

THE GEORGE WASHINGTON UNIVERSITY LAW LIBRARY

**REPRESENTING
CHILDREN
IN
CHILD PROTECTIVE
PROCEEDINGS:
ETHICAL AND PRACTICAL
DIMENSIONS**

2000 CUMULATIVE SUPPLEMENT

Jean Koh Peters

LEXIS Publishing™

LEXIS•NEXIS® • MARTINDALE-HUBBELL®
MATTHEW BENDER® • MICHE® • SHEPARD'S®

Place in pocket of bound volume
and recycle previous supplement.

NOV 2 200

**THE LAWYER-AS-CONTEXT II:
FULFILLING THE ETHICAL DUTY TO ADDRESS
OCCUPATIONAL HAZARDS THAT IMPERIL CLIENT
SERVICE: STRESS, BURNOUT,
VICARIOUS TRAUMATIZATION**

§ 9-1. Introduction.

§ 9-2. Introduction to Basic Concepts.

§ 9-2(a). The Raging River Analogy.

§ 9-2(b). Stress: The Raging of the River.

§ 9-2(c). Trauma: The Boulder and Its Wake.

§ 9-2(c)(1). The Boulder: What Constitutes Trauma?

§ 9-2(c)(2). The Wake: What are the Aftereffects of Trauma?

§ 9-2(c)(3). Living in the River: How Does One Adjust Long-Term to Trauma?

§ 9-2(d). Children's Trauma.

§ 9-2(d)(1). The Boulder: What is Trauma for the Child?

§ 9-2(d)(2). What is the Aftermath of Trauma in Children?

§ 9-2(e). Secondary Trauma.

§ 9-2(f). Counter-Transference: The Lawyer's Reaction to Her Experience in a Single River.

§ 9-2(g). Vicarious Traumatization: The Effect on the Lawyer of the Experience in Many Rivers.

§ 9-3. Three Principles for Understanding and Addressing the Occupational Hazards That Imperil Quality Representation of Children.

§ 9-3(a). Principle One. Acknowledge the ethical obligation to identify and address impairments to quality representation, such as stress, burnout, and vicarious traumatization.

§ 9-3(b). Principle Two. Put to good use in your representation those aspects of empathy and vicarious traumatization that link you to your client's experience.

§ 9-3(c). Principle Three. Address the three signature negative effects of vicarious traumatization through reintegration of self, reconnection to others, and reaffirmation of meaning.

§ 9-3(c)(1). Sub-Principle I—Reintegrate Self.

§ 9-3(c)(2). Sub-Principle II—Reconnect to Others.

§ 9-3(c)(3). Sub-Principle III—Reaffirm Meaning.

§ 9-4. Ten Strategies for Addressing the Ethical Imperative to Address the Occupational Hazards That Imperil Client Service.

§ 9-4(a). Strategy One. Examine your daily life for the negative effects of stress, burnout, and vicarious traumatization.

§ 9-4(b). Strategy Two. Keep in mind the operation of trauma symptoms: the alternation between numbing reactions, on the one hand, and intense strong feelings, on the other.

§ 9-4(c). Strategy Three. Understand how the signs of stress and vicarious traumatization build one's occupational hazard profile.

§ 9-4(d). Strategy Four. Use your concrete experiences of empathy with your client to improve your representation.

§ 9-4(e). Strategy Five. Take your own advice: do the same things for yourself that you would love to see your clients, or your clients' families or parents, do.

§ 9-4(f). Strategy Six. In re-examining one's commitment to one's self care, start with the basics.

§ 9-4(f)(1). Sleep.

- § 9-4(f)(2). Food and Water.
- § 9-4(f)(3). Breathing.
- § 9-4(f)(4). Exercise.
- § 9-4(f)(5). Time Off.
- § 9-4(f)(6). One's Daily Work and Home Environment.
- § 9-4(g). Strategy Seven. In seeking fun and recreation, look for activities that give you deep satisfaction and balance out the experiences at work, as opposed to numbing activities which may replicate the experience at work.
- § 9-4(h). Strategy Eight. Examine and strengthen your connections to yourself, people at work, and your larger communities.
- § 9-4(i). Strategy Nine. Reconstruct your daily schedule: integrate a routine of self care, proactive strategies that work, and commitments beyond work into daily life.
- § 9-4(j). Strategy Ten. Remembering that vicarious traumatization is a process, not an event, be prepared to address vicarious traumatization on an ongoing basis.
- § 9-5. Areas for Further Study: Questions of Organizational Duties, Professional Duties of Confidentiality, the Paradigm of Children's Trauma, and Avoiding Re-Trauma with Our Child Clients.
 - § 9-5(a). Institutional Duties to Train Attorneys in Recognition and Prevention of these Occupational Hazards, as well as to Minimize Circumstances Which Give Rise to these Hazards.
 - § 9-5(b). Reconciling Lawyers' Duty of Confidentiality with Lawyers' Need to Debrief and Understand the Effects of the Work on their Lives.
 - § 9-5(c). Further Understanding Research on Children's Trauma.
 - § 9-5(d). Avoiding Re-Traumatizing the Client in our Lawyer/Client Relationships.
 - § 9-5(e). Invitations to Other Areas of Study.
- § 9-6. Conclusion.

§ 9-1. Introduction.

The eight chapters of this book have exhorted lawyers for children to seek at all times to understand the child's world from the child's point of view, and to move with respect and caution into, within, and out of that world. They have also stressed that a lawyer must take all pains to prevent the lawyer's reactions, history, values—the lawyer's counter-transference—from taking over the lawyer's representation of the individual client. Chapters Three through Eight have attempted to provide general principles and concrete ideas for the lawyer in putting the client-in-context, not the lawyer-as-context, in the forefront of any individual client's representation.

This chapter, paradoxically, focuses on the lawyer's life *outside* of the individual case, in order to serve the same ends. The chapter reaches the startling conclusion that painstaking self-care is an ethical imperative for any lawyer for children. The daily demands of representing children in child protective proceedings subject lawyers, even under ideal working conditions, to extraordinary psychological stress and even trauma. Specifically, the hard work required in excellent representation of children creates stress which permeates the daily life of the lawyer. The compassion that lawyers show in trying to learn their

client's subjective point of view subjects them to the possibility of suffering the aftereffects of the client's trauma as well. A lawyer who truly seeks to represent the client on the client's own terms, without excessive interference from the lawyer's needs, values, and history, must regularly and systematically strive to meet her own personal needs outside the representation, in order to prevent those needs from intruding inside the representation. Recent research in the field of stress, trauma, and vicarious traumatization can guide the lawyer truly seeking to represent the child-in-context in child protective proceedings. Lawyers who understand the effect of this stress, and, where applicable, trauma, on their own daily lives will address the impairments that these occupational hazards cause in their professional work and offer better service to the client in the process.

Lawyers may feel a bit sheepish about taking time out to read and reflect upon the difficulty of their day-to-day work. The compassionate lawyers whom I have met over the last sixteen years are apprehensive about using precious hours that could be applied towards representing their clients for concerns about such mundane things as the quality of their own lives, the difficulty of their own jobs, or the politics of their own work environment. And yet, as they try to turn their attention to their client work, they find that these issues pose large obstacles to concentrating on the child-in-context. In some cases, working conditions pose insuperable barriers to concentration—from the absence of air-conditioning in the blasting heat of summer in the city, to the unavailability of private rooms for interviewing clients, to a complete lack of personal energy at a critical time in the client's case. These lawyers are caught in a conundrum. They want to focus all of their professional energies on the extremely challenging work of representing the child-in-context on her own terms. And yet, smaller mundane logistical problems, along with more mysterious problems seemingly internal to the lawyers and separate from the representation, consistently snatch away the energy, resources, and time that they need to devote to their client work.

Most poignant is the practitioner who blames herself for her inability to block out these internal or logistical problems in the name of compassionate representation of her client. Time and again I have talked to people representing clients who experience, either in the short-term or as a new pattern, a sense of numbness about their client's pain. "I don't know what is happening to me, I used to be such a caring person," the distraught practitioner will say. "Now when I hear my client describing the terrible things that she's been through, I find myself zoning out, completely numb, or even irritated." The practitioner will often sigh and say, "It just seems like I don't care anymore."

Research into stress, trauma, and vicarious traumatization resolves the seeming paradox of the compassionate lawyer who, too distracted by the difficulties of her own daily life, has "lost her compassion." It is, in fact, not that lawyers for children doing this work, either intensively for a single client or for many clients over a time, lose their compassion for their clients. *Indeed, it is the*

intensity of their compassion and empathy that creates tremendous strain on the lawyer's daily functioning. The intensity of the work itself engenders stress in the life of the lawyer which takes its own toll on the lawyer's ability to function in his difficult daily life. In addition, the intensity of this compassion and empathy creates the potential for vicarious traumatization of the lawyer. The concept of vicarious traumatization explains that lawyers working with clients who perceive their lives in traumatic terms—facing death or grievous loss—may find themselves deeply affected by the client's trauma and experience post-traumatic effects themselves. In other words, just as our clients experience trauma in a way that leaves long-term post-traumatic effects, the lawyer working with traumatized clients will also experience post-traumatic effects at a lower level of intensity. Specifically, many traumatized people experience a combination of post-traumatic symptoms that alternate between a sense of numbing and denial about the trauma, on the one hand, and intense and almost overpowering feelings, on the other. Simply put, the lawyer's sense that she has ceased caring for her clients is actually the opposite of true; the intensity of her caring and empathy for her clients has led her to experience post-traumatic symptoms like numbing and denial that may echo her client's reactions.

Writers on stress and vicarious traumatization emphasize that they are both intrinsic to this work and cannot be avoided. Indeed, the only way to avoid stress in the daily life of the lawyer for children is either to work much less than is necessary or to care much less than is necessary. Similarly, the only way to avoid vicarious traumatization is to fail to engage compassionately, even empathetically, with one's client. For the diligent, humane lawyer for children, stress and vicarious traumatization are unavoidable occupational hazards.¹ Because they are hazards that can severely impair the lawyer's ability to provide his best service to his clients, the lawyer must carefully understand and address both stress and vicarious traumatization, as they occur, for both himself and his client.

