

Help for the Helper

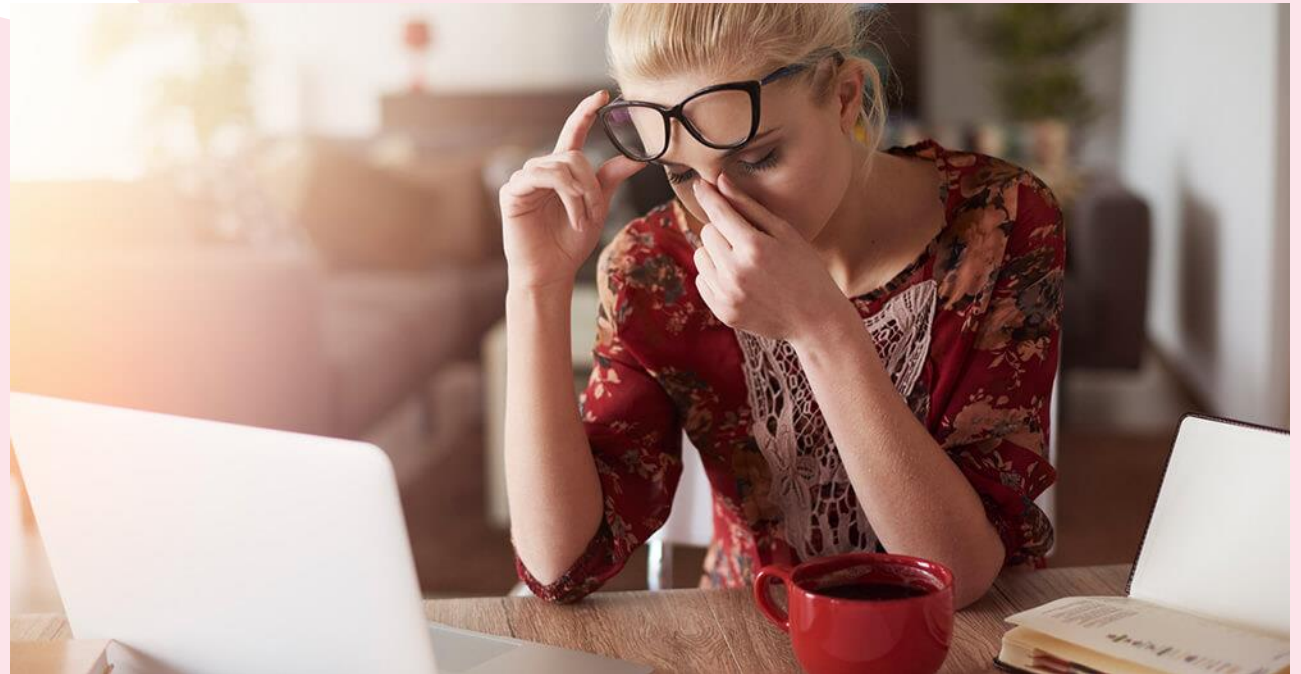
The Effects of Trauma and Compassion Fatigue on the Lawyer Who Cares

Presented By:

Brian S. Quinn, Esq.

Education and Outreach Coordinator

**Lawyers Concerned for Lawyers of
PA, Inc.**



Help for the Helper - *The Effects of Trauma and Compassion Fatigue on the Lawyer Who Cares*

**Presented by Brian S. Quinn, Esq.
Education and Outreach Coordinator
Lawyers Concerned for Lawyers of PA, Inc.**

Brian S. Quinn, Esq., is a licensed attorney in Pennsylvania who currently serves as the Education and Outreach Coordinator for Lawyers Concerned for Lawyers of Pennsylvania, Inc., a Lawyers Assistance Program established in 1988 for the purpose of helping lawyers, judges and law students recover from alcoholism, drug misuse and addiction, and mental health disorders.

Mr. Quinn obtained his undergraduate degree in 1970, his law degree in 1973 and a certificate in Drug and Alcohol counselling in 2012, from Villanova University. In addition to his role with Lawyers Concerned for Lawyers, he has been a private practitioner for over 45 years and has also worked in the field of Alcohol and Drug Counseling in suburban Philadelphia.

Mr. Quinn has written articles and made presentations on a variety of lawyer wellness topics to law firms, state and local bar associations, professional organizations and CLE providers on both a national and international level.

Agenda

LAP Services

Burnout/Secondary Trauma

Compassion Fatigue

Why Lawyers are at Risk

Strategies





Topic one

LAWYERS ASSISTANCE PROGRAM SERVICES

What Is A LAP ?

