and drug overdoses can be traumatizing

- Primary traumatization vs. secondary traumatization
- Traumatic grief
- Brownout vs. burnout
- Turnover

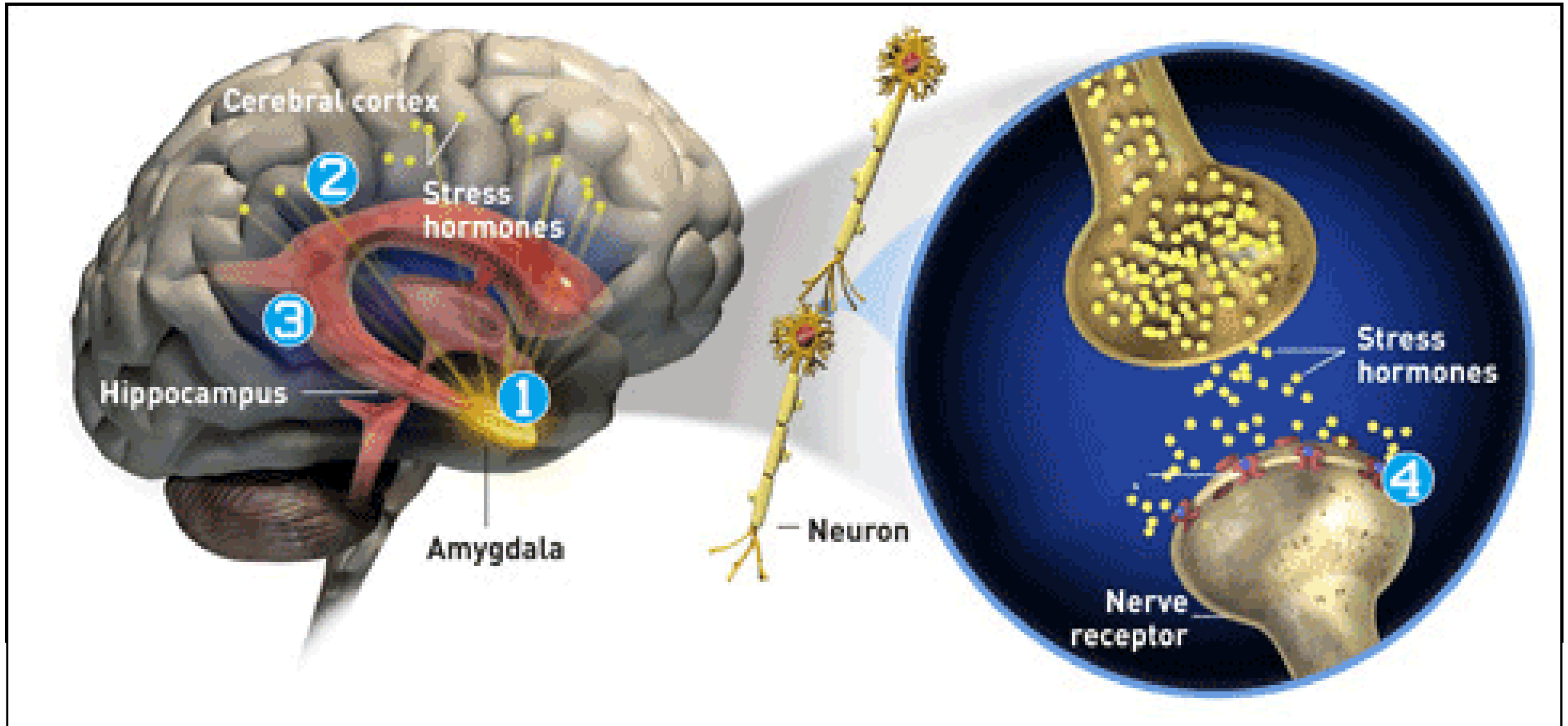


What Do We Mean by “Trauma”? (i.e., primary traumatization)

Trauma results from an **event**, series of events, or set of circumstances that is **experienced** by an individual as physically or emotionally harmful or life threatening that has lasting adverse **effects** on the individual’s functioning and mental, social, emotional, or spiritual well-being.

