

Vicarious trauma – legal practitioners

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Trauma

an experience

either a single episode, recurring event, set of circumstances

physically or emotionally harmful or life-threatening

to oneself or others

elicits intense feelings

- fear
- helplessness
- hopelessness
- despair

overwhelms an individual's capacity to cope

Trauma

conceptualised on a continuum
along two axes

- severity of stress
- strength of adaptive, self-regulatory functions

The Great War (1914–1918)

soldiers

chronic symptoms

profound emotional disturbances from traumatic experiences

dead and maimed comrades on the battlefield



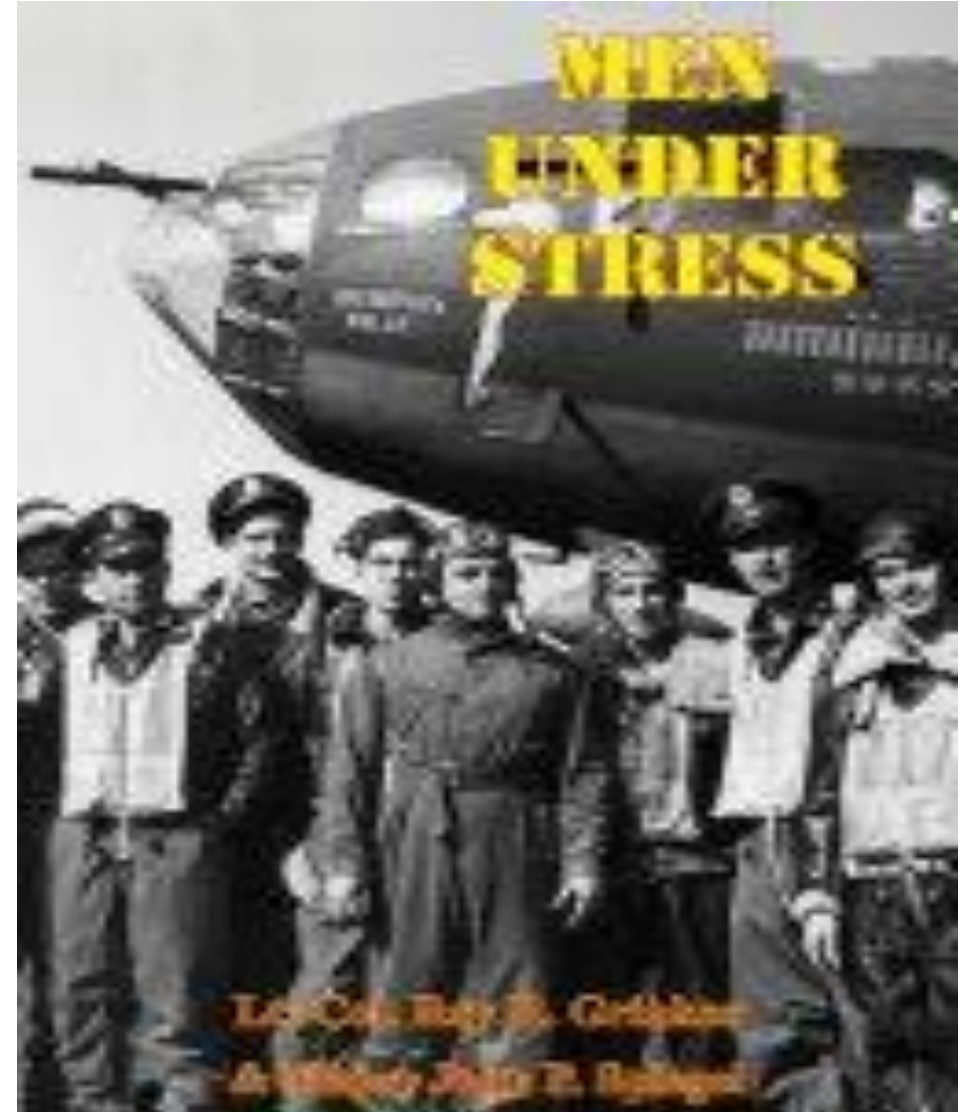
Second World War (1939–1945)

distinguished

acute 'reactions to combat'

delayed 'reactions after combat'

'operational fatigue'



Vietnam War (1954–1975)

constellation of symptoms relating to the servicemen's traumatic experiences



Post-traumatic stress disorder (PTSD)

hyperarousal

hypervigilance

re-experiencing of traumatic content

withdrawal

avoidance behaviour

emotional numbing

persisted for more than 1 month

after the trauma experience

Diagnostic and Statistical Manual of Mental Disorders (DSM - 1)

'gross stress reaction'

core feature

- overwhelming fear response to an extreme stressor
- normal pre-morbid personality

Diagnostic and Statistical Manual of Mental Disorders (DSM - 3)

re-experiencing the traumatic event
avoidance of reminders of the trauma
increased arousal expressed

- hypervigilance
- exaggerated startle response
- irritability
- memory and concentration difficulties
- sleep disturbances



Nancy Andreasen

Anxiety Disorders (DSM – 3)

therapists with large caseloads of patients with PTSD

secondary signs

- disturbed cognitive schemas
- memory functions

‘indirect trauma’

range of cumulative and harmful effects

exposed to / engaged empathically

with another person’s trauma

10

‘compassion fatigue’ separate to ‘secondary trauma stress’
sexual assault counsellors, trauma therapists.