Our mission:

To provide a caring peer assistance program to save the lives and restore the health and professional competence of lawyers, members of their families, judges and law students who are at risk as a result of alcohol and drug use, gambling, depression or other serious mental illness. We carry out this mission through a combination of confidential helpline services, volunteer support and education.

- Free information and literature
- Free evaluation by a healthcare professional
- Free assistance with interventions
- Peer support
- Lawyer/Judge/Law Student-only support group meetings
- LCL staff support
- **FULLY OPERATIONAL** during COVID

Our services are **free, confidential, non-judgmental** and **non-obligatory**.

Lawyers Concerned for Lawyers of Pennsylvania, PA

CONFIDENTIAL Helpline

1-888-999-1941

**24 hrs./day, 7 days/week,
365 days/year**

www.lclpa.org

California State Bar LAP

California State Bar Lawyers Assistance Program

- <https://www.calbar.ca.gov/Portals/0/documents/ConsumerInformation/Lawyer-Assistance-Program-Pamphlet.pdf>

TOLL FREE:

877-LAP-4-HELP

877-527-4435

213-765-1190

LAP@calbar.ca.gov www.calbar.ca.gov/LAP

California State Bar LAP

LOCATIONS:

- 180 Howard Street San Francisco, CA 94105
- 865 South Figueroa Street Los Angeles, CA 90017

RESOURCES:

- <https://calawyers.org/health-and-wellness/>
- <https://otherbar.org/> Confidential Peer Support
- https://www.americanbar.org/groups/lawyer_assistance/resources/covid-19--mental-health-resources/

CONSULT THE ETHICAL RULES IN YOUR STATE
ALL LAWYERS ASSISTANCE PROGRAMS ARE **NOT** THE SAME !!

- Although many Lawyers Assistance Programs *may* follow the same practices as LCL of PA, it is **always** advisable to consult the Rules of Professional Conduct and the Judicial Code of your jurisdiction in order to ascertain the rules governing the duty to report misconduct imposed on both lawyers and judges, **especially if there may be a connection to the misconduct and impairment as a result of alcohol, substance use or mental health issues.**

GUIDANCE FROM THE COURT

Most*Rules of Professional Conduct address that concern by providing an exception to the duty to report. ABA Model Rule 8.3(c): “The Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyers assistance program.”

Comment 7 : “Providing for an exception ... encourages lawyers and judges to seek treatment through such a program. Conversely, without such an exception, lawyers and judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of clients and to the public.” (emphasis added)

*** Consult the Rules of Professional Conduct in your State**

Call the Lawyers Assistance Program in **YOUR** State

Directory of Lawyers Assistance Programs by State

https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state.html

Topic two

BURNOUT & SECONDARY TRAUMA



What Is BURNOUT?

- **Fatigue**, no matter how much someone rests or sleeps. An **exhaustion that runs deeper than sleep deprivation.**
- **Cynicism** about life or a feeling that **nothing a person does really matters.** Burned out people are generally **disengaged**
- A sense of **inefficacy**. Burned out people feel like they are **exerting significant effort, but are not making any progress** or gaining any recognition.
- Burnout syndrome is **not a medically recognized condition**, thus there is no clear diagnosis or treatment.

What Is BURNOUT?

- Constant anxiety
- Feeling overwhelmed
- Changes in personality
- Irritability
- Pessimism
- Obsessive thoughts
- Feelings of inadequacy and dread



What Is Secondary Traumatic Stress ?

- A continued exposure to accounts of extremely or traumatically stressful events from those who experienced them firsthand. STS is acquired vicariously from working with a trauma survivor.



What is Trauma ?

“Individual 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 and that has long lasting adverse effects on the individual’s functioning and mental, physical, social, emotional and spiritual well-being.”

Substance Abuse and Mental Health Services Administration a.k.a. SAMHSA

Trauma must be addressed and processed emotionally, physically, cognitively and spiritually to prevent and/or treat negative long term impact on a survivor.



STS in Lawyers



'Secondary Traumatic Stress' (STS)

Cumulative effect of listening to clients' stories, gruesome testimony and photos-dealing w/ traumatized people

Distorted view of him/herself, the world and others

Exists on a continuum

Esp. in family law & criminal defense attys and judges in specialty courts and those on bench >6 yrs. (*Jaffe 2009*) (*Levin 2011*)

STS in Lawyers



Avoiding certain questions in client interviews

Decreased empathy toward clients/parties

Over-identifying with client

Argumentative or impatient

Having disturbing images from cases intrude into thoughts & dreams

Topic three

Compassion Satisfaction and
Compassion Fatigue



What Is Compassion Satisfaction ?