To best equip the lawyer for continuing the compassionate work of representing the child-in-context, this chapter focuses almost exclusively on the experience of the lawyer outside of the representation, in order to benefit client and lawyer alike. This chapter aims, concretely, to introduce vital concepts of stress and vicarious traumatization to the lawyer for children, because they are essential paradigms for understanding the interaction between his challenging work and the quality of his life as a whole. Even for the lawyer who does not believe that she is experiencing vicarious traumatization, the materials related to stress may be of substantial use in problem-solving aspects of her daily life. As

¹ KAREN W. SAAKVITNE & LAURIE ANNE PEARLMAN, *TRANSFORMING THE PAIN: A WORKBOOK ON VICARIOUS TRAMATIZATION* (1996), note 22, at 25.

this chapter will demonstrate, strategies to neutralize the harmful impacts of both stress and vicarious traumatization overlap; that is to say, prescriptions for addressing these negative effects are largely the same.

Sprinkled throughout the chapter are the voices of practitioners as I have heard them over the last sixteen years of my practice—in my own offices, at conferences, at presentations, in the courthouse. Because these comments were made in the course of conversations or correspondence that were not originally conceived of as research, I was neither able to transcribe comments verbatim nor to obtain permission to use specific wordings when I could remember them. I have decided, therefore, to try to reconstruct these quotes as authentically as I could from memory, occasionally changing detail in order to protect the privacy of the speaker. In addition, I have included a few examples from my own experience, continuing that practice from earlier chapters in the book. These practitioner's voices offer other examples that may help the reader connect theoretical material in this chapter to his own experience.

The chapter is organized as follows. Section 9-2 introduces the central concepts of stress, trauma, secondary trauma, and vicarious traumatization. Section 9-3 outlines the three principles for understanding and addressing the occupational hazards that imperil quality representation of children. Section 9-4 outlines ten strategies for understanding and fulfilling the ethical imperative to address the occupational hazards that imperil client service. Section 9-5 identifies two important areas for the study that are critical for lawyers in this field. Section 9-6 summarizes concrete conclusions for the lawyer seeking to implement these ideas.

The goals of the chapter are threefold. First, the chapter seeks to introduce the lawyer to the frameworks of stress and vicarious traumatization, in order to understand the difficulties faced in daily functioning as a lawyer for children. Second, the chapter offers the lawyer specific ideas about steps that he can take on his own initiative to resolve problems in his daily life. These actions predominantly involve commitments to accomplish daily care for himself, to participate in activities outside of the work that reaffirm his sense of meaning in his life, and to seek support from his peers at work and from his friends and family outside of work in marshaling his resources for the best possible representation of his clients. Finally, the chapter seeks to help the lawyer determine when to resort to outside help for resolving the obstacles to ideal functioning in his work.

The benefits that accrue to the client from this kind of reflection by the lawyer cannot be overstated. The lawyer's and the client's interests here are not at odds; they run parallel. The lawyer who fails to mitigate the negative effects of stress and vicarious traumatization in his life and practice ends up harming the client as well as himself. The lawyer who addresses these occupational hazards and

harnesses the positive effects, particularly of vicarious traumatization, can benefit both himself and his client.

§ 9-2. Introduction to Basic Concepts.

This section defines basic concepts of stress and trauma and distinguishes them from other related concepts, including counter-transference and burnout. The concepts will be illustrated through the use of an extended analogy: the raging river.

§ 9-2(a). The Raging River Analogy.

A client lives in the center of a raging river. His lawyer stands at the edge of the river as a huge boulder is dropped just in front of the river dweller. The client is knocked down by the immediate towering wave that the boulder creates. The waves completely envelop him, washing over him, soaking him: the impact of the rushing water topples him each time the river dweller struggles to right himself. Once he regains balance, the wake of the splash continues to wash over him, occasionally overpowering him and toppling him again. The lawyer standing at the periphery of the river is struck by lesser waves and ripples, to a much decreased or milder extent. The waves she receives are vastly different in amplitude, but similar in shape and character to the initial waves. The lawyer also stands at the intersection of many such rivers, receiving similar waves and ripples from many directions.

The raging river analogy provides an overall visual image for the concepts defined below. The client lives in the raging river under day-to-day conditions that are already stressful. The boulder represents a trauma occurring in the life of the client. The towering initial wave represents the client's initial experience of the trauma while it is happening. The wake of the wave represents the post-traumatic effects felt by the client. The lesser waves and ripples represent the secondary trauma effect experienced by the lawyer. The lawyer's reaction to standing with the client in the raging river is the lawyer's counter-transference reaction to the client. The cumulative effect of standing at the periphery of many rivers with many clients and its effect on the lawyer over time is vicarious traumatization.

§ 9-2(b). Stress: The Raging of the River.

Life in the raging river is a life under stress. In its essence, stress is defined as "a disrupted interaction between environmental demands on the one hand, and

the needs and skills of the individual on the other."² Stress has been studied as a scientific concept since the 1930's, with focus on research into physiological and psychological responses to stress, as well as research into extreme circumstances of stress that include trauma.³ The client in the center of the raging river may experience stress as a result of his interactions with any one of a number of factors, ranging from specific factors such as his familial economic situation and interactions with his family, the legal system, and the social service system, to larger factors including poverty, racism, and violence in his community. The client feels the rigors of living in such a challenging, chaotic, and hard-to-control environment, day to day. For many of our clients, daily life itself can challenge their full capacities to the extreme.

There can be little doubt that the lawyer's life in the raging river is also a life under stress. Neither the child protective systems nor the court systems with whom the lawyer regularly interacts have sufficient resources in most cases to do work for the client efficiently and well. Lawyers regularly face the challenge of contentious court appearances, deeply unhappy clients and their families, demanding judges, and child protective personnel with whom the lawyer may not see eye-to-eye. In many environments, the lawyer has an extraordinary number of clients, often far too many to be able to represent them with the individual attention that she would like to give them. In addition, the environment in which the lawyer works may also lack resources and regular opportunities for support and feedback.

The cumulative effect of this chronic everyday stress and chronic emotional strain is sometimes called burnout. Christina Maslach suggests that one's tolerance for this continual stress, a tolerance that gradually wears away under the never-ending onslaught of emotional tensions, changes over time.⁴ Maslach suggests that the burnout is an "emotional exhaustion, de-personalization, and reduced accomplishment that can occur among individuals who do 'people work' of some kind." Maslach continues:

it is a response to the chronic emotional strain of dealing with other human beings, particularly when they are troubled or having problems. Thus, it can be considered one type of job stress. Although it has some of the same deleterious effects as other stress responses, what is unique about burnout is that the stress arises from the *social* interaction between helper and recipient.⁵

² ROLF J. KLEBER & DANNY BROM, *COPING WITH TRAUMA: THEORY, PREVENTION AND TREATMENT* 21 (1992).

³ *Id.*

⁴ See CHRISTINA MASLACH, *BURNOUT: THE COST OF CARING* 11 (1982).

⁵ *Id.* at 3.

The negative effects of burnout have been well documented. One review identified five categories of effect of burnout, including:

- 1) Physical symptoms (fatigue and physical depletion/exhaustion, sleep difficulties, specific somatic problems, such as headaches, gastrointestinal disturbances, colds, and flu).
- 2) Emotional symptoms (irritability, anxiety, depression, guilt, sense of helplessness).
- 3) Behavioral symptoms (aggression, callousness, pessimism, defensiveness, cynicism, substance abuse).
- 4) Work-related symptoms (quitting the job, poor work performance, absenteeism, tardiness, misuse of work breaks, thefts).
- 5) Interpersonal symptoms (perfunctory communication with, inability to concentrate/focus on, withdrawal from clients/coworkers, and then dehumanizing, intellectualizing clients).⁶

The most salient "factors" associated with burnout include "client problems... that are perceived to be beyond the capacity of the service provider," and being "caught in a struggle between promoting the well-being of their clients and trying to cope with policies and structures in the human service delivery system that tend to stifle empowerment and well-being."⁷

§ 9-2(c). Trauma: The Boulder and Its Wake.

§ 9-2(c)(1). The Boulder: What Constitutes Trauma?

The boulder represents a trauma occurring in the client's life. There is no consensus about the definition of trauma or its differentiation from stress. Some suggest that stress is the large category of which trauma is one extreme subset.⁸ This camp suggests that "stress and trauma are not two independent concepts, but rather two overlapping concepts; stress has a much broader meaning."⁹ Others suggest that stress and trauma are on a continuum, but are distinct in kind.¹⁰

⁶ Charles R. Figley, *Compassion Fatigue as Secondary Traumatic Stress Disorder: An Overview*, in *COMPASSION FATIGUE: COPING WITH SECONDARY TRAUMATIC STRESS DISORDER IN THOSE WHO TREAT THE TRAUMATIZED* 12 (Charles R. Figley ed., 1995) (citations omitted) [hereinafter *COMPASSION FATIGUE*].

⁷ *Id.* (citations omitted).

⁸ See KLEBER & BROM, *supra* note 2, at 21.

⁹ *Id.*

¹⁰ See, e.g., B. Hudnall Stamm, *Introduction to SECONDARY TRAUMATIC STRESS, SELF-CARE ISSUES FOR CLINICIANS, RESEARCHERS, AND EDUCATORS* at xix (B. HUDNALL STAMM ed., 1995) [hereinafter *SECONDARY TRAUMATIC STRESS*].

What life events are cataclysmic enough to be defined as trauma? This elusive question has not definitively been resolved. The DSM-IV currently defines exposure to a traumatic event to be:

- 1) that the person experienced, witnessed, or was confronted with an event or events which involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others,
- 2) that the person's response involved intense fear, helplessness, or horror.¹¹

While earlier definitions of trauma focused on simply the nature of the event, the DSM-III, the predecessor definition of post-traumatic stress disorder, suggested that the traumatic stressor be "outside the range of usual human experience."¹² The current DSM definition recognizes the current consensus in the field that studies of trauma should focus upon the interaction "*between the person and the event*."¹³

In identifying whether something rises to the level of trauma, Laurie Pearlman, a leading author in the field of vicarious traumatization, suggests a subjective approach to that determination from the point of view of the person experiencing the trauma.¹⁴ Her definition of trauma, which differs from the DSM's diagnostic conceptualization, reads:

An experience is traumatic if it,

- 1) is sudden, unexpected, or non-normative,
- 2) exceeds the individual's perceived ability to meet its demands, and
- 3) disrupts the individual's frame of reference and other central psychological needs and related schemas.¹⁵

That is to say, Pearlman suggests that the decision about whether a person is confronted with an event that involved assault and death or serious injury or a threat to the physical integrity of the self or others should be determined based on the person's *subjective* reaction. If a person believes that she faces death or

¹¹ AM. PSYCHIATRIC ASS'N, *DIAGNOSTIC CRITERIA FROM DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, POSTTRAUMATIC STRESS DISORDER* 428 (4th ed. 1994) [hereinafter *DSM-IV*].