SAMHSA, 2014

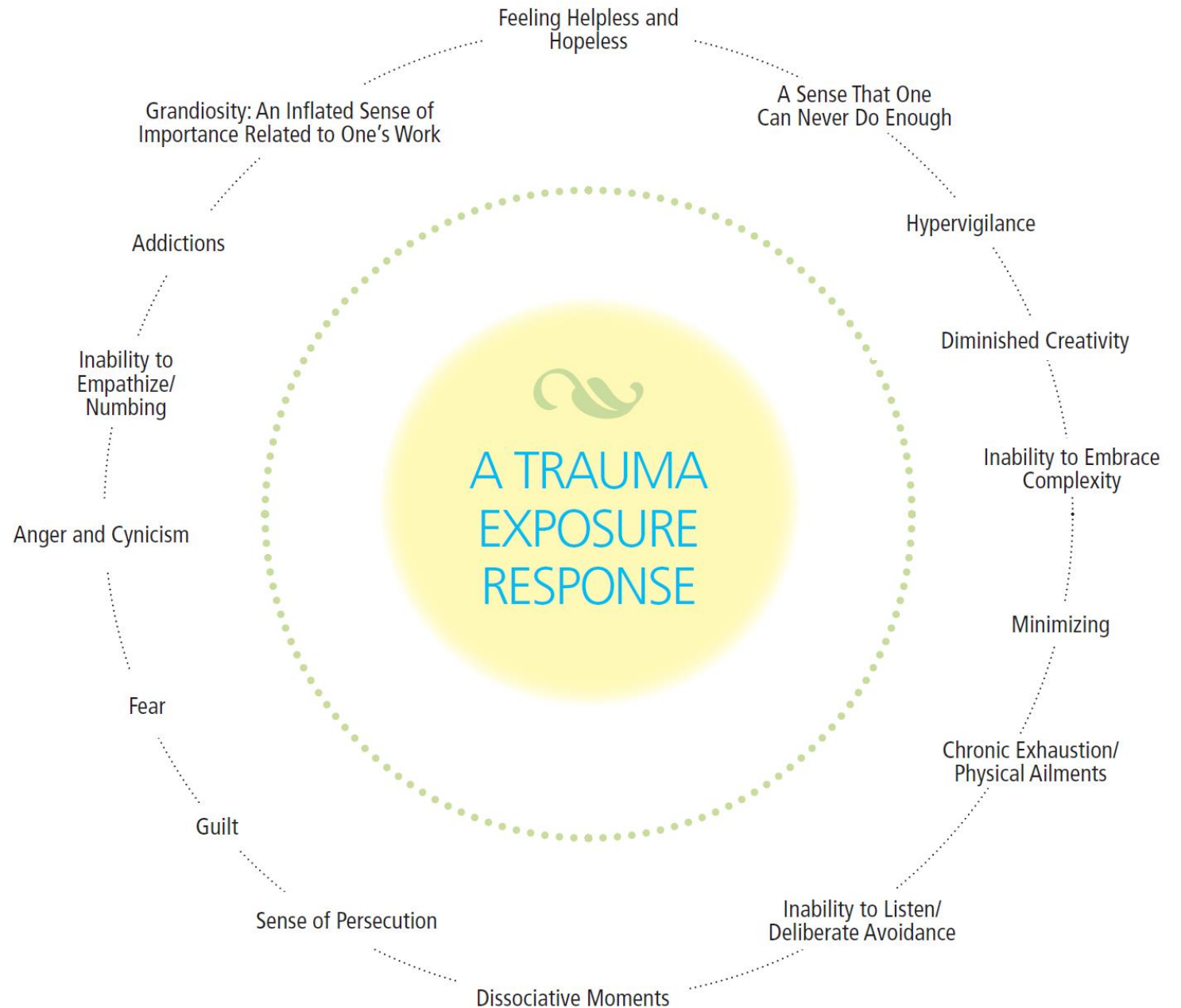
Traumatic Stress and the Brain



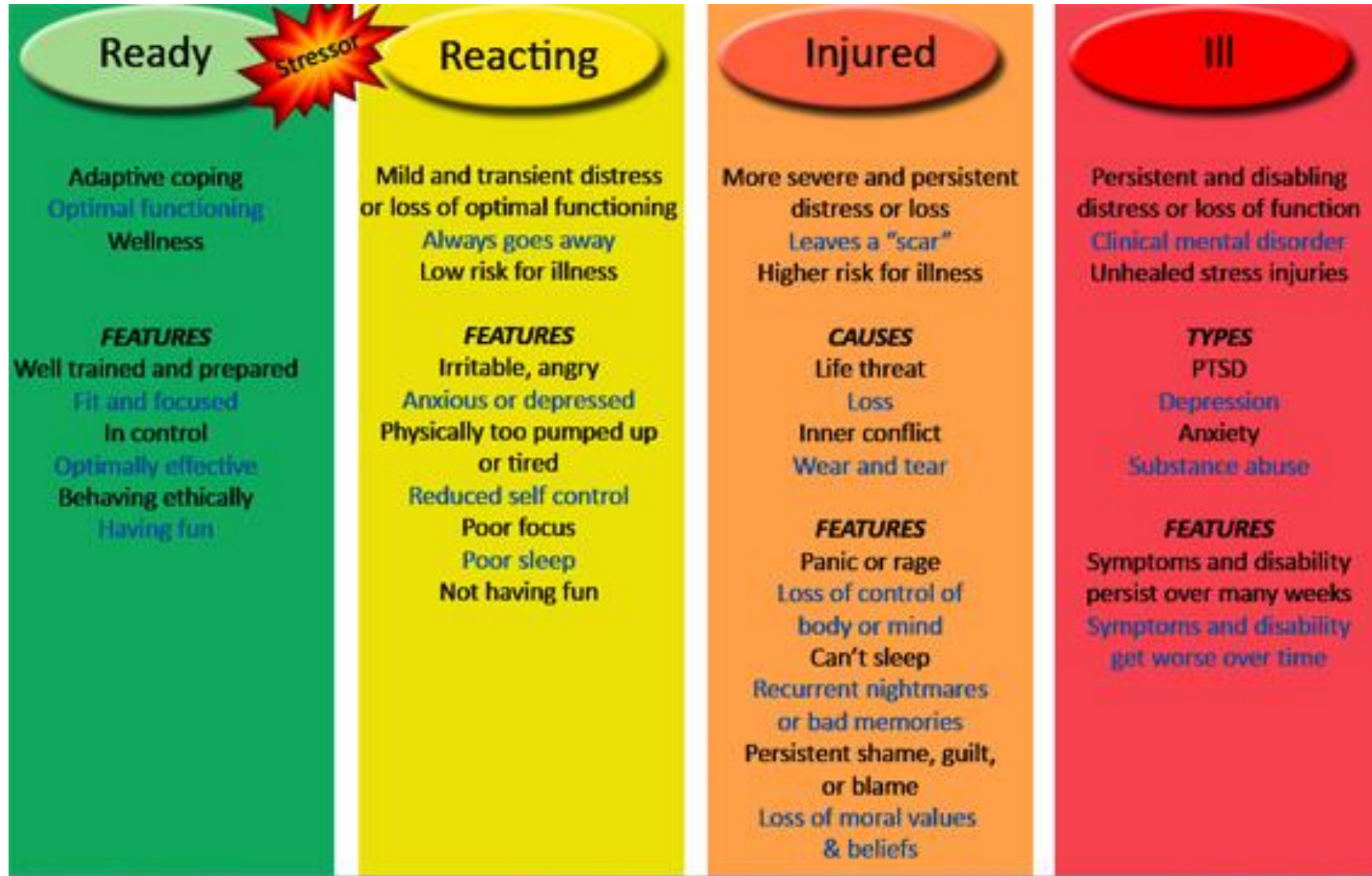
The Trauma Exposure Response

A trauma exposure response may be defined as the transformation that takes place within us as a result of exposure to the suffering of other living beings or the planet.