- Compassion satisfaction is the pleasure one derives from being able to do their work well as a helping professional



What Is Compassion Satisfaction ?

- Compassion satisfaction is in direct contrast to secondary stress and burnout. It provides motivation, stamina, interest and a sense of well being.



What Is Compassion Fatigue ?

- Compassion Fatigue is a syndrome resulting specifically from empathizing with people who are experiencing pain and suffering.



What Are the Four Stages of Compassion Fatigue ?

- 1. Zealot phase.** A person is passionate and excited about work. They may go above and beyond to show their commitment and eagerness to excel.
- 2. Irritability phase.** Feelings of enthusiasm start to wane, followed by avoiding work responsibilities. While still performing in their care-taking role, their commitment to quality work declines, and they become more careless and make mistakes.



What Are the Four Stages of Compassion Fatigue ?

- 3. Withdrawal phase.** No longer feeling passionate about work, the line between personal life and client responsibilities blurs. The lack of clear boundaries results in irritability towards and about those being represented and total detachment from the helping role.
- 4. Zombie phase.** The caregiver continues to distance themselves from those they take care of and sink into a depression. They may feel despondent and angry, and project this onto coworkers, viewing them as incompetent.

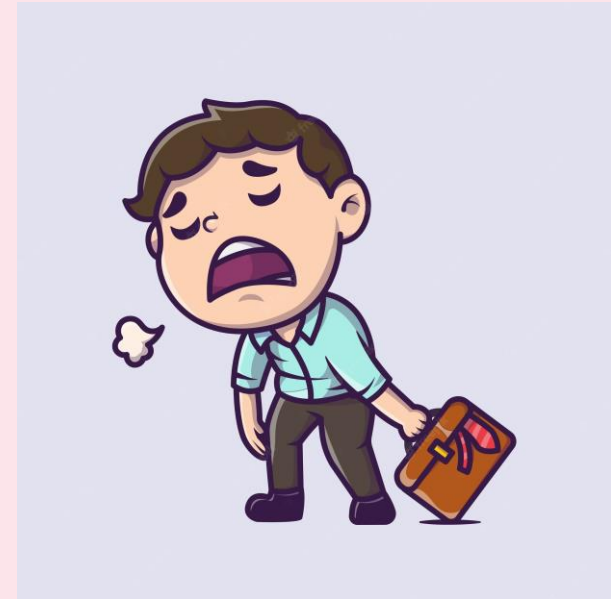


Symptoms of Compassion Fatigue

1. Perceiving the resources and support available for work as chronically outweighed by the demands
2. Having client/work demands regularly encroach on personal time
3. Feeling overwhelmed and physically and emotionally exhausted
4. Having disturbing images from cases intrude into thoughts and dreams
5. Becoming emotionally detached and numb in professional and personal life; experiencing increased problems in personal relationships
6. Becoming pessimistic, cynical, irritable, and prone to anger
7. Viewing the world as inherently dangerous, and becoming increasingly vigilant about personal and family safety
8. Withdrawing socially and becoming emotionally disconnected from others
9. Becoming demoralized and questioning one's professional competence and effectiveness
10. Secretive self-medication/addiction (alcohol, drugs, work, sex, food, gambling, etc.)
11. Becoming less productive and effective professionally and personally

Physical Signs of Compassion Fatigue

- Headaches
- Digestive Problems
- Cardiac Problems
- Fatigue, Sleeping Problems
- Loss of strength
- Increased accidents
- Increased startle response (jump at the slam of a door)



Work Signs of Compassion Fatigue

- Increased absenteeism, tardiness
- Expressing desire to quit
- Avoiding intense client situations
- Decreased work performance
(increased errors, decreased documentation accuracy)
- Starting to hope clients don't show up
- Not wanting to answer the phone or not returning calls from certain clients



Manifestations of Direct and Indirect (STS)

Avoiding certain clients

Not returning phone calls

Avoiding certain questions in interviews
with clients

Tardiness/absenteeism

Decreased empathy toward clients
(compassion fatigue)

Easily startled or upset - feeling on edge
– agitated; low distress tolerance

Bias & projection of your own trauma
experience onto client

Emotional dysregulation (triggers)

Irritability

Aggressive behavior, outbursts, rage

Numbing out (D&A, gambling, shopping)

Extreme physical reactions to trauma
reminders

Change in view of the world and others

Rigid, B&W thinking

“World is an unsafe place”; loss of trust in
others

Hypervigilance about personal/family safety

Minimization

Intense focus or worry about safety/welfare of clients

Over-identifying with client

Strained interpersonal relationships

Withdrawal from social interactions &/or relationships (isolation)