¹² *DSM-IV, POSTTRAUMATIC STRESS DISORDER* 428.

¹³ *SECONDARY TRAUMATIC STRESS, supra* note 10, at xvii.

¹⁴ See LAURIE ANNE PEARLMAN & KAREN W. SAAKVITNE, *TRAUMA AND THE THERAPIST: COUNTERTRANSFERENCE AND VICARIOUS TRAUMATIZATION IN PSYCHOTHERAPY WITH INCEST SURVIVORS* 45 (1995). For example, Pearlman and Saakvitne explain that "the basic definition of trauma [i]s an event that overwhelms the individual's perceived ability to cope." *Id.*

¹⁵ L. LISA MCCANN & LAURIE ANNE PEARLMAN, *PSYCHOLOGICAL TRAUMA AND THE ADULT SURVIVOR: THEORY, THERAPY, AND TRANSFORMATION* 10 (1990).

annihilation, that subjective sense of life threat confirms psychological trauma, even if others might have found the incident merely stressful.

§ 9-2(c)(2). The Wake: What are the Aftereffects of Trauma?

The later waves created by the river represent the post-traumatic effects felt by the client who experiences the primary effect of the trauma.

Researchers have noted that the range of human response to overwhelming and uncontrollable life events is remarkably consistent.¹⁶ Survivors of trauma are expected to experience a wide range of emotions oscillating between two poles: a tendency, on one hand, to re-experience the trauma with overwhelming reactions to the traumatic material and a general hyper-reactivity to stimuli and, on the other hand, numbing through avoidance of stimuli related to the trauma. This “bimodal”¹⁷ oscillation creates a sense of disruption or disintegration within the trauma survivor who literally feels too much at some times and nothing at others.

An overview of post-traumatic stress symptoms can be examined through their separate effects on the body, mind, and spirit.

Physically, a person who has experienced trauma is subject to a range of serious physical sequelae.¹⁸ The DSM-IV definition of post-traumatic stress disorder focuses on difficulty with falling and staying asleep, an exaggerated startle response to loud and sudden noises, and “physiological reactivity on exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event.”¹⁹ Researchers argue that the DSM-IV symptoms, which comprise its definition of post-traumatic stress disorder, are much too narrow and have noted additional effects not included in the DSM-IV criteria. They include impacts on the digestive and cardiopulmonary system, as well as effects on one’s sexual life and experience of chronic pain.²⁰

The effects of trauma on the psyche are better documented in every decade of the research. The DSM-IV stresses again the alternation between the pole of hyper-arousal and persistent re-experiencing of the traumatic event and the pole of equally persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness to life events. For instance, the DSM-IV notes that both recurrent and intrusive distressing recollection of the event,

¹⁶ See Bessel A. van der Kolk, *The Body Keeps the Score: Memory and the Evolving Psychobiology of Posttraumatic Stress*, HARV. REV. PSYCHIATRY, Jan.-Feb. 1994, at 254.

¹⁷ BESSEL A. VAN DER KOLK, PSYCHOLOGICAL TRAUMA 3-4 (1987).

¹⁸ For a detailed and highly compact introduction to the psychobiology of post-traumatic stress, see generally van der Kolk, *supra* note 16.

¹⁹ DSM-IV, *supra* note 11, at 428.

²⁰ See David Pelcovitz, et al., *Development of Criteria Set and a Structured Interview for Disorders of Extreme Stress (SIDES)*, 10 JOURNAL OF TRAUMATIC STRESS 3, 11 (1997).

including images, thoughts, and perceptions, may co-exist with efforts to avoid thoughts, feelings, and conversations associated with the trauma, as well as efforts to avoid activities, places, or people that arouse recollections of the trauma. Inability to recall important aspects of the trauma also is a common post-traumatic symptom.²¹ Other psychological experiences include acting or feeling as if the traumatic event is recurring through flashbacks: these experiences may include dissociation from the present, as well as intense psychological distress at exposure to cues that symbolize or resemble an aspect of the traumatic experience.

Under numbing symptoms, survivors of trauma often demonstrate markedly diminished interest or participation in significant activities, a feeling of detachment or estrangement from others, and a restricted range of affect.

One prominent psychological post-traumatic effect is dissociation:

In an apparent attempt to compensate for chronic hyper-arousal, traumatized people seem to shut down: on a behavioral level by avoiding stimuli reminiscent of the trauma, and on a psycho-biological level by emotional numbing which extends to both trauma-related and everyday experience.²²

Dissociation, in the right context, serves a critical purpose in allowing people in emergencies to cope with overwhelming emotional input. For instance, emergency workers may find it necessary to “restrict reflection, consciously suppress[] emotions while in the moment, actively avoid[] thinking about the ramifications of the event...and regulat[e] the amount of exposure to stressors...”²³ As discussed below, however, dissociation, in the wrong context, may disconnect the traumatized person and his feelings, even his good and constructive ones.

Trauma seems also to have a significant effect on one’s spirituality. Pearlman and Saakvitne employ a broad, non-religion based definition of spirituality, adopted here, which constitutes:

hope, faith, connection with something beyond one’s self, awareness of all aspects of life including the non-material.²⁴

Put another way, trauma robs one’s sense of hope. One of the DSM-IV symptoms noted includes “a sense of a foreshortened future” (e.g., does not

²¹ DSM-IV *supra* note 11, at 424-425.

²² See van der Kolk, *supra* note 16, at 254 (citations omitted).

²³ Janet Yassen, *Preventing Secondary Traumatic Stress Disorder*, in COMPASSION FATIGUE, *supra* note 6, at 178, 195.

²⁴ SAAKVITNE & PEARLMAN, *supra* note 1, at 32.

expect to have a career, marriage, children, or a normal life span).²⁵ This type of disruption of one's life path and sense of purpose and continuity in life represents a profound assault on the spirituality of the trauma victim. Trauma in its violence, suddenness, and annihilating nature also tends to destroy one's sense that there are forces to be trusted in the world. Trauma therefore implicates directly one's views of good and evil, and the beliefs that comprise "the lens through which [one] views the world and interprets [one's] experiences."²⁶

It is vital to note that although the *repertoire* of symptoms of post-traumatic affects is predictable, *any individual person's reaction* forms a unique profile for that person. Therefore, although it borrows components from a pool of possible effects on which experts can agree to a large extent, no individual person's trauma response is predictable. Each person's particular trauma profile must be specifically and painstakingly investigated.

§ 9-2(c)(3). Living in the River: How Does One Adjust Long-Term to Trauma?

How well can the person readjust to life in the river after the waves have subsided? The long-term adjustment to an experience of traumatization appears to depend on a number of factors, including: 1) the severity of the stressor, 2) genetic predisposition, 3) developmental phase, 4) a person's social support system, 5) prior traumatization, and 6) pre-existing personality.²⁷ One author has defined the successful resolution of post-traumatic symptoms to be the "capacity to recall the trauma at will, while being equally capable of turning one's mind to other matters."²⁸

In treating sufferers of post-traumatic stress disorder (PTSD), therapeutic professionals seek to "help people live in the present, without feeling or behaving according to irrelevant demands belonging to the past."²⁹ Thus any approach to helping resolve post-traumatic effects focuses on preventing hyper-arousal, intrusive re-living, numbing, and dissociation [which] get in the way of separating current reality from past trauma."³⁰

²⁵ DSM IV, *supra* note 11, at 426.

²⁶ SAAKVITNE & PEARLMAN, *supra* note 1, at 28.

²⁷ VAN DER KOLK, *supra* note 17, at 10-12.

²⁸ *Id.* at 12 (quoting Jan Mardi Horowitz, STRESS RESPONSE SYNDROMES (1976)).

²⁹ van der Kolk, *supra* note 16, at 261.

³⁰ *Id.*

§ 9-2(d). Children's Trauma.

When a child stands at the center of the river, many of these concepts shift. Researchers have begun to explore children's trauma in more detail: what does a child perceive as trauma and what does she experience in its aftermath?

§ 9-2(d)(1). The Boulder: What is Trauma for the Child?

A child experiencing life-threatening physical abuse such as deliberate burns or deadly assault would undoubtedly be considered to be exposed to trauma. In fact, lawyers representing children encounter relatively few clients in this category. Lawyers are more likely to represent children who live in homes where they witness violence between adults and thus fall under the DSM-IV definition of being clearly exposed to trauma. In addition, many lawyers represent children who do not experience violence in their own homes, but live in neighborhoods where violence is regularly witnessed on the street, or where loved ones die sudden and violent deaths, and thus are certainly exposed to trauma as defined by DSM-IV.

Beyond these groups of clients which in some jurisdictions may constitute, together, a small portion of a lawyer's client pool, many more of our clients experience events which subjectively may lead them to believe that their life is at stake, that their sense of integrity is being assaulted, and that their sense of home is disintegrating or being destroyed.³¹ Pearlman's suggestion that the DSM definition should be seen subjectively implies that trauma for children includes a broader range of experience.³² Just as a child might perceive a dropping rock to be a huge boulder, a child might also perceive as life-threatening a life event which an adult might see as less serious.³³

For instance a child may experience a sense of the destruction of her home when she is removed from home, even by state workers attempting to behave in a benevolent way. Since many of our clients have been taken on an emergency basis into the temporary custody of the state, and may have experienced an

³¹ For a history of the study of childhood trauma, see Ann Marie Glodich, *Traumatic Exposure to Violence: A Comprehensive Review of the Child and Adolescent Literature*, 68 SMITH COLLEGE STUDIES IN SOCIAL WORK 321-45 (1998).

³² See PEARLMAN & SAAKVITNE, *supra* note 14, at 60 ("We define [trauma] as the unique individual experience, associated with an event or enduring conditions, in which...the individual's ability to integrate affective experience is overwhelmed.").

³³ For the practitioner seeking more information about children's trauma, see Glodich, *supra* note 31; Lenore C. Terr, *Childhood Traumas: An Outline and Overview*, AM. J. PSYCH., Jan. 1991, at 10; Ariana Shahinfar & Nathan A. Fox, *The Effects of Trauma on Children: Conceptual and Methodological Issues*, 8 ROCHESTER SYMPOSIUM ON DEVELOPMENTAL PSYCHOPATHOLOGY: DEVELOPMENTAL PERSPECTIVES ON TRAUMA 115 (Dante Cicchetti & Sheree L. Toth eds., 1997).

extreme subjective sense of tragic loss, loss of all that is familiar, loss of a sense of home, safety, identity, and meaning, many of our clients have been exposed to trauma.