Laura van Dernoot Lipsky, 2010



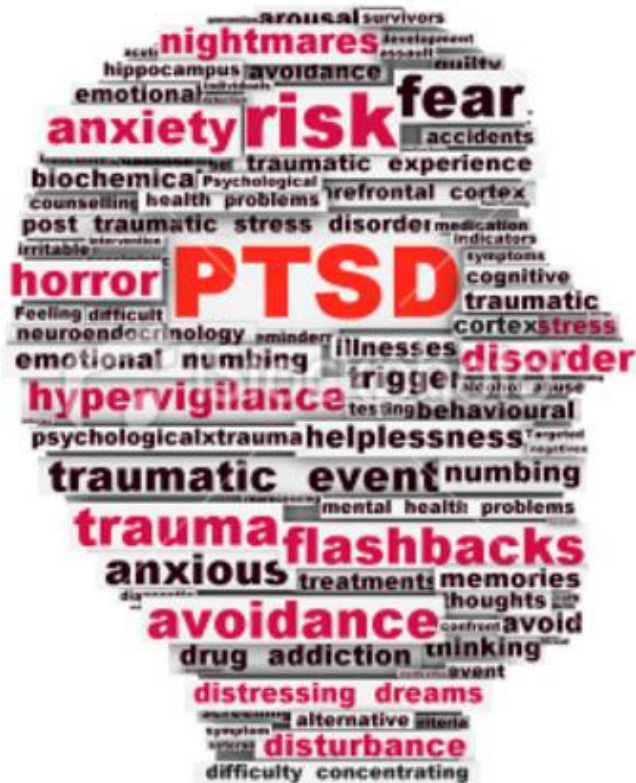
Post-Traumatic Responses Occur on a Continuum



Post-Traumatic Stress Disorder in DSM 5

PTSD is characterized by:

- Exposure to a severe life-threatening event
- Repetitive re-experiencing of the event
- Avoidance of stimuli associated with trauma
- Negative moods and cognitions
- Increased arousal



DSM 5 Criteria for PTSD

Criterion A:

The person was exposed to: death, threatened death, actual or threatened serious injury, or actual or threatened sexual violence, as follows: (one required)

- Direct exposure.
- Witnessing the trauma, in person.
- Indirectly, by learning that a close relative or close friend was exposed to trauma.
- **Indirect exposure to aversive details of the event(s), usually in the course of professional duties (e.g., first responders, collecting body parts; professionals repeatedly exposed to details of child abuse).**

Other Versions of Post-Traumatic Responses

Adjustment Disorder

- With or without anxious and/or depressed mood

Acute Stress Disorder

- Looks like PTSD, but lasts less than 30 days

Other Trauma or Stressor-Related Disorder

- Used to be called sub-clinical PTSD
- Has many of the features of PTSD, but not all

Complex PTSD

- Multiple traumas experienced over time, usually starting in childhood

What Happens When You Are Exposed to Multiple Traumas?

- We all have a certain amount of resilience
- It can be increased or it can be worn down
- With too much trauma exposure, our cup fills up
- We can only handle so much



How Does Repeated Traumatic Exposure Affect Judges?

It hurts.

It can consume their thoughts.

It creates images they can't forget.

It wears away at their resilience.

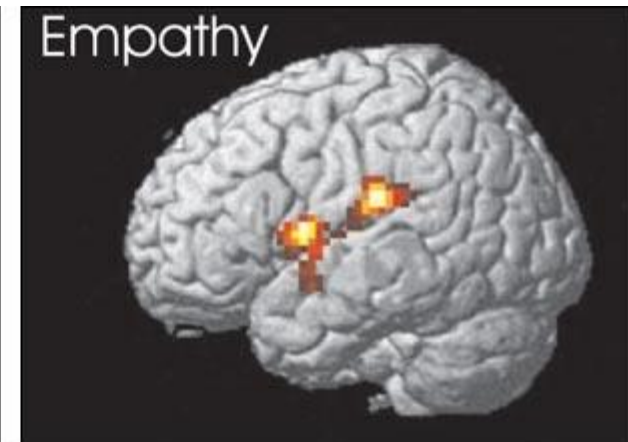
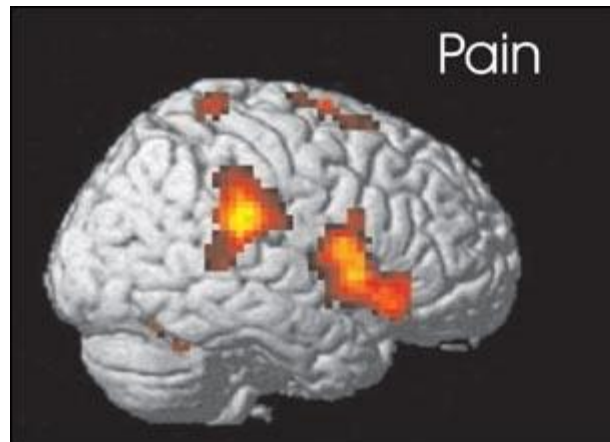
It can make them pull away from friends and family.

It can make them question their faith.

It may result in secondary traumatization.

Mirror Neurons

- Mirror neurons allow us to imitate each other
- They make up 10-20% of the neurons in certain areas of the brain (Keysers et al., 2011)
- They are responsible for empathy (Rizzolatti and Craighero, 2005)



What Is Secondary Traumatic Stress?

Secondary traumatic stress is the emotional duress that results when an individual hears about the firsthand trauma experiences of another. Its symptoms mimic those of post-traumatic stress disorder (PTSD).

NCTSN, 2017

What Is Secondary Traumatic Stress?

Unfortunately, we are not able to unhear or unsee the things we see and hear in the courtroom. There is no button to turn off the effects of this when you go to bed at night.

I will be out running, and suddenly I see the burned-off face of a 5-year-old child in my head, and it won't go away.

Anonymous judges, quoted in *Judicial Edge*, October 20, 2017

Secondary Traumatization is a normal response to an abnormal level of exposure to traumatic events.