Fear of intimacy

Compromised parenting

Irritability

Decreased sense of self-efficacy

Argumentative or impatient

Difficulty concentrating, focusing, remembering things

Feeling hopeless about the work

Dreading work

Guilt

Having disturbing images from cases intrude into thoughts & dreams

Flashbacks

Decreased sense of self-efficacy

Argumentative or impatient

Difficulty concentrating, focusing,
remembering things

Feeling hopeless about the work

Dreading work

Guilt

Having disturbing images from cases
intrude into thoughts & dreams

Self-harm, self-destructive behavior

Dissociation

Lack of boundaries

Stomachache, reflux, IBS, constipation

Headaches

Extreme fatigue, chronic fatigue and
fibromyalgia, chronic pain, muscle joint
pain

High blood pressure, heart disease,
stroke, heart attack

Problems sleeping, nightmares, insomnia
or somnolence

Differences Between CF and Burnout

Compassion Fatigue

1. caused by the exposure of traumatic material or traumatized clients.
2. has a rapid onset and can be felt after the first experience of one's trauma.
3. describes the impact of helping others.
4. has a quicker recovery time than burnout

Burnout

1. caused by work-related attributes such as the job, coworkers, one's supervisor and poor work culture.
2. emerges gradually over time as the work-related attributes pile up.
3. describes the impact of a stressful workplace if managed early.
4. Burnout has a longer recovery time.

Topic four

Why Lawyers ?



Why Lawyers ?

While most people experience stress in their lives, lawyers and people in the legal profession face a unique conundrum : For many, the drive and dedication that make them successful as a lawyer is also what's causing stress and burning them out !



Why Lawyers ?

- High expectations and accountability
- Lack of work-life balance
- High stress level
- High stress levels & work-weeks >50 hrs. are consistent predictors of SUD's and their severity.
- 67% of attorneys/judges work more than 40 hours/week.
- Inherent pessimism



Why Are Legal Professionals at High Risk of Mental Health & Substance Use Disorders?

- Conflict driven and adversarial profession
- Emotional detachment
- Win-lose, often rigid thinking (black and white thinking)
- Perfectionism
- Excessive self-reliance

These traits are great for a successful career, but not so great for mental health.



In other words.....

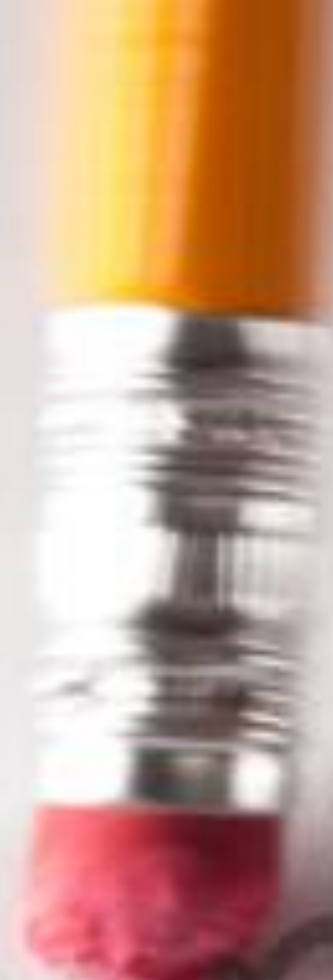
Our personalities
and our Profession
put us at High Risk



Topic five

Strategies
(that work)





impossible

**Set *REALISTIC* Goals
for Yourself**

Steps for Handling Compassion Fatigue



- Pause – lean back- give your eyes a rest for a couple minutes.
- Take three deep breaths and imagine your muscles relaxing from head to toe.
- Be mindful. Focus on the immediate present. Enjoy the moment.
- Stretch. Walk around your office or go outside.
- Maintain a sense of humor about yourself.
- Vary your routine. Don't get trapped in a rut.
- **Understand the symptoms of compassion fatigue are natural and can be managed.** We chose a profession that is both challenging and rewarding.

Steps for Handling Compassion Fatigue



These are the most difficult, but have the best long-term results

1. Create a cultural change in the work environment which values relationships.
2. Actually DO something about “the hours”- maintain a realistic Work-Life balance.
3. Treat people in a civil, professional manner *at all times*.
4. Encourage friendships, communication, mentoring and reduce isolation.
5. Create an environment that encourages the sharing and discussion of stressors.