This is a critical point that bears repeating. We must be aware that most, if not all, children will experience being taken into custody temporarily and precipitously, even when justified, as traumatic experiences, opening them for the whole range of post-traumatic reactions. In some cases this trauma will be unavoidable. Whenever possible, such sudden custody can and must be avoided. In all cases, state-inflicted trauma must be reduced to its absolute minimum. For this reason, every practitioner in the system who works with children removed from their homes must treat each case in which a child has been removed from his or her home as a separate emergency justifying the immediate and plenary attention described in Chapter 4. In our eagerness to help children and struggling families, we must be extremely aware that the system's interventions themselves can be cataclysmic and can appear life-threatening to the child. The first implication of trauma studies for the lawyer for children is to reaffirm his commitment to reducing such interventions to an absolute minimum.

§ 9-2(d)(2). What is the Aftermath of Trauma in Children?

The DSM-IV does note that children may express their fear, helplessness, or horror response through disoriented or agitated behavior.³⁴ The DSM-IV also notes that recurring distressing dreams of the event are common, noting that in children "there may be frightening dreams without recognizable content."³⁵ While adults may experience recurring and intrusive distressing recollections of an event, young children are noted to use repetitive play in which themes or aspects of the trauma are expressed.

Research has discovered four essential points about PTSD in children:

- 1) children experience the full range of post-traumatic stress symptoms;
- 2) level of exposure is strongly associated with severity and course of post-traumatic stress reaction;
- 3) grief, post-traumatic stress, depression, and separation anxiety reactions are independent of, but interrelated with, one another; and
- 4) positive correlations are to be expected between parent and child distress in response to shared traumatic experiences.³⁶

³⁴ See DSM-IV, *supra* note 11, at 428.

³⁵ *Id.*

³⁶ See Glodich, *supra* note 31, at 327.

One leading researcher in the field, Lenore Terr, identified four characteristics common to most cases of childhood trauma: 1) visualized or otherwise repeatedly perceived memories, 2) repetitive behaviors, 3) trauma-specific fears, and 4) changed attitudes about people, aspects of life, and the future.³⁷ Terr also identifies features characteristic to two different other kinds of trauma: single-blow trauma, which follows an unanticipated single event, and variable multiple or long-standing trauma.³⁸ For single-blow trauma, Terr notes that children tended to have fully detailed memories, and to develop reasons why the trauma happened (omens) and misperceptions including misidentifications, visual hallucinations, and peculiar time distortions.³⁹ For variable multiple or long-standing trauma, she notes that common features include denial and psychic numbing, self hypnosis and dissociation, and rage, including anger turned against the self.⁴⁰

Authors generally note the role of dissociation in post-traumatic symptoms of children, calling it a "mechanism [that] enables a child mentally to escape"⁴¹ or "a kind of mental flight."⁴² Glodich notes a wide variety of dissociative experiences ranging from "day-dreaming to de-personalization, amnesia, fugue, and radical personality changes."⁴³

Literature on trauma in children has only begun to be fully developed and has not as yet been plumbed carefully for its implications for the lawyer for children. Two areas of further study at the end of this chapter suggest immediate research that could immediately profit children and the legal professionals who serve them.⁴⁴

As with trauma generally, each child's experience of trauma is individual, forming a unique profile. Again, while researchers understand better and better the range of possible reactions by children to trauma, no expert can predict an individual child's response to trauma with any accuracy. Careful work with the child in the post-traumatic context can yield some understanding of how any particular child has experienced a specific trauma. That information may yield some useful thoughts for future work with the child, but any prediction is complicated by the change in developmental status of the child among other factors.

³⁷ See Terr, *supra* note 33, at 12-14.

³⁸ *Id.* at 11.

³⁹ *Id.* at 14-15.

⁴⁰ See *id.* at 15-18.

⁴¹ *Id.* at 16.

⁴² Glodich, *supra* note 31, at 330.

⁴³ *Id.*

⁴⁴ See discussion, *infra* Section 9-5(c)-(d).

§ 9-2(e). Secondary Trauma.

Clearly, a substantial number of our child clients have experienced some trauma and its aftermath. The ripple effect felt by a lawyer in a particular client's case is called secondary trauma. One expert defines secondary traumatic stress as the "natural consequent behaviors and emotions resulting from knowledge about a traumatizing event experienced by a significant other. It is the stress resulting from helping or wanting to help a traumatized or suffering person."⁴⁵

The DSM-IV definition of psychological trauma, focusing as it does on the interaction between the person and the event, makes it clear that *any* person "confronted with" an event involving threats to life and physical integrity has been exposed to a traumatic experience. Experts agree that professionals serving these clients who in the course of their work learn about and work with these traumatic events are "confronted" with their clients' trauma.⁴⁶ Looking closely at the DSM-IV definition, it is clear that concerned professionals seeking to serve traumatized clients also fit the DSM-IV definition, if in addition to being confronted with the traumatic events involving actual or threatened death or serious injury or threat to the physical integrity of their clients, they also experience a response involving intense fear, helplessness, or horror.

These secondarily traumatized professionals also experience post-traumatic effects, again broadly described as the oscillation between intense re-experiencing of the trauma and hyper-reactivity on one hand and avoidance and numbing of that re-experience on the other hand.⁴⁷ While our clients experience the immediate effects, secondarily traumatized professionals may undergo the same repertoire of effects, at a far more attenuated level. The lawyer experiences an echo, if you will, of the client's post-trauma reaction. The waves of post-traumatic symptoms that hit the client later hit the lawyer in similar shape and character, but much diminished in intensity. No one suggests that lawyers experience the post-traumatic symptoms with the same intensity that their clients do. Nevertheless, even the echo or shadow of the client's experience can produce noticeable reactions in the helping professional.

These reactions, conglomerated, are called secondary traumatic stress. Other writers have suggested the words compassion fatigue or compassion stress as alternative names for secondary traumatic stress and its related secondary stress disorder.⁴⁸ Figley suggests that whether it is called secondary traumatic stress or compassion fatigue, this experience of the faint echo of your clients' post-

traumatic symptoms should be considered "the cost of caring."⁴⁹ This terminology recalls definitions of burnout, which has also been termed "the cost of caring."⁵⁰

§ 9-2(f). Counter-Transference: The Lawyer's Reaction to Her Experience in a Single River.

The lawyer's reaction to her experiences in any individual river is the counter-transference that she experiences on her case. Secondary trauma and vicarious traumatization (defined below) differ from counter-transference in the following way. Counter-transference describes the package of emotions and reactions that a lawyer has to any *individual* client. This counter-transference may include secondary traumatic stress that the lawyer feels from that client specifically. Chapter Two warned lawyers specifically about the ways in which a lawyer may undertake the legal work for his clients based on his own counter-transference, that is, his own package of emotions and reactions to a client's life, as opposed to the client's subjective experience of her own life. This chapter expands the frame of that concern. In addition to the counter-transference that a lawyer may experience on an individual case, it is clear that stress, secondary trauma, and vicarious traumatization may create obstacles to a lawyer's excellent service to the client. Put another way, the lawyer must mind not only his own package of emotions as they relate to the specific facts of any given case, but also the cumulative effect of his work over time upon his ability to be an effective lawyer. The concept of vicarious traumatization describes this cumulative effect.

§ 9-2(g). Vicarious Traumatization: The Effect on the Lawyer of the Experience in Many Rivers.

Vicarious traumatization is the cumulative effect on the lawyer of both the ripples and the experience of being in the river. Vicarious traumatization, a term coined by Pearlman and Saakvitne in 1990, in an article which began a systematic professional look into secondary trauma and vicarious traumatization, focuses on secondary trauma not as an isolated event nor as a pathology of some kind, but rather as the "transformation in the inner experience of the [helper] as a result of empathic engagement with survivor clients and their trauma material."⁵¹ Vicarious traumatization focuses on the cumulative transformative effect on those working with survivors of traumatic events.⁵² Pearlman and her collaborators

⁴⁵ COMPASSION FATIGUE, *supra* note 6, at xiv.

⁴⁶ PEARLMAN & SAAKVITNE, *supra* note 14, at 41.

⁴⁷ *Id.* VAN DER KOLK, *supra* note 17, at 3-4.

⁴⁸ See Figley, *supra* note 6, at 9; SECONDARY TRAUMATIC STRESS, *supra* note 10, at 17-21.

⁴⁹ Figley, *supra* note 6, at 9.

⁵⁰ See generally MASLACH, *supra* note 4.

⁵¹ PEARLMAN & SAAKVITNE, *supra* note 14, at 31.

⁵² Pearlman & Saakvitne, *Treating Therapists with Vicarious Traumatization and Secondary Traumatic Stress*, in COMPASSION FATIGUE, *supra* note 6, at 150, 151.

emphasize that they see vicarious traumatization not as a disorder or syndrome, but as an occupational hazard; that it is "not something that clients do to us; it is the human consequence of knowing, caring, and facing the reality of trauma."⁵³ Unlike students of secondary traumatic stress, who increasingly define a syndrome and the symptoms of its pathology, Pearlman and her collaborators focus on the cumulative and pervasive effect of working with trauma survivors and how the helper's self is thus transformed and challenged.

Pearlman and Saakvitne frame the question through Constructiveness Self Development Theory (CSDT), a developmental theory that describes the aspects of the self that are affected by traumatic events.⁵⁴ This theory suggests that "traumatic events impact a person in the context of her developing self. In the face of trauma, each person will adapt and cope given her current context and early experience: interpersonal, intrapsychic, familial, cultural, and social. Within these contexts, the theory outlines the impact of the trauma on the self."⁵⁵ In other words, vicarious traumatization is not a disease or disorder; it is an "occupational hazard" of compassionate professional service.

Although the signs and symptoms of vicarious traumatization vary from person to person, Pearlman and Saakvitne note the following general changes that are often observed: no time or energy for one's self, disconnection from loved ones, social withdrawal, increased sensitivity to violence, cynicism, generalized despair and hopelessness, and nightmares.⁵⁶ Pearlman and Saakvitne emphasize that "unaddressed vicarious traumatization, manifest in cynicism and despair, results in loss to society of hope and the positive action it fuels."⁵⁷ Clearly, vicarious traumatization has commonalities with burnout in the disillusionment and cynicism that often result.