Risk Factors for STS



- Personal history of trauma or something related to the case
- Overidentification with court participants
- Empathic style
- Insufficient recovery time between trauma exposures
- Reactive to children's vulnerability
- Isolation at work
- Lack of systemic resources

Symptoms of STS

Re-experiencing

- Intrusive images
- Nightmares
- Flashbacks
- Being triggered by reminders

Avoidance

- Trying not to talk about it
- Withdrawal and isolation
- Being late
- Missing work
- Not going out in public
- Increased alcohol and drug use

Symptoms of STS

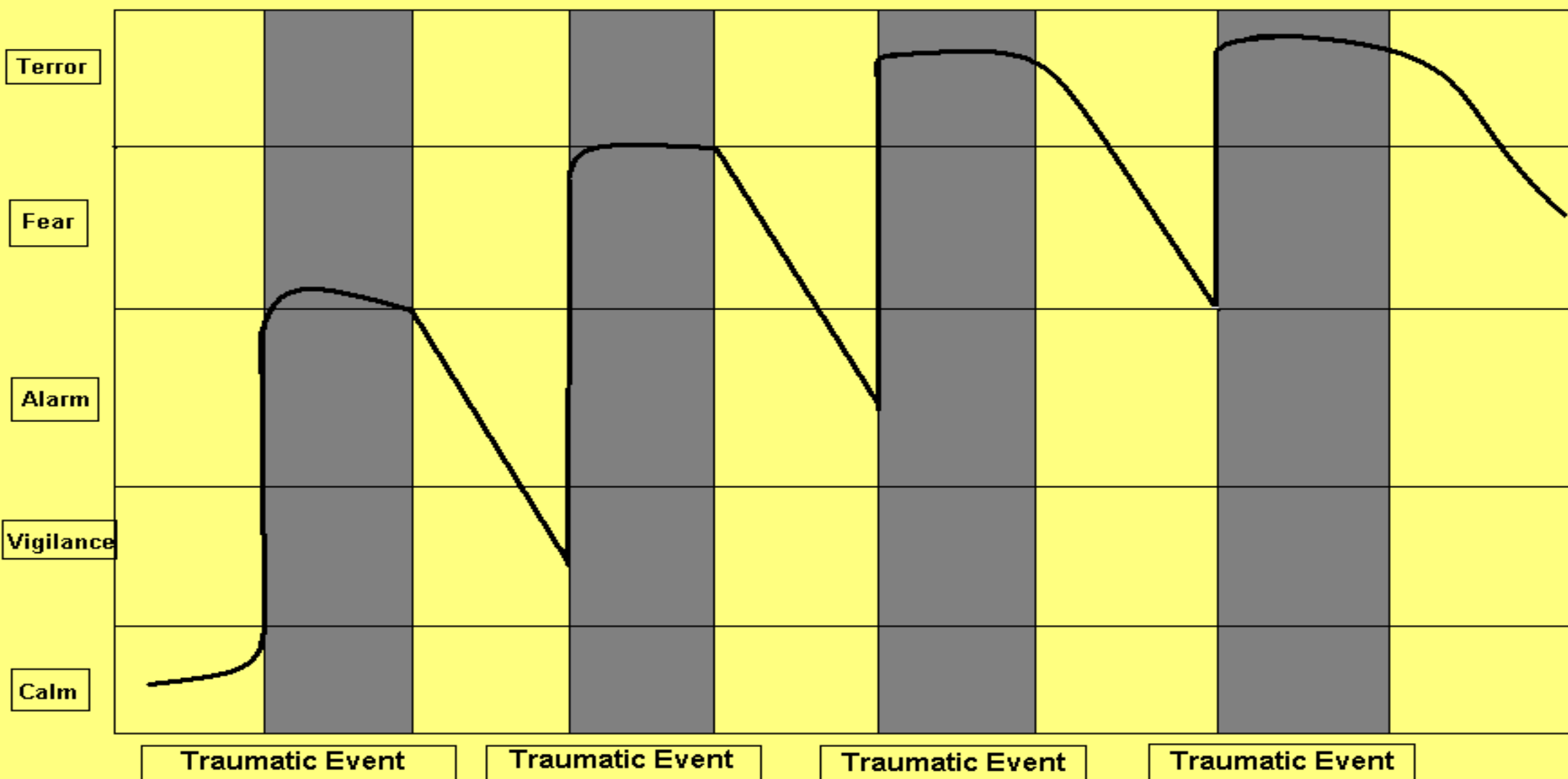
Negative Thoughts and Moods

- Numbness
- Anxiety
- Depression
- Helplessness
- Cessation of previously enjoyed activities

Arousal

- Irritability
- Anger
- Hypervigilance
- Startle responses
- Insomnia

RESPONSE TO MULTIPLE TRAUMAS



Other Common Symptoms of STS



- Worsening eating habits (overeating, junk food)
- Ruminative thinking
- Thoughts of retribution
- Fears for own safety and that of loved ones
- Preoccupation with work/working longer hours
- Engaging in excessive screen time (phones, tablets, computers, televisions)
- Feeling cut off from or distrustful of others

Important Note

It is not unusual to experience one or more of these symptoms from time to time. Normally, these periods do not last more than two weeks.

It's only
TEMPORARY

Skill Break: The Firehose Technique

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- Picture your distressing image
- Pick up the firehose and point it at the image
- Pull back the trigger
- Spray
- What happens?



Preventing Traumatization: Developing Resilience



What is Resilience?

- “Resilience is the process of adapting well in the face of adversity, trauma, tragedy, threats, or significant sources of stress...”
 - Ordinary not extraordinary
 - It does not mean the absence of distress or emotional symptoms
 - Not a “trait” - involves thoughts, behaviors, and actions

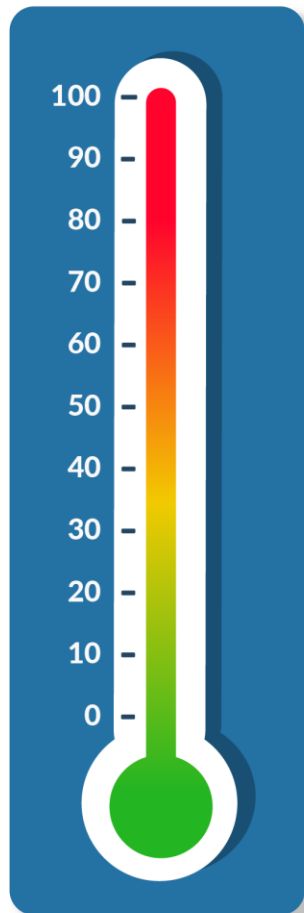


Factors Involved in Resilience

1. Supportive relationships inside and outside of one's family
2. The capacity to make realistic plans and take steps to carry them out
3. A positive view of yourself and the confidence in your strengths and abilities
4. Skills in communication and problems solving
5. The capacity to manage strong feelings and impulses (i.e., distress tolerance)
6. Engaging in self-care

...In other words, these are **all things someone can cultivate** within themselves....