SET BOUNDARIES

Meditation/Mindfulness

- Key to being truly present/not projecting
- Key to identifying our TRUE feelings
- Acknowledge feelings but don't attach (mountain/clouds)
- Breathing meditation
- Reduces "mental chatter"
- Helps eliminate the "what if's"
- Normal for us all to feel WAVES of emotion in our work



Gratitude

- Improves sleep
- We become more centered on others/humility
- Memorialize for reflection
- Gratitude journal
- Positive state of mind
- Directly correlated with Happiness and Peace
- Builds resiliency
- Boost productivity



Trauma Informed Care



- Part of Trauma informed care is recognizing that “What I come across at work wounds my soul.”
- Because of our jobs we are exposed to vicarious or secondary trauma.
- Secondary Trauma Stress (STS) can lead to Compassion Fatigue & Burnout.
- Two main factors to STS: personal connection (identification) & great need to help others

WHAT DOES IT MEAN TO BE TRAUMA-INFORMED ?

- **Awareness**

Understand what compassion fatigue is and periodically self-assess for it.

- **Debriefing**

Talk regularly with another who understands about how you think and feel

- **BE INTENTIONAL !!**

If you are overwhelmed and struggling with depression, anxiety, substance/alcohol misuse, or compassion fatigue.....

DON'T WAIT !!



What keeps lawyers from seeking or accepting the help they so desperately need ??

- Shame and Embarrassment – **STIGMA**
- Denial
- Cunning, insidious nature of diseases
- Enabling

*What can
YOU do ??*



Although it is difficult, remember that your end goal is to help motivate the distressed lawyer or judge to seek the professional help they so desperately need.

Six Core Steps for a Sustainable Culture in the Legal Profession:

1. Identify stakeholders and their roles.
2. Diminish stigma associated with seeking help.
3. Emphasize that well-being is a part of competence.
4. Educate on well-being/mental health/substance use disorders.
5. Make health and well-being a top priority throughout the profession.
6. Banding together and allowing ourselves to be a bit more human during this time. It will not only help individuals in the short term, it also will benefit firms/organizations in the long run.

A large, irregular pink brushstroke graphic with a textured, hand-painted appearance. It contains two lines of text in a white, italicized serif font.

***IT WILL
AFFECT YOU.***

***REMEMBER –
No One Makes It
Out Unscathed !***

it is "normal" to be affected
by your work and
traumatic events

recognizing this is the most
important coping skill that
you can give to yourself

it is okay to feel outraged,
horrified, shocked,
saddened etc.

BUT...if overwhelmed seek
help, be aware of what is
going on

A large, horizontal, pink brushstroke graphic with a textured, hand-painted appearance. The stroke is wider on the left and tapers towards the right, with some white highlights and darker pink shadows, giving it a sense of movement and depth. Centered within this brushstroke is a quote in a dark pink, serif font.

*The way to get started
is to quit talking and
begin doing.*

Walt Disney

Thank you

Thank you all for attending today's Continuing Legal Education program.

If you have any questions that were not answered or would like to contact me for any reason, please call or email me **confidentially** at the following:

Brian S. Quinn, Esq., Education and Outreach Coordinator

LAWYERS CONCERNED FOR LAWYERS of PA, INC.

(717) 460-3385

brian@lclpa.org



Model Rules of Professional Conduct

Rule 1.1: Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Rule 1.3: Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.4: Communications

(a) A lawyer shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; and
- (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Model Rules of Professional Conduct

Rule 1.6: Confidentiality of Information

- (a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).
- (b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:
 - (1) to prevent reasonably certain death or substantial bodily harm;
 - (2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;
 - (3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;
 - (4) to secure legal advice about the lawyer's compliance with these Rules;
 - (5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;
 - (6) to comply with other law or a court order; or
 - (7) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.
- (c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client

MODEL RULES OF PROFESSIONAL CONDUCT

Rule 8.3: Reporting Professional Misconduct

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

(c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyer's assistance program.

Comment 7 explains "... providing for an exception ... encourages lawyers and judges to seek treatment through such a program. Conversely, without such an exception, lawyers and judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of clients and to the public." (emphasis added)



National Task Force on Lawyer Well-Being Recommendations

**"The Path to Lawyer Well-Being:
Practical Recommendations For Positive Change"**

<http://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf>

How to Join the National Well-Being MOVEMENT

“WELL-BEING TOOLKIT FOR LAWYERS AND LEGAL EMPLOYERS”

Created By Anne M. Brafford For Use By The American Bar Association

https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_well-being_toolkit_for_lawyers_legal_employers.authcheckdam.pdf

“Well-Being Toolkit Nutshell: 80 Tips For Lawyer Thriving”

https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_Well-Being_Toolkit_Flier_Nutshell.authcheckdam.pdf