As with other kinds of traumatization, each person's profile of vicarious traumatization is unique. The experience of empathy with the client interacts with each person's unique resources, history, and context. While the literature offers useful general information and a specific repertoire of possible effects experienced by people who have been vicariously traumatized, each person's

⁵³ PEARLMAN & SAAKVITNE, *supra* note 14, at 31.

⁵⁴ *Id.* at 61-62.

⁵⁵ See *id.* Saakvitne and Pearlman have created an excellent workbook on vicarious traumatization. See SAAKVITNE & PEARLMAN, *supra* note 1. This workbook introduces the components of CSDT and vicarious traumatization, and offers exercises for the individual practitioner as well as groups. Although the exercises are designed specifically for therapists, many are useful as well to lawyers for children. The workbook and two videos connected with the workbook can all be ordered from the Traumatic Stress Institute/Center for Adult and Adolescent Psychotherapy in Connecticut, 860-644-2541.

⁵⁶ See SAAKVITNE & PEARLMAN, *supra* note 1, at 40.

⁵⁷ *Id.* at 48.

vicarious traumatization profile must be developed specifically and with care for that person.

* * *

This section has introduced the lawyer for children to basic terms relating to stress, trauma, and secondary and vicarious trauma.

Even this introductory survey of stress, burnout, and vicarious traumatization suggests that compassionate lawyering for children can exact a substantial toll on practitioners. Unresolved, these occupational hazards can diminish the lawyer's ability to do her work on a day-to-day basis and serve her child clients well.

The two sections that follow relate this intra-disciplinary research to the daily life of the lawyer, focusing particularly on the ways in which habitual stress, burnout, and vicarious traumatization poise occupational hazards to the lawyer. The principles and strategies in the following two sections serve as a guide to lawyers seeking to map their way around these occupational hazards in order to offer their best resources and service to their clients.

Therefore, in understanding the ways in which our client's trauma may interfere with our ability to provide her with our best service, each lawyer must first understand the way in which vicarious traumatization has transformed his own individual experience of both his personal and professional life.

§ 9-3. Three Principles for Understanding and Addressing the Occupational Hazards That Imperil Quality Representation of Children.

Although studies of stress management, burnout, and vicarious traumatization are only in their infancy, the research already reveals useful, practical implications for the lawyer confronting daily challenges to high quality representation of clients. The first principle acknowledges the ethical dimension to the lawyer's struggle to address impairments to his representation. The second acknowledges the positive benefit that vicarious traumatization can yield to the client. The third principle creates a rubric for the lawyer addressing the negative effects of vicarious trauma and protecting his clients from those negative effects.

§ 9-3(a). Principle One.

Acknowledge the ethical obligation to identify and address impairments to quality representation, such as stress, burnout, and vicarious traumatization.

Chapter Two noted that, "it is critical that we learn to work with our counter-transference to avoid subjecting our clients to our own hopes and dreams."⁵⁸ Just as it is a crucial ethical duty for us to contain our essentially personal reactions to

⁵⁸ See *supra* Section 2-2(b).

any individual case, and to lawyer for the client based on the client's stated values and needs, it is similarly critical for our clients as a whole that we address naturally occurring impairments to quality representation to prevent them from stunting our ability to serve our clients well. Thus, both the duty to contain our counter-transference in any individual case, and the duty to address our vicarious traumatization as the overall context of our ongoing work for all of our clients, are *ethical imperatives*. In order to represent the child-in-context in any given case and the children-in-context in our careers as a whole, we must prevent ourselves from becoming the context of our cases by addressing our own strong personal needs *outside* of these representations. Since these impairments, unchecked, drive lawyers in their actions in a way that can obscure the client's own subjective perspectives and needs, a lawyer dedicated to the child-in-context must keep careful track of these hazards in her own work. Only by so doing can the lawyer prevent herself, not the client, from becoming the context of her client representations.

Put another way, lawyers owe it to their clients to contain and address the damage that may be caused by intimate connection with the clients' lives. As one pair of authors summarizes, "Self care is an ethical responsibility: if [professionals] do not care for themselves they are at much greater risk of hurting their clients."⁵⁹ The experience of trauma also makes our clients more vulnerable to believing that they themselves are somehow toxic or poisonous. Being subject to highly disruptive experiences of great loss or risk threatens our clients' self-esteem, leading them to believe that they are less worthy than others, that they themselves are trouble. Pearlman and Saakvitne write:

...addressing vicarious traumatization is an ethical imperative. 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. Specifically, many traumatized clients live with the fear that they will harm others through their needs or feelings; we are responsible to make sure they do not harm us. It is our responsibility to take care of ourselves and to set the limits on our availability and role that allow us to do our work and not be depleted or harmed.⁶⁰

To lawyers who are used to thinking in terms of ethical responsibilities concerning confidentiality, fee setting, conflicts of interest, advertising, and other such non-psychological concerns, a duty to address this internal process and the

⁵⁹ Debra A. Neumann & Sarah J. Gamble, *Issues in the Professional Development of Psychotherapists: Countertransference and Vicarious Traumatization*, 32 NEW TRAUMA THERAPIST 341, 345 (1995).

⁶⁰ SAAKVITNE & PEARLMAN, *supra* note 1, at 49-50.

duty of self care may seem startling. Yet any commitment to the hard work of representing children-in-context requires that the lawyer have excellent personal resources at hand and also that the lawyer have addressed the central problem plaguing the early phases of our profession: the real danger that lawyers allowed their own needs and values, rather than those arising from the child's context, to rule their representations. Many lawyers for children in their daily work see other professionals whose unaddressed personal issues clearly invade their client work through unnecessary cynicism, lack of real effort, or an inability to see the client through the thick veil of their own concerns. To understand the way in which self care can become an ethical imperative, one need only ask if those professionals would do their work better if their own self care were better addressed.

§ 9-3(b). Principle Two.

Put to good use in your representation those aspects of empathy and vicarious traumatization that link you to your client's experience.

We cannot, nor would we want to, eliminate vicarious traumatization or lawyers' experiences of secondary trauma.⁶¹ Vicarious traumatization is the natural outgrowth of the lawyer's dedication to representing a child fully in-context, truly trying to see the world from the child's subjective point of view. As vicarious traumatization theorists suggest, it is the very "empathic engagement with the client's life experience that subjects the lawyer to the possibility of vicarious traumatization." The lawyer's genuine and successful attempt to see things from the client's point of view opens a "window of empathy,"⁶³ however small and however briefly, between herself and her client's point of view. In other words, if a lawyer does experience vicarious traumatization, it is precisely because she has achieved, at least partially, a central goal of the lawyer representing children: having an authentic understanding of the life experiences of our young and vulnerable clients.

This is no small feat. As noted frequently throughout the book, lawyers for children often come from a different race, class, gender, economic background, and educational level from their clients. Much of this book has been directed towards helping lawyers overcome the many obstacles to empathy and connection between lawyer and client. Some lawyers for children have been known to lament that their experiences are so far from their client's experiences,

⁶¹ See *infra* Section 9-4(d).

⁶² SAAKVITNE & PEARLMAN, *supra* note 1, at 20.

⁶³ I am very very grateful both to David Eisenmann and Jack Saul of the Bellevue/NYU Program for Survivors of Torture and to their families for introducing me to the concept of secondary trauma. Dr. Eisenmann used this phrase in describing secondary trauma to a Yale Law School Class in Fall 1997.

that they wonder how they can ever achieve any level of understanding of the client's case. Vicarious traumatization and symptoms of secondary trauma, such as intrusive imagery, nightmares, and assaults on one's sense of spirituality or meaning, come only if the lawyer has taken seriously the child's point of view and understood it to such a great extent that the child's experience has become part of the lawyer's own life experience. Vicarious traumatization may thus represent a corridor of connection developed between a lawyer and client who may have very little other life experience in common.

For these reasons, the symptoms of secondary trauma that lawyers experience may become valuable materials for the lawyer in preparing the child's legal case. Experiencing a faint echo of the child's experience may in turn allow the lawyer to put into words for a judge experiences and feelings that the judge also might have trouble fathoming. The lawyer whose excellent representation of the client hinges on his ability to make the child-in-context understandable to the judge will find this corridor of empathy between herself and her client tremendously useful in figuring out how to express the child-in-context as the theory of the case.⁶⁴

Thus the lawyer truly striving to represent the child-in-context will always be subject to vicarious traumatization and will gain valuable insight into the client's experience from that traumatization. Determining how to harness the positive aspects of the secondary trauma while addressing the negative aspects is the complicated ethical challenge for the lawyer.⁶⁵ Frankly, a less caring professional will not have to worry about vicarious traumatization. Like counter-transference, the lawyer's ability to experience even a shadow of the client's experience is ultimately a hopeful sign for our profession and our world. Professionals willing to dive into even deeply painful experiences of another in hopes that understanding will lead to greater service to the client are much to be cherished in our profession. We have experienced the many rewards of this willingness in the satisfaction we feel in our work. Amid all of its occupational hazards, striving to create these connections with our clients can yield tremendous benefits to our clients if some level of empathy has truly been achieved.

§ 9-3(c). Principle Three.

Address the three signature negative effects of vicarious traumatization through reintegration of self, reconnection to others, and reaffirmation of meaning.

Those lawyers for children who have chosen to undertake this work because it is of specific interest to them will find its disruptive effects looming even larger.

⁶⁴ See *supra* Section 6-2(b).

⁶⁵ For specific ideas about how to make constructive use of secondary trauma for the client's benefit, see Strategy Four in Section 9-4(d).

Lawyers with a special love of children, for instance, will find the rewards of working with children beyond measure, but also the pain of seeing children in crisis exquisite. Thus by choosing this profession, many of us have in some ways chosen the exact realm in which stories of tragic loss and violence will affect us the most deeply. We can therefore expect that the pain of the work will be at times devastating and the ongoing effects substantial.

Since trauma has a disintegrating effect on all it touches, one must address occupational hazards such as stress and vicarious traumatization through reintegration: of one's self, of one's connections with others, and of one's sense of meaning into one's daily life. Just as trauma profoundly disrupts the world that it enters for a long time to come, so too does vicarious traumatization operate to disrupt one's sense of self, one's connections to others, and one's sense of life's ultimate meaning. Professionals experiencing vicarious traumatization, like their clients, often perceive a profound sense of fragmentation, of "going to pieces," or a deep disconnection among the different parts of their lives. A practitioner with a happy home life might find it hard to connect the cheerful world in which he and his children live with the difficult and painful experience of a client in foster care.