Self-Assessment: Subjective Units of Distress



- 100 Highest anxiety/distress that you have ever felt.
- 90 Extremely anxious/distressed.
- 80 Very anxious/distressed; can't concentrate. Physiological signs present.
- 70 Quite anxious/distressed; interfering with functioning. Physiological signs may be present.
- 60 Moderate-to-strong anxiety or distress.
- 50 Moderate anxiety/distress; uncomfortable, but can continue to function.
- 40 Mild-to-moderate anxiety or distress. *****Intervene here**
- 30 Mild anxiety/distress; no interference with functioning.
- 20 Minimal anxiety/distress.
- 10 Alert and awake; concentrating well.
- 0 No distress; totally relaxed.

High Distress

Moderate Distress

Low Distress

Professional Quality of Life

Compassion Satisfaction

Compassion Fatigue

Burnout

Secondary Trauma

Assess for STS

- Conduct periodic self-assessments
- Use evidence-based assessment instruments:
 - Professional Quality of Life Scale
 - Secondary Traumatic Stress Scale

Secondary Traumatic Stress and Related Conditions: Sorting One from Another

Secondary Traumatic Stress refers to the presence of PTSD symptoms caused by at least one indirect exposure to traumatic material. Several other terms capture elements of this definition but are not all interchangeable with it.

Compassion fatigue, a less stigmatizing way to describe secondary traumatic stress, has been used interchangeably with the term.

Vicarious trauma refers to changes in the inner experience of the therapist resulting from empathic engagement with a traumatized client. It is a theoretical term that focuses less on trauma symptoms and more on the covert cognitive changes that occur following cumulative exposure to another person's traumatic material.

Compassion satisfaction refers to the positive feelings derived from competent performance as a trauma professional. It is characterized by positive relationships with colleagues, and the conviction that one's work makes a meaningful contribution to clients and society.

Burnout is characterized by emotional exhaustion, depersonalization, and a reduced feeling of personal accomplishment. While it is also work-related, burnout develops as a result of general occupational stress; the term is not used to describe the effects of indirect trauma exposure specifically.

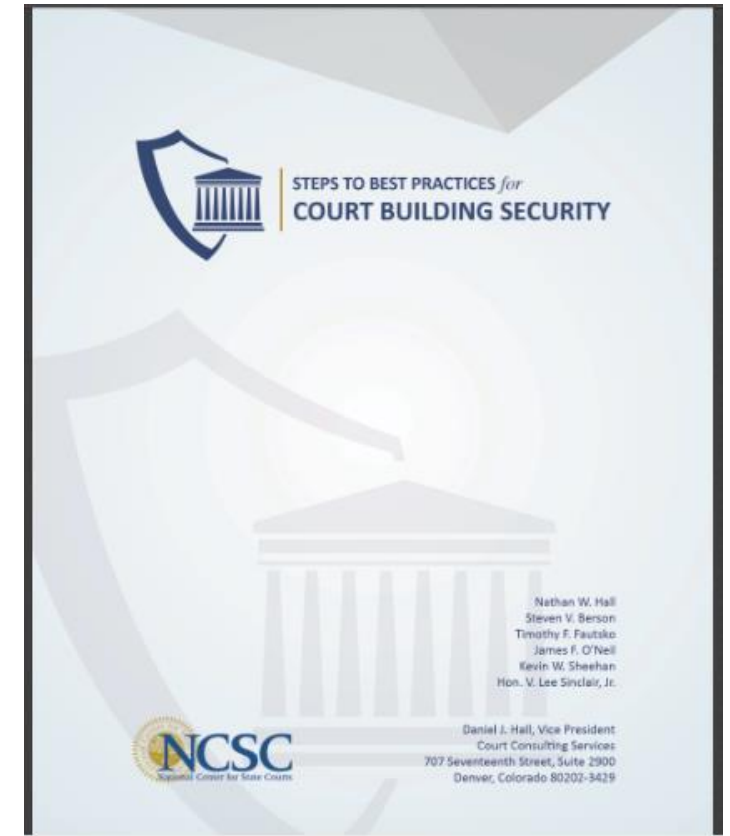


Assess for STS

- Helpers tend to underestimate their secondary traumatic stress
- The best evaluators tend to be their spouses/partners (Jaffe et al., 2003)
 - Also close family members and close friends
 - Ask them if you've changed/if you show signs of STS

Address Systemic Safety Concerns

- Trauma-related symptoms may be the result of feeling unsafe with offenders
- Address practical concerns with practical solutions wherever possible
- Review best practices for courtroom safety
 - <https://cdm16501.contentdm.oclc.org/digital/collection/facilities/id/170>
- If your court does not have an emergency management plan, create one



Preventing Secondary Traumatization

1. Know the signs and symptoms of STS
2. Assess yourself annually
3. Take breaks at work
4. Ensure 6.5-7.5 hours of sleep/night
5. Eat healthy foods in healthy amounts
6. Exercise regularly





Preventing Secondary Traumatization

7. Engage in a spiritual life
8. Engage in a hobby that has nothing to do with work
9. Set boundaries between work and home
10. Schedule and accumulate pleasant activities
11. Deal with your personal history
12. Obtain regular training on trauma and its effects

Skill Break: Drop Three





Research on Secondary Traumatic Stress in Judges

In October, 2017, nearly 800 judges participated in a National Judicial College survey.

They were asked “Have you suffered secondary traumatic stress from being a judge?”

45% answered yes.

Judicial Edge, October, 2017

The Main Study: Jaffe et al., 2003

- 105 judges, 54% M and 46% F
- 81% had criminal court duties, 54% had domestic court duties, and 30% had juvenile court duties
- 63% reported one or more symptoms of STS
- Female judges reported more internalizing symptoms
- Judges with more than six years of experience were more likely to report more externalizing/hostile symptoms



The fact that 46-63% of judges experience some symptoms of secondary traumatization suggests that 37-54% do not.

Responding to Traumatization



A judge was asked, “How do you cope with all the stress associated with being a judge?”