Trauma and Stressor-related Disorders (DSM – 5)

PTSD may entail multiple emotions

guilt, shame, anger

outside of the fear/anxiety spectrum

unique precondition

diagnosis required exposure to a stressful event

- acute stress disorder
- adjustment disorder
- reactive attachment disorder

Trauma and Stressor-related Disorders (DSM – 5)

20 symptoms

four groups

- intrusion symptoms
- persistent avoidance of stimuli
- negative alterations in cognition and mood
- alterations in hypervigilance and reactivity

dissociative sub-type

DSM – 5 TR

Vicarious trauma

process and mechanism

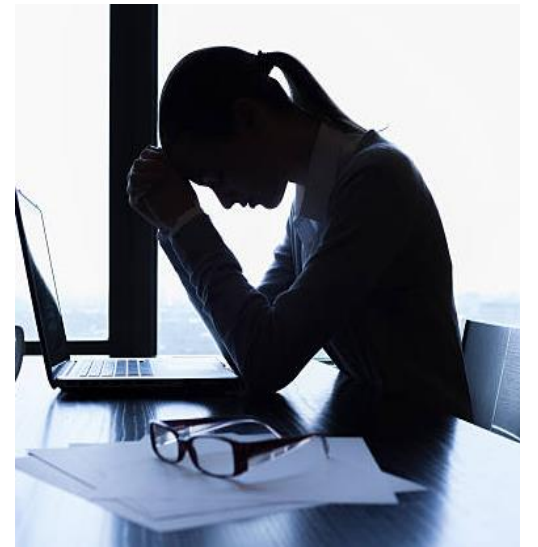
inner experience of a person profoundly, permanently changed
empathic bonding with another person's traumatic experiences

involves cognitive or schematic shift, change world view

spectrum of responses to trauma exposure

- 'caregiver fatigue'
- 'compassion fatigue'
- 'burnout'

strong negative correlation with work satisfaction



Risk factors for harm from vicarious trauma

personal history of trauma

poor coping behaviours, lack of social support

instability in non-work-related areas of a person's life

context-related factors

- problems in work environment
- bullying and harassment
- inadequate training,
- excessive workloads
- inadequate resources
- disputes with management
- poor workplace policies



Vicarious trauma in hazardous occupations

first responders

telephone counsellors

police

journalists

corrective services officers

health professionals

allied health professionals

social workers

sexual assault counsellors



Vicarious trauma

Legal practitioners, judicial officers

ill-equipped, 'psychologically minded'
to recognise, manage the signs, symptoms

- large workloads of confronting cases
- work in relative isolation
- hostile, adversarial atmosphere
- high levels of stress
- compassion fatigue

victims of crime, coroner, family law, child protection
asylum-seeker, *pro bono* work



Vicarious trauma

Legal practitioners, judicial officers

high levels of subjective distress

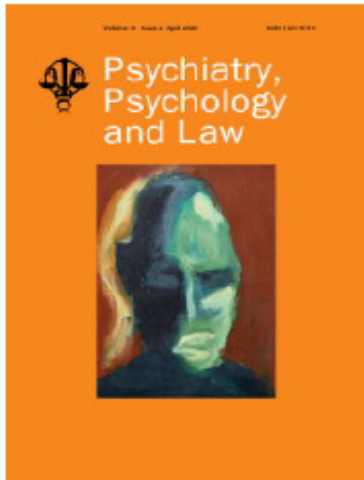
negative cognitive beliefs in relation to safety and intimacy

avoidance

hyperarousal

expectation that legal practitioners

- professional
- emotionally detached
- impartial



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A diary study of Australian lawyers working with traumatic material

Patricia Weir^a, Liz Jones^b , Nicola Sheeran^a  and Mark Kebell^a 

Australian lawyers' experience of exposure to traumatic material

cumulative effect of exposure

lack of control over high caseloads

fear of stigma

disclosing emotional response

being judged as unprofessional

active denial, suppression of emotions

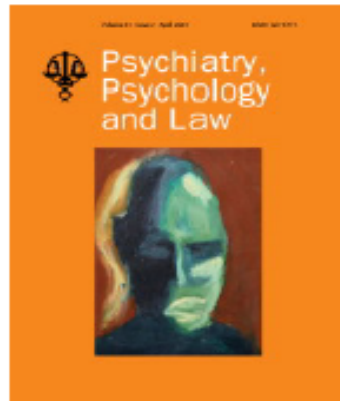
professionally normalised



JOURNAL OF LAW AND MEDICINE

The Duty of Care to Protect Employees against the Risk of Psychiatric Harm from Vicarious Trauma: *Kozarov v Victoria*

Russ Scott and Ian Freckelton AO KC*



Psychiatry, Psychology and Law

Vicarious trauma among legal practitioners and judicial officers

Russ Scott & Ian Freckelton

