

LAWYERS Assistance

By J.E. (Buddy) Stockwell

COMPASSION FATIGUE

Litigation can be extremely stressful for all involved, especially in high-conflict cases involving domestic and criminal matters. To protect our own emotional well-being in the midst of the trauma and chaos encountered in high-stress areas of the law, it is fair to say that both attorneys and judges quickly realize they must strive for professional objectivity lest they become emotionally entangled in the cases. But scientific research now indicates that simply deciding to remain objective may not be effective and that our natural empathetic responses may overpower our intellectual efforts to maintain objectivity. The result can be Compassion Fatigue (CF), a specific type of emotional burnout that can happen to anyone at any age and cause debilitating symptoms.

One of the first studies about CF's impact on lawyers was conducted in 2003 by Andrew Levin, M.D., at New York Medical College, Valhalla, NY. He focused on attorneys handling domestic violence and criminal cases: "The attorneys demonstrated higher levels of intrusive recollection of trauma material, avoidance of reminders of the material and diminished pleasure and interest in activities, and difficulties with sleep, irritability and concentration." Although not included in Levin's study, it is common-sensical that domestic and criminal court judges who are exposed to traumatic evidence day after day are at equal, if not even greater, risk for CF.

During Dr. Levin's study, one attorney responded: "It actually feels good to hear that I am not the only one who feels depressed and helpless and that these issues are worth studying. Fortunately, the stress has decreased with experience and time for me, but I still have vivid memories of quite traumatic experiences representing victims of domestic violence who were so betrayed that it was difficult to continue to have faith in humankind."

Lawyers Assistance Program, Inc. (LAP)

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Lawyers and judges who are routinely exposed to traumatic evidence and distraught clients are often able to instantly recall, even after years have passed, how painful a particular case was, not only for the clients, but for everyone involved. Why, despite our best efforts to remain professionally detached, are we so profoundly affected by certain cases and for such a long time?

The answer may lie in relatively new research surrounding empathy and the role of the brain's mirror neurons. Giacomo Rizzolatti, an Italian neurophysiologist at the University of Parma, discovered an interesting phenomenon by accident: a macaque monkey's recorded brain waves respond identically whether the monkey picks up an object or the monkey sees a scientist pick up the same object. The premise is that when we review evidence and empathize, or actually observe behavior, our mirror neurons can spark as if we are actually experiencing the event rather than just observing it. Whether strong sensations during a suspenseful football game or a chill down the spine by seeing someone mishandling a sharp knife, we have all experienced our own mirror neurons at work.

What can we do to deal with the residual impact of empathy-driven stress while practicing law and being continually exposed to traumatic evidence and clients in distress? A great place to start is at the American Bar Association's website section for the Commission on Lawyers Assistance Programs. There you will find a webpage on the subject of Compassion Fatigue.¹

Some of the warning signs of CF include: excessive workloads that encroach

on personal time; feeling exhausted all the time; nightmares; becoming pessimistic, irritable and losing faith in humanity; alienating from others; and becoming generally unhappy, unproductive and no longer on top of your game.

Awareness is the first step in fighting CF. Dealing with the negative emotions that CF is causing is paramount. It is important not to "stuff" your feelings. Find a way to debrief traumatic cases with another practitioner who understands and is supportive to help you process how you were affected by the case. Also, exercise, good sleep habits and general self-care are important. Maintaining balance between work and personal life and learning how to say "no" when you are already overloaded also are good practices. If need be, a therapist can be very beneficial in the fight against CF. As set forth on the ABA's CF webpage, when it comes to CF, you should stop thinking "I should be able to do this by myself" and start thinking "I don't have to do it all by myself."

Those who practice domestic and criminal law must remain especially vigilant against CF. If you feel overwhelmed, burned out, and you or someone you know could use help regarding Compassion Fatigue, contact the Lawyers Assistance Program at (866)354-9334, email lap@louisianalap.com, or visit LAP online at www.louisianalap.com. Your call is confidential as a matter of law and you do not have to give your name.

FOOTNOTE

1. www.americanbar.org/groups/lawyer_assistance/resources/compassion_fatigue.html.

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