He answered, “With ~~golf and alcohol.~~”

Intervening When You Experience STS

1. Engage or re-engage your support network
2. Re-balance work and life
3. Reduce exposure to work-related and trauma-related books, movies, internet content, and news



Intervening When You Experience STS



4. Practice self-soothing: baths, music, massages, etc.
5. Take vacations
6. Start a journal, including what you are grateful for
7. Be creative: sing, dance, write, draw, sculpt
8. Spend time with healthy children
9. Practice self-compassion

Intervening When You Experience STS

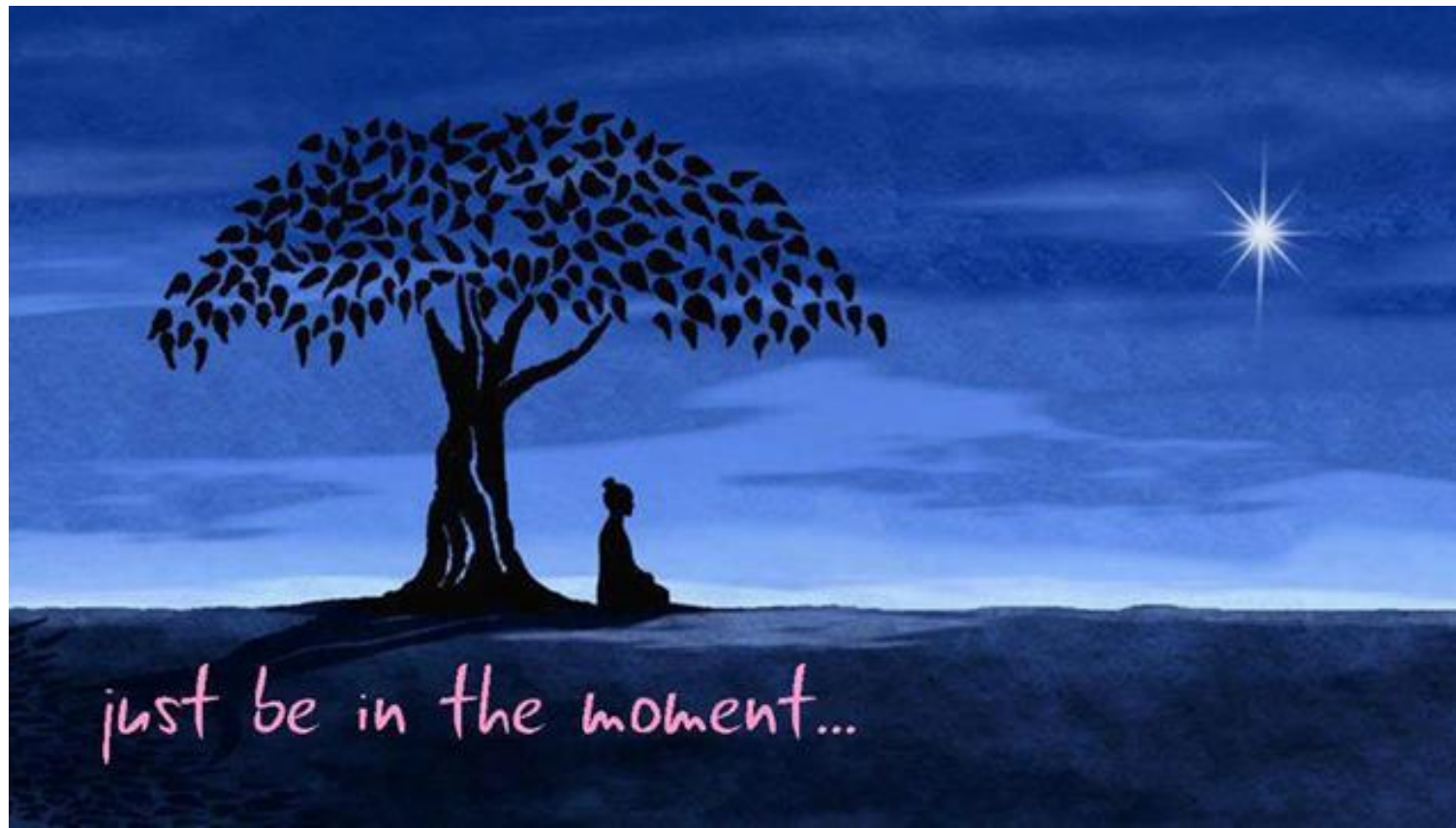
10. Practice mindfulness meditation

11. Engage in regular yoga




Mindfulness Meditation

- Mindfulness shifts the brain into a state of calm
- Regular practice shifts the nervous system baseline





THE BENEFITS OF MINDFULNESS


Physical

 Boost energy levels

 Improves sleep


 Reduces chronic pain


 Improves heart function


 Helps with digestive problems


Mental

 Relieves stress

 Reduces anxiety

 Improves mood and happiness

 Boosts concentration and focus

 Improves self-esteem

Mental Health

Benefits of Yoga

Decreases Stress & Anxiety

Helps You Focus

Creates Mindfulness

Increases Self-Esteem

Boosts Confidence

Increases Awareness

Encourages Self Care

Improves Meditation

Increases Happiness

Promotes Well-Being



Q: How do you know when primary trauma and/or secondary traumatic stress becomes a significant problem?

A: When your symptoms become constant and/or pervasive.



**Know when your
cup is running over.**

Self-Soothing

Self-Soothing

(Comforting yourself through
your five senses)

1. Something to touch
(ex: stuffed animal, stress ball)
2. Something to hear
(ex: music, meditation guides)
3. Something to see
(ex: snowglobe, happy pictures)
4. Something to taste
(ex: mints, tea, sour candy)
5. Something to smell
(ex: lotion, candles, perfume)



Everyone Needs One Person in Whom to Confide



- Trauma dissipates in waves
- Each of us needs one person to talk with:
 - A partner or spouse
 - A close friend
 - A family member
 - A minister/pastor/priest/rabbi
 - A therapist

Obstacles to Judicial Self-Care



- Neither secondary traumatization nor self-care are taught in many law schools (Perry, 2014)
- Judges are reluctant to admit to their own suffering (Chamberlain & Miller, 2009)
- Judges may feel they need to be perfect role models (Chamberlain & Miller, 2009)
- Judges are reluctant to engage in lawyer assistance programs, because they may know other participants (Chamberlain & Miller, 2009)
- Judicial isolation (Jaffe et al., 2003)

SAMHSA's Four R's of Trauma-Informed Courts

01

Realize the widespread impact of trauma and understand potential paths for recovery

02

Recognize the signs and symptoms of trauma in participants, families, and staff

03

Respond by integrating knowledge about trauma into policies, procedures, and practices





04

Actively resist re-traumatization

Develop a Self-Care Action Plan

- Use the ideas above, and add your own
- Make a plan how you will leave work at work
- Identify your triggers and how you will handle them
- Set aside at least one hour daily for self-care
- What gives you joy?
- What gives you meaning?