As addressed in the strategy below, common effects of post-trauma include numbing, dissociation from the experience of trauma, and denial, all strategies for the battered psyche to disconnect from the traumatic experience. Dissociation, for example,⁶⁶ protects the mind by walling off painful memories of the trauma, making it possible in the short run to continue to function without having the overwhelming traumatic materials subsume one's whole existence. In the long run, however, it can lead to a profound sense of disconnection internally, as the trauma survivor has trouble reintegrating all of his experiences because of the dissociative walls that he has built.

It makes utter sense therefore that the effect of trauma on all those it affects is to loosen the integrating connection which binds together one's very experience of daily life. If it is in the nature of trauma to fragment, assault, splinter, disrupt, and disintegrate, it is therefore a good overall strategy for those resisting the negative effects of these occupational hazards to seek to reintegrate, reconnect, to reaffirm, and to strengthen integrating forces in their own lives.

The research on stress management and burnout suggests that enhanced attention to one's own self care and focus on connections with others are essential antidotes to high-stress, burnout-prone professional lifestyles.⁶⁷ The

⁶⁶ See *supra* Section 9-2(c)(2).

⁶⁷ Resources addressing the management of stress and prevention of burnout uniformly recommend concurrent approaches to resolving the difficulties in daily functioning resulting from chronic stress: enhance self care, develop opportunities to disengage from work related concerns,

vicarious traumatization literature also stresses the importance of self care and connection to others embodied in the first two sub-principles below and adds a focus on the third sub-principle, that which brings meaning beyond work into one's life.

Three sub-principles illustrate the three major dynamics by which lawyers can concretely address the negative effects of vicarious traumatization.

§ 9-3(c)(1). Sub-Principle I—Reintegrate Self.

Pamela, an avid journal writer, finds a precious few minutes to write in her journal during a busy day. She finds her hands writing words before they come to her consciousness. "Something is missing," she writes. "I am missing."

Pearlman and Saakvitne demonstrate at length the ways in which trauma acts to disrupt the self. They suggest specifically that the components of the self consist of:

- (1) *frame of reference* (which includes one's identity, one's world view, and one's spirituality),
- (2) *self-capacities* (which include one's affect, tolerance,—that is, ability to manage strong feelings, one's sense of one's self as viable, and inner connections to others),

and enhance social support in the office and outside of the office. For instance, one authority on burnout recommends re-styling your work life so that you are "working smarter instead of working harder." MASLACH, *supra* note 4, at 90. Some suggestions include setting realistic goals and "doing the same thing differently," breaking away by taking regular breaks from work, taking things less personally at work, accentuating the positive, knowing one's self "by tuning into [one's] inner feelings," seeking rest and relaxation, and making the transition home. *Id.* at 90-100. The same expert recommends enhancing social support at work, as well as improvements in the work place that will allow difficult work to be done more smoothly and efficiently. Furthermore, "how-to" books on stress reduction offer a variety of techniques ranging from breathing and meditation, to time management and assertiveness training, to nutrition and exercise. See, e.g., MARTHA DAVIS, ET AL., THE RELAXATION AND STRESS REDUCTION WORKBOOK (1995) (offering a number of different questionnaires and "how-to" programs for managing job-related stress). THE UNIVERSITY OF CALIFORNIA AT BERKELEY ENCYCLOPEDIA citing recent research suggests that "maintaining good health habits, such as exercising and eating a healthy diet, engaging in open discussion with others, particularly when crises arise, and seeking social support, are strategies to manage stress as it arises." See U. OF CALIFORNIA, BERKELEY, THE WELLNESS ENCYCLOPEDIA 406 (1991). Similarly, another writer suggests that the "coping strategies most utilized by persons who successfully adapt to life's stress" include exercising personal control, involvement in a personally meaningful and important task, lifestyle choices including decreased caffeine, nicotine, and white sugar, exercise, daily periods of relaxation, and social supports. See Raymond B. Flannery, *From Victim to Survivor: A Stress Management Approach in the Treatment of Learned Helplessness*, in PSYCHOLOGICAL TRAUMA, *supra* note 16, at 222-25.

- (3) *ego resources* (including self-awareness skills and interpersonal and self-protective skills),
- (4) *psychological needs and cognitive scheme* (safety, esteem, trust, control, and intimacy), and finally
- (5) *memory and perception* (narrative, sequential, visual images, and affective, sensory, somatic, and interpersonal behavioral).⁶⁸

These aspects of the self are deeply affected by psychological trauma. In all of these five areas, the effect of trauma is to disintegrate and disrupt. Vicarious traumatization can dissolve one's spirituality. It can diminish one's inner sense of connection to others. It can reduce one's self awareness. It can attack one's self-esteem. It can distort memory and perception. The fight by the lawyer for children against vicarious trauma can be seen basically as an attempt to remain integrated against a highly disruptive force.

As a lawyer seeks to identify the ways in which stress and vicarious traumatization uniquely affect her, it may be useful to note the disruptive effects specifically in one's experiences in daily life.⁶⁹ Often this will lead to a logical suggestion for an antidote that is a strategy that will reintegrate that which has been disrupted by the trauma.⁷⁰

After years of representing children who have suffered sexual abuse, I realized how much my own physical intimate relationship with my wife has been affected.

§ 9-3(c)(2). Sub-Principle II—Reconnect to Others.

Many, many practitioners report a growing sense of isolation and aloneness in their work.⁷¹ While this may be manifested in various complex ways, including a growing lack of rapport with colleagues and withdrawal, a sense of isolation seems to pervade those who report struggling with vicarious traumatization.⁷² Since healthy connections with others depend on issues of trust, safety, and self-esteem, all of which tend to be immediately disrupted by trauma, it is not hard to understand why isolation would be such a pervasive theme. Isolation is also the logical outgrowth of the numbing response to trauma, in which people exposed to trauma avoid the emotions and situations that led to the trauma to protect themselves from a re-exposure. For people who believe their trauma resulted from an exploitive relationship or trusting in untrustworthy people or

⁶⁸ See SAAKVITNE & PEARLMAN, *supra* note 1, at 32-33.

⁶⁹ See Strategies One to Ten, *infra* Sections 9-4(a)-(j).

⁷⁰ See Strategies Seven to Nine, *infra* Sections 9-4(g)-9(i).

⁷¹ See SAAKVITNE & PEARLMAN *supra* note 1, at 37-38.

⁷² See PEARLMAN & SAAKVITNE *supra* note 14, at 287.

environments, isolation ends up being the natural result of avoidance.⁷³ Since trauma operates through creating a sense of isolation, effective confrontation of vicarious traumatization relies on *reestablishing connections* to one's peers and to one's community. Healthy, growing personal relationships wherever they occur in one's life are a sound antidote to this pervasive and pernicious sense of isolation. Within the work environment, at home, among one's larger communities, both geographically and historically, thoughtful supportive peers are invaluable. Writers in the field of vicarious trauma emphasize that we cannot do this work alone.⁷⁴ Trauma can operate to blind one to the many loving resources available in one's life whether in the professional circle or personal networks.⁷⁵ Actively seeking connection and reconnection to trusted others is a critical antidote to vicarious traumatization.⁷⁶

§ 9-3(c)(3). Sub-Principle III—Reaffirm Meaning.

Pearlman emphasizes that a hallmark of vicarious traumatization is the assault on spirituality.⁷⁷

Many lawyers for children choose the work, certainly not because it is lucrative, but rather because it is to them a meaningful contribution to the lives of poor children. Yet, as they enter their work, lawyers may lose contact with the heartfelt imperatives that drew them into the work. This may be manifested by cynicism or hopelessness; many practitioners cite a sense of loss of hope or disillusionment as a key part of burnout or high turnover in their offices.

Theorist clinicians like Pearlman and Saakvitne suggest, however, that this hopelessness and despair, and even the cynicism, reflect the disruptive effect of vicarious trauma on the practitioner's sense of mission and contribution.⁷⁸ One can easily see how it happens. Under the model articulated in this book, lawyers meet children who are usually in crisis, enter deeply into their life experiences, and once they have, they hope, participated in helping the client's life improve, they rapidly exit the child's life and replace the case with another case in which a child is in crisis. After a while, the heart says, "It is getting no better. I'm making no difference." It is easy to see why lawyers who are committed to this work in the long haul will slowly over time experience the sense of the world failing to improve. This could easily translate into a sense that their work has no meaning

⁷³ See VAN DER KOLK, *supra* note 17, at 3.

⁷⁴ See Laurie Anne Pearlman, *Self-Care for Trauma Therapists: Ameliorating Vicarious Traumatization*, in SECONDARY TRAUMATIC STRESS, *supra* note 10, at 60.

⁷⁵ See SAAKVITNE & PEARLMAN, *supra* note 1, at 37-38.

⁷⁶ See VAN DER KOLK, *supra* note 17, at 155-57; see also Strategy Six, *infra* Section 9-4(f).

⁷⁷ See Pearlman, *supra* note 74, at 52.

⁷⁸ See SAAKVITNE & PEARLMAN, *supra* note 1, at 49.

or purpose, even when the lawyers are making profound contributions to the lives of the children they do represent. Since trauma operates to rob people of their intrinsic sense of life's meaning, effective antidotes to vicarious traumatization must focus on reaffirming the lawyer's sense of meaning and purpose in his life generally. Seeking to reconnect with one's spiritual roots, either through organized religion, meditation practices, or art, dance, literature, music—one's sense of the larger forces of the world in which they reside—can begin the process of healing this spiritual breach.

While lawyers are unaccustomed to being told that addressing their spiritual needs is an ethical imperative, we need only to look to our practices to see the critical nature of our own hope and optimism to our work. Some of the professionals around us function with a sense of utter helplessness and despair. We can see the effect on their work. We can also see the ways in which a jaded or completely cynical view of human nature and the world negatively affects the work of the entire child protective system. As we adjust to the unusual imperative to attend to our own spiritual house, we can be assured that the hope that we restore in ourselves will be hope that we can bring to our clients and to other discouraged professionals, to the end of creating a system based more on constructive faith in human beings and less focused on prejudice and negative thinking.

§ 9-4. Ten Strategies for Addressing the Ethical Imperative to Address the Occupational Hazards That Imperil Client Service.⁷⁹

The following ten strategies track the three principles in order to equip the lawyer, first, to identify the ways in which these occupational hazards affect her daily life; second, to hang on to those pieces of her experience that help the client; and, third, to combat the negative effects. It is hoped that the strategies offer a road map for identifying and problem-solving some if not all of the challenges posed by these occupational hazards.