_____ 's Self Care Plan

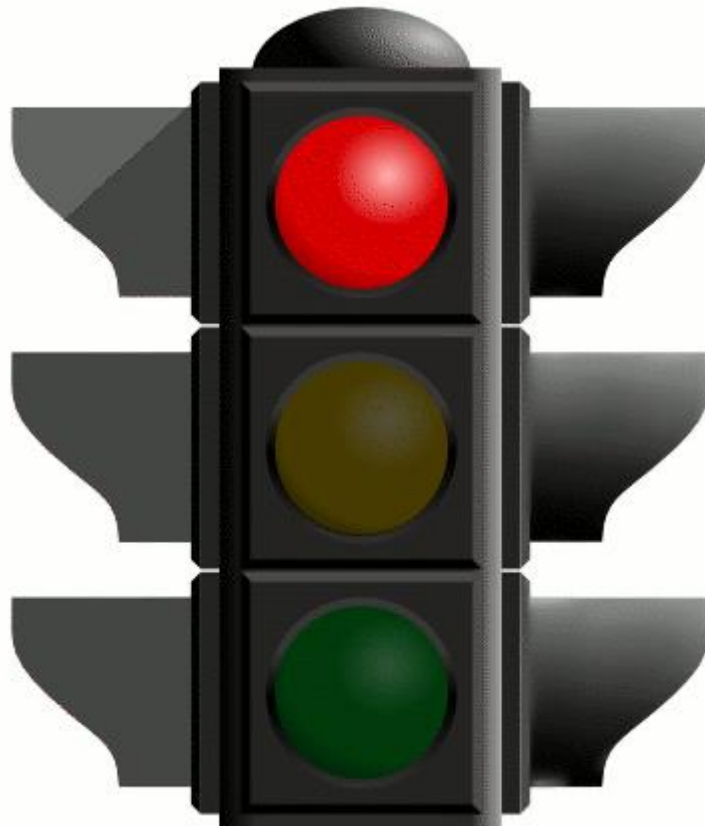
 Mental	 Physical
 Emotional	 Spiritual

***Start a plan
within the next week***

Skill Break: Mindfulness of the Breath

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Recognizing When You Need Outside Help



Signs of Deepening Problems

- Drinking more than two standard drinks/day
- Misusing prescription medication
- Using illicit drugs



Signs of Deepening Problems



- Becoming a couch potato
- Insomnia lasting more than two weeks
- Panic attacks
- Isolation from family and friends
- Despair about the world
- Loss of faith
- Thoughts of suicide

Deepening Problems in Court

- Inability to balance compassion and impartiality
- Numbness
- Unstable moods
- Emotional acting out towards participants
- Spacing out/dissociation



Deepening Problems in Court

- Decreased motivation
- Decreased productivity
- Decline in quality of work
- Avoiding or becoming less responsive to others
- Impaired judicial functioning



When STS Becomes a Serious Problem

- Seek consultation from a peer
- Use state assistance programs for attorneys or clinicians
- Use the employee assistance program
- Engage in psychotherapy



Brownout

- Brownout precedes burnout
- It occurs when someone disengages, becomes discontent and lethargic, and loses interest in work
- It may result in sick leave and/or vacation in an attempt to recharge
- A survey of 1,000 executives by Corporate Business Concepts found:
 - Brownout is more prevalent than burnout
 - 40% of the population experiences brownout
 - 5% of the population experience burnout



Top 10 Signs of Brownout



1. You work **long hours**, but without any real interest in your job. The work itself is a dull slog and lacks intellectual challenge or stimulation.
2. You feel as if you **never really finish tasks**. There's always more to do.
3. You no longer know where your career is going and **don't make important decisions**.
4. You **contribute the minimum** in meetings and have little interest in new suggestions. You're the person who pours cold water on other people's ideas.
5. You'll **use any excuse not to show up**. A headache becomes a migraine and a cold is always flu.
6. You check emails when you get up in the morning and in bed before you to sleep. You are **glued to your smartphone** on holidays, on weekends and even during social occasions.
7. **Physically you've started to suffer**. You're out of shape, you eat junk food, you don't get enough sleep and you've given up exercising.
8. You've **lost your sense of humor** and tend towards passive aggressiveness and surliness. If anyone (in work or outside) asks you how things are going, you tend to snap or answer in monosyllables.
9. Family **life is no longer what it once was**. You come home late to watch TV and show little interest in your spouse and children. Friendships have withered on the vine and outside interests have been forgotten.
10. You don't **hate your boss**, but they're moody and unpredictable. You never know whether they'll like or hate a given piece of work.

THE EXHAUSTION CYCLE



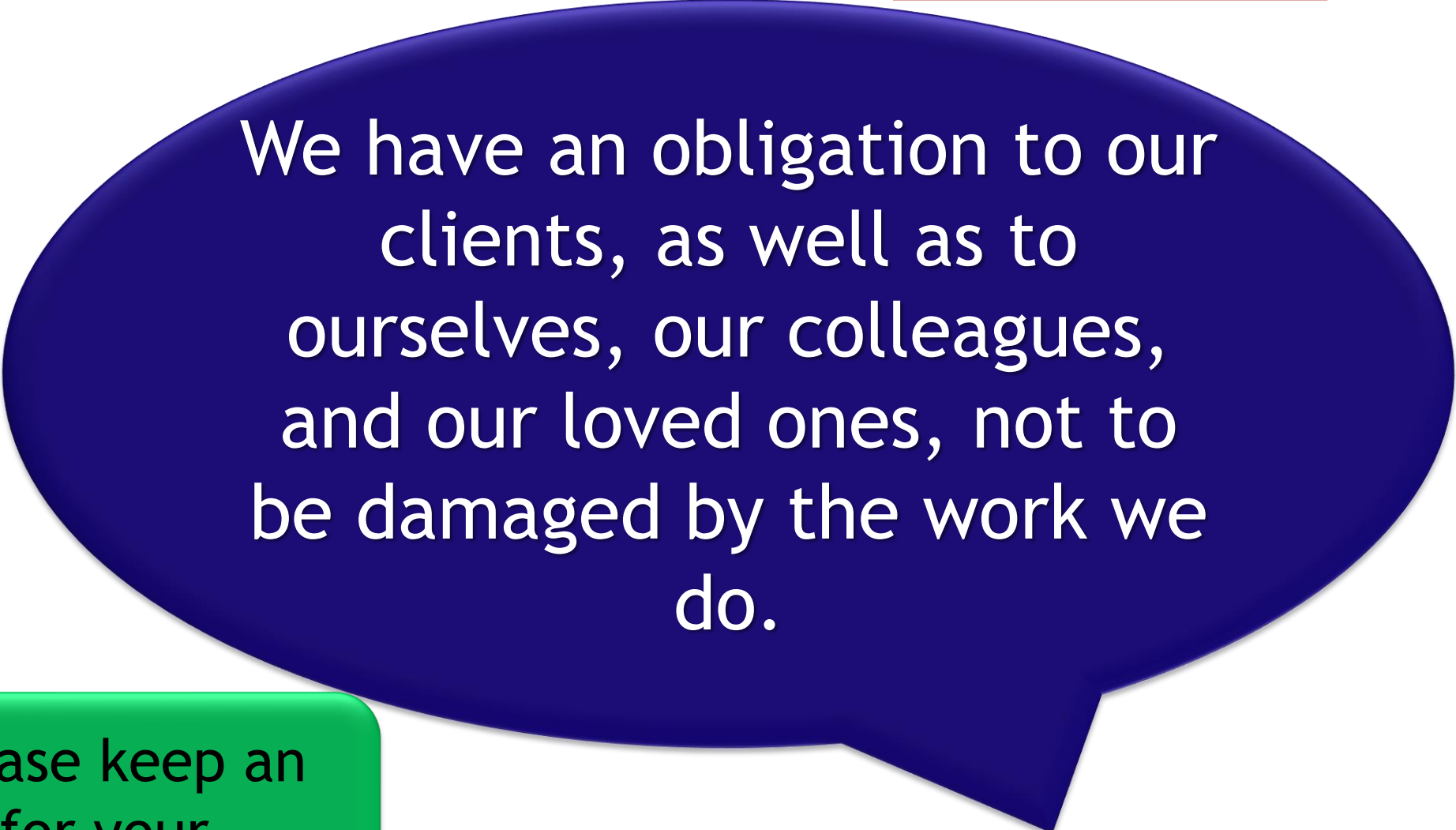
Signs of Burnout

- Chronic exhaustion
- Problems with attention and focus
- Headaches, stomach aches, chest tightening, dizziness, etc.
- Increased illness
- Loss of appetite or heavy overeating
- Cynicism and detachment
- Feeling ineffective


Skill Break: Envision a Calm Place

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A Final Thought



We have an obligation to our clients, as well as to ourselves, our colleagues, and our loved ones, not to be damaged by the work we do.



P.S. Please keep an eye out for your colleagues, too.

Karen Saakvitne and Laurie Pearlman, 1996



Resources

Self-Screening Tools

- Secondary Traumatic Stress Scale:

https://www.naadac.org/assets/2416/sharon_foley_ac15_militarycultureho2.pdf

- Professional Quality of Life Scale

http://proqol.org/uploads/ProQOL_5_English_Self-Score_7_2011.pdf

Dealing with Trauma Exposure

- *Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others* by Laura van Dernoot Lipsky
- *Transforming the Pain: A Workbook on Vicarious Traumatization* by Karen Saakvitne and Laurie Pearlman
- *The Resilient Practitioner: Burnout and Compassion Fatigue Prevention and Self-Care Strategies for the Helping Professions, 3rd Edition* by Thomas Skovholt and Michelle Trotter-Mathison

Dealing with Trauma Exposure

- Self-Care Workbook:

http://www.figleyinstitute.com/documents/Workbook_AMEDD_SanAntonio_2012July20_RevAugust2013.pdf

- When Compassion Hurts:

https://www.beststart.org/resources/howto/pdf/Compassion_14MY01_Final.pdf

- Secondary Traumatic Stress in child-serving systems:

http://www.nctsn.org/sites/default/files/assets/pdfs/secondary_traumatic_tress.pdf

Mindfulness Books

- *Mindfulness for Beginners: Reclaiming the Present Moment - and Your Life* (2011), Jon Kabat-Zinn
- *Radical Acceptance* (2012), Tara Brach
- *The Miracle of Mindfulness* (1999), Thich Nhat Hanh
- *Meditation for Beginners* (2008), Jack Kornfield
- *How to Meditate* (2013), Pema Chodron

Mindfulness Meditation CDs

- *Guided Mindfulness Meditation Series 1, 2 & 3*, Jon Kabat-Zinn
- *Mindfulness Meditation*, Tara Brach
- *Natural Awareness*, Pema Chodron
- *Guided Meditation*, Jack Kornfield
- *Plum Village Meditations*, Thich Nhat Hanh

Online MBSR Courses

- Free online MBSR course:
<http://palousemindfulness.com/selfguidedMBSR.html>
- Online video course:
<http://www.soundstrue.com/store/the-mbsr-online-course-3226.html>

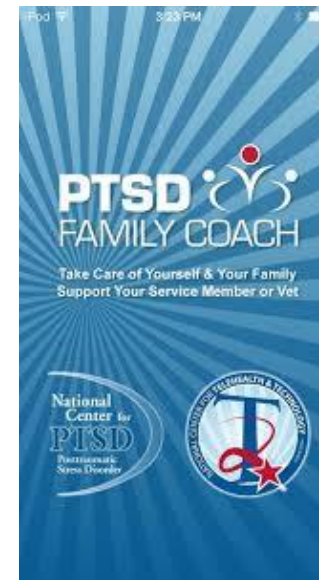
Guided Mindfulness Meditations

- <http://www.va.gov/PATIENTCENTEREDCARE/resources/multimedia/index.asp>
- <http://www.fammed.wisc.edu/mindfulness-meditation-podcast-series/>
- <http://health.ucsd.edu/specialties/mindfulness/programs/mbsr/Pages/audio.aspx>
- <http://marc.ucla.edu/body.cfm?id=22>

Self-Help Mobile Applications

<http://www.t2health.org/mobile-apps>

- Breathe 2 Relax
- PTSD Family Coach
- Stop, Breathe, and Think
- Mindfulness Coach



Self-Help Mobile Applications

<http://www.militarymentalhealth.org/articles/media>

- Positive Activity Jackpot
- Virtual Hope Box
- Provider Resilience



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