Thus, strategies one through three identify the ways these occupational hazards affect the quality of a lawyer's current daily life. This identification process I call the "if only" process, as the lawyer begins to see and understand the recurrent problems of daily life through the paradigms of stress, burnout, and vicarious traumatization.

Strategies four and five help the lawyer make the essential conversion of these problems into issues that she has the ethical duty and the actual capability to resolve. Essentially these two strategies seize upon the central dynamic of vicarious traumatization—empathy with the client—and use it for two purposes:

⁷⁹ I particularly thank Karen Johnson for her thoughtful, substantive suggestions and editing of this section.

to deepen the lawyer's understanding and ability to articulate the client's point of view, and to embolden the lawyer to take the same kind of caring and compassion that she shows to her client and show it to herself and her own colleagues.

Strategies six through nine begin the process of helping the lawyer repair her daily life. They focus on creative and active problem-solving to make step-by-step progress in lessening the negative effects of stress, burnout, and vicarious traumatization. Strategies six through nine create a "what if" process in which a lawyer can concretely problem-solve as many of the identified problems as possible. Strategy ten is a reminder that the process outlined in strategies one through nine is an ongoing process that continues throughout the lawyer's work life.

Each of the strategies can operate in the three different spheres of concern for the lawyer: the lawyer's self, consisting of body, mind, and spirit; the lawyer's web of connections at work with his clients, colleagues, and other members of the system; and in the lawyer's larger life and world beyond herself and her work. These three spheres are, in a sense, the lawyer-as-context—the different contexts of the lawyer that have been fragmented through the process of stress, burnout, and vicarious traumatization. In the early strategies consistent with principle one, the lawyer will be trying to identify the ways in which these contexts have become fragmented and disintegrated. She will be using the later strategies to reintegrate them, to bring them back together. For these reasons, the lawyer will find much overlap among the different strategies, particularly the later ones, as her various contexts become reintegrated.

Each strategy will be addressed at all three levels. In addition, each strategy will make special note of issues confronting the new lawyer or law student who experiences stress or vicarious traumatization in her first encounters with her clients and her clients' worlds.

As with the principles, a thread runs through the strategies: the restoration of hope. All of the hazards, particularly vicarious traumatization, attack the lawyer's ability and faith in her ability to do constructive work and improve matters for her client. As we have seen, vicarious traumatization in particular attacks hope, paralleling the assault our clients feel on their own sense of life's meaning. Throughout the strategies, the lawyer will be encouraged to seek and regain hope in whatever small or large measures can be attained. Even the tiniest steps forward may offer a window of hope that had been closed through the negative effect of these occupational hazards. It is our goal that opening this window of hope for the lawyer will also open the same window for the client.

§ 9-4(a). Strategy One.

Examine your daily life for the negative effects of stress, burnout, and vicarious traumatization.

A student enrolled in a law school clinic represents two sets of children in abuse and neglect cases. She finds herself unable to concentrate in her other classes, her mind wandering to the plight of her clients during lectures.

Jane, a formerly avid newspaper reader and new legal aid attorney, finds herself avoiding all news, broadcast or print, even on vacations and during her free time.

Prior to starting her legal job, Joan went to the gym five days a week. Soon after beginning to work with her clients, she starts to skip her workout regularly, until three months later she is not exercising at all.

Mark, an experienced lawyer for children, panics when he loses sight of his children on the playground on his day off.

While the workings of stress and vicarious traumatization are deeply psychological and largely unconscious, their manifestations occur throughout our daily lives. Both the negative effects and the absence of important things from our daily activities can constitute evidence of the impact vicarious trauma has on our lives.

In formal and informal conversations and presentations to lawyers and law students representing children, I have asked questions such as those in the following questionnaire.

I invite the reader to take the questionnaire before reading an anecdotal report of some of the results I encountered. The six questions should be answered as quickly as possible and should take no more than two minutes in total.

Questionnaire

1. Write down the first thing that comes to mind.

- If only I had 2x the time, my daily life would be better.
- If only I had an expert in entrepreneurial program-bldg, I could do this job right.
- If only we did get burnout of offa, the world would be better.

2. Name a single pesky recurring problem that needs to be resolved.

- If Only I did not more regularly

- _____, my daily life would be better.
- b. If Only I had staff & help, I could do this job right.
- c. If Only _____, the world would be better.

Practitioners and students were justifiably mystified to be given such a questionnaire in the context of a lecture on professional responsibility in representing children. And yet, almost invariably, the gut responses yielded deep insights into issues of professional responsibility, stress, and vicarious traumatization facing lawyers for children. When answering the first group of three questions in which they were asked for the "first thing that came to mind," lawyers often mentioned large, general concerns. For instance, with respect to the "if only" question regarding daily life, Question 1.a., lawyers often mentioned they wished to have more hours in a day, more time to spend with their families, a day that is not dominated from start to finish by work and duty. When answering Question 1.b., regarding their work, the overwhelming issue for many practitioners was their caseload. Far and away, most of the practitioners doubted that they had the resources and time to do the job properly. With respect to the third and most general question, I found practitioners citing large social problems of great concern, such as racism, the uneven distribution of wealth, and concerns about the availability of drugs.

The answers to the second set of questions, about a pesky recurring problem, gave even further insight into these three levels of daily life, work, and life beyond work. For Question 2.a., many respondents mentioned their inability to eat a proper breakfast or lunch, the inability to exercise, and a general sense of having a tremendous shortage of time. With respect to their job, again lawyers tended to mention caseloads, but also work conditions, including the inability to interview their client in private spaces, the shortage of personal office space, and even the absence of proper environmental conditions, including air conditioning and ventilation. With respect to the third question, most of the comments targeted the child protective system. Many practitioners expressed a great deal of dissatisfaction with the local child protective system or the local court system. An inability to reach and confer with caseworkers or to reach them by phone ranked particularly high.

Although the material cited is anecdotal and the survey unscientific, the basic trends in the answers confirm the general observations of the literature. On the surface of the lawyer's consciousness was a sense of the hopelessness of trying to solve huge problems: the intractable balance of work and home, the difficult high caseloads, and enduring social problems, including racism, poverty, and drugs.

These practitioners cited, on a personal level, a life out of balance; at work, a very difficult, even impossible job, under challenging conditions; and under the third question, a deeply broken world as the context for their work. Little wonder that these practitioners might find themselves seized with a sense of hopelessness. Perhaps these reflections were evidence of the hopelessness and cynicism that Pearlman and her co-authors cite.⁸⁰ This two-minute questionnaire can open the door to a process of observing one's own daily life and looking for clues to stress, burnout, and vicarious traumatization. For instance, in the italicized examples at the beginning of this strategy, all of the examples relate to changes in habits, or seemingly unrelated changes in the lawyer's life outside of work: in his home, with his children, in his recreational habits, and in his patterns of exercise. The first step in the process is simply to identify the ways in which stress, burnout, and/or vicarious traumatization may actually be appearing in daily life. It is sometimes the smallest problems that may point the way to larger and more subtle disruptions that are less easily seen.

New lawyers may have an easier time with this analysis because they can track recent changes in their daily life. It is very common, for instance, for a lawyer newly encountering casework to notice huge changes in daily routine: disruption of sleep, inability to find time to exercise, changes in eating patterns, etc. While some of these have to do with new schedules, new jobs, new locations, and new cities, the lawyer encountering client work for the first time should ask herself what changes in her life most trouble her. This should be especially helpful in identifying possible clues for the ways in which these occupational hazards may be starting to affect her.⁸¹

In this way, the clues that sit right on the surface of one's disrupted life can be immediately plumbed for signs of disruption and impairment of ideal client service. Consistent with principle one, identification of the obstacles that block excellent service to the client is the crucial first step of the analysis. In any case, it is inevitable that a number of the nagging problems of daily life reflect the deep challenge of the work that dominates our daytime lives. Examining vicarious traumatization in its extremely concrete manifestations in daily living is an excellent starting point.

⁸⁰ See Pearlman, *supra* note 74, at 69.

⁸¹ Neumann & Gamble, *supra* note 59, at 345 ("New therapists who are experiencing symptoms of vicarious traumatization are likely to feel both alarmed and ashamed of their intense response to trauma work and may worry about the repercussions of sharing their experiences with colleagues, especially if the workplace is one that pathologizes survivors.").

§ 9-4(b). Strategy Two.

Keep in mind the operation of trauma symptoms: the alternation between numbing reactions, on the one hand, and intense strong feelings, on the other.

Secondary trauma was extremely interesting, but I wonder is it okay/normal for a person not to feel it at all? Is the person too detached? Is that negative for the client?

The main problem was that I kept alternating between intense feelings about my experience in working with child clients when I would try to explain it to others, but then I would feel numb and isolate myself from other people because I felt like I just couldn't relate anymore. After my first case experience, if I had known even the smallest amount of information on secondary trauma, even from this one strategy, I feel that it would have helped me to realize what was really happening instead of the feelings of confusion and hurt that I felt.

The questionnaire may also illustrate this central oscillation noted in post traumatic symptoms, whether primary or secondary. In looking at daily life experiences, our strong feelings, even negative ones, may be easier to spot than our reactions of numbness and helplessness. As Pearlman and Saakvitne write:

Vicarious traumatization is a process, not an event. It includes our strong feelings and our defenses against those feelings. Thus vicarious traumatization is our strong reactions of grief, rage, and outrage, which grow as we repeatedly hear about and see people's pain and loss and are forced to recognize human potential for cruelty and indifference, and it is our numbing, our protective shell, and our wish not to know, which follow those reactions. These two alternating states of numbness and overwhelming feelings parallel the experience of PTSD.⁸²

For half a century experts have understood that the response to psychological trauma includes alternating intrusive and numbing responses.⁸³ The numbing response, which is a way of exercising control over intrusive recollections of the overwhelming life event, consists of shunning situations and emotions related to the trauma. This can include avoiding intimate relationships, as well as "emotional constriction, social isolation, retreat from family obligations, anhedonia, and a sense of estrangement."⁸⁴

⁸² SAAKVITNE & PEARLMAN, *supra* note 1, at 41.

⁸³ See VAN DER KOLK, *supra* note 17, at 3.

⁸⁴ *Id.* See also Section 9-2(c)(2).

Even before we have a greater sense of the way in which these feelings alternate within ourselves individually, we may find many concrete manifestations of both numbing and strong feelings.

Sometimes numbing appears as hopelessness about ourselves, our work, and our world. While the first strategy may help identify strong feelings, a closer look at our lives may be needed to reveal numbing. Nevertheless, we can see numbing at work on all three levels in the answers to the first set of questions on the questionnaire on page 138, tracking the three contexts or spheres of the lawyer: self, work, and his entire life work. For instance, a lawyer may find herself feeling numbness in her relationship with herself: her body, mind, and spirit. Commonly called dissociation, such numbness can consist of disconnection between the lawyer and her own internal feelings, including physical feelings, such as hunger or fatigue; the avoidance of thinking about events relating to trauma (such as the example of the avid newspaper reader who stops reading the newspaper, perhaps to avoid learning about new traumas in the world); as well as numbing of the spirit through a loss of spirituality or connection to one's sense of meaning. A lawyer may also, or instead, feel numb in some aspects of her work. Like the practitioner mentioned in the beginning, she may find herself having no emotional reactions to a sad client story, unable to be angry or passionate in her advocacy, listless or unmotivated. Or the numbing could affect the lawyer's view of the larger context of her life: her general view of the world in which she lives. She may feel a sense of surprising indifference to crises in the world, or other social problems beyond work, as well a lack of interest in other positive aspects of the world beyond work. It is important to note that there is no necessary pattern to this numbing. The lawyer may feel numbness in some areas and not others, or may move between a sense of numbness in each of the areas.

One manifestation could be waxing and waning interest in examining our own process of stress management and vicarious traumatization. In periods of numbing, we may manifest the kind of denial our clients experience in recounting traumatic incidents. We may resist the idea that vicarious trauma has actually had an effect on our lives, in classic denial. Even when we were enthusiastic just a day ago about embarking on this process, we may find the process empty, hopeless, or even meaningless the next day. Expect this kind of resistance and work through it, for example, by delaying the process of examining one's vicarious traumatization to a different moment. If trauma disrupts everything, certainly it will disrupt our attempts to address it. A key first step towards addressing stress and vicarious traumatization is understanding our own tendencies to alternate between moments of numbness and helplessness, and strong feelings of reaction, even anger.

§ 9-4(c). Strategy Three.

Understand how the signs of stress and vicarious traumatization build one's occupational hazard profile.

Over time a lawyer can begin to discern how individual signs add up to a profile of stress and vicarious traumatization as characteristically experienced by that lawyer. Stress and trauma interact with each person in an extremely individual way. Just as post-traumatic stress disorder yields a specific menu of effects, some of which are experienced by some people more than others, each lawyer for children may also find herself affected in a few characteristic ways. Over time, a lawyer may be able to identify proactively the ways in which stress or vicarious trauma is surfacing in her life.

Some of the early warning signs may be extremely small, but very telling. In the context of self, a lawyer may find herself, for instance, skipping regular exercise that she has managed to incorporate into her life. A lawyer may find herself skipping meals. A lawyer may find herself getting sick. A lawyer might find herself injuring herself. (Chronic back injuries are classic signs of stress and vicarious traumatization.) These early warning signs can help the lawyer remember her profile and embark on a corrective path—renewed self-care, connection with others, strengthening her spiritual base—before she slips too deeply into the negative effects of stress and trauma. At work, a lawyer may find herself losing things chronically, losing her temper more, becoming uncharacteristically absent-minded. Beyond work, a lawyer may notice a withdrawal from social or political organizations, community or neighborhood activity.

Over time a lawyer can construct a profile of her own vicarious traumatization reactions by understanding its component elements. When warning signs appear, is there a connection to stress and trauma issues at work? For instance, a lawyer may find that particular problems repeatedly trigger vicarious traumatization.

I always find that I have trouble sleeping when I get a new client on an order of temporary custody. Thinking about a child who wants to go home, unhappy in a strange foster home, always infects everything I do. I never sleep well on intake days. I get sad even when I see my own child playing happily.

Identifying the *triggers* of vicarious traumatization can help in fashioning proactive strategies. For instance, for this practitioner, scheduling a number of proactive strategies on intake days may help: dinner with good friends, vigorous exercise to promote good sleep, good rest the day before, taking a night class for recreation.

Another group of symptoms that a lawyer may experience are the symptoms of *troughing*. In the depths of vicarious traumatization, what does the lawyer feel?

I always know when VT has hit because I feel helpless. I always feel like I'm not doing enough just at the same moment I feel like I have reached the absolute physical limits of what I can do.

When lawyers reach the trough of their despair and helplessness, this is a signature of vicarious traumatization. Since vicarious traumatization attacks hope and often the spiritual basis that lies beneath hope, hopelessness can be a red flag that one is feeling deeply vicariously traumatized.

Sometimes I find myself giving myself a really hard time even when I'm working very diligently. That's when I know I've slipped into VT again.

Struggling with self-esteem can be a classic trough pattern of vicarious traumatization, attacking as it does the self and the integration of the self. Feeling fragmented, at odds with oneself, it is easy for the secondarily traumatized lawyer to assume that it is her fault. Remember the example of the lawyer who, feeling numb to her client's pain, began berating herself for her own lack of compassion. Such a trough of low self-esteem can prevent the lawyer from remembering that vicarious traumatization is actually a confirmation and not a denial of the lawyer's empathy for her client.

§ 9-4(d). Strategy Four.

Use your concrete experiences of empathy with your client to improve your representation.

Remember the connection to principle two. Since the lawyer's experience of overwhelming feelings on the one hand and numbing on the other hand often contains symptoms of secondary trauma that replicate, even as a faint echo, the client's experience, the lawyer wants to make sure the client benefits from that painful empathy before she works to eliminate its negative aspects.

In concrete application, the lawyer, as she becomes aware of how these negative feelings are intruding upon the quality of her work, can reflect upon the much more intense ways the clients may experience the same disruption in their own daily lives. In one classic scenario, the lawyer has nightmares, with horrific visual images related to a child's traumatic removal from his home. Sleepless, her daily life disrupted, the lawyer learns that the client is showing agitated disruptive behavior, particularly at night, in her foster home. Without the paradigm of vicarious traumatization and secondary trauma, a lawyer might not explore a possible connection between these events. She may even feel somewhat angry at her client for jeopardizing a stable placement. The lawyer may feel the sense of having her days and nights disrupted, with nightmares, horrific visual images, and an overwhelming sense of horror and helplessness, just at a time when the client's behavior makes it hard for her to advocate that she remain in a

certain foster care placement or school. If the lawyer does not recognize her vicarious traumatization, it can be a destructive force in her relationship with her client.

For this lawyer, the lens of vicarious traumatization throws this situation into bold relief. The lawyer can use the intense negative experience, including the disruption of her own daily functioning, as a window of empathy into the client's behavior. Since, as the DSM-IV and experts on children's trauma suggest, children often intensely re-experience the emotions connected to trauma and have no way to express them except in agitated and disruptive behavior, the lawyer and client may be experiencing varying versions of the *same* event: the disruptive effect of this trauma on all who know of it. This suggests that radical changes for the client, including another move out of a foster home or into an unfamiliar school setting, the first resort in some cases for disruptive children, might be the worst possible response. Indeed, they may create a second trauma that may only intensify the child's inability to adjust to a more stable daily life. The lawyer can use her empathetic experience of her own deeply felt emotions to insist that those working with the child now incorporate trauma analysis solidly into their future planning for the child. She can also use her deeply felt empathy with her client in her pleas to the court if her other arguments go unheard.

This is but one example of the ways in which the empathy created by secondary trauma and vicarious traumatization can be used in representation. Many other examples can be discovered by thoughtful lawyers who understand the basic framework of vicarious traumatization. The window of empathy creates hope that even the lawyer whose experience is so different from that of the client can still develop a gut level understanding of what the client may be experiencing, which will allow the lawyer to convey that understanding to courts and service providers in the system.

This window of empathy can also be opened in the lawyer's work context. Being aware of her experience and identifying it as an empathetic reaction to clients, the lawyer can encourage her colleagues in the same kind of empathetic understanding of their clients' experiences. The lawyer can help other lawyers around her who may be in the throes of secondary traumatic symptoms to recognize it. The lawyer can encourage her colleagues, who despair at their own apparent numbness to their client's pain, by reminding them gently of the effects of vicarious traumatization.

The lawyer can also use this empathy in framing responses to non litigation-oriented responses to client issues, such as in responses to legislative proposals, proposed administrative changes, and lobbying for systemic change. Using the deeply felt empathy, even when painful, to remind herself of the clients' experience as she works for systemic change may be the most useful way to broaden her individual advocacy towards more generalized solutions.

In addition, the lawyer can harness this empathy in her larger world beyond work. Inevitably, the lawyer's experience of empathy with her client's experience, however fleeting, however pale a version of the client's experience, can help her develop a more compassionate understanding of the experience of others in her life. Pearlman and her co-authors suggest that vicarious trauma inevitably changes one's world view and one's sense of the structure of good and evil in the world.⁸⁵ The lawyer can bring this larger understanding of the suffering of one child into a broader and perhaps more compassionate understanding of suffering even in arenas in which she is less actively involved.

For new lawyers, the task of separating out the positive and negative effects of this empathy will be especially thorny. Some professionals new to trauma work find themselves with a sense of their world being turned topsy-turvy. Hard as it is to remember in the throes of secondary trauma, this ability to empathize with clients is cause for celebration. As noted in principle two, the ability to connect to a client even in a small way is ultimately a hopeful sign in a world that seems too often characterized by alienation, isolation, and racial and class polarization.

§ 9-4(e). Strategy Five.

Take your own advice: do the same things for yourself that you would love to see your clients, or your clients' families or parents, do.

Lawyers representing children often find themselves giving their child clients advice about living their daily lives. "Stay in school." "Keep away from drugs." "Get some sleep." "Go to the doctor." "Go to school." "Join a team." "Get a job." "Don't be so hard on yourself." "Take it easy."

Ironically, a lawyer will often not follow her own advice. Many harried legal aid professionals go to great pains to arrange medical evaluations for their clients, while canceling their own to make more time for work. Many of us hope that our clients will have diets rich in nutritious and healthy food, and then grab cold pizza or lunch out of the vending machine for our own meals. Most tragically, some of us will lament the effect of drug use on a client or client's family, while failing to recognize our own descent into workaholicism or substance addiction.

Shortly after completing this manuscript, I went to see my dentist, a life-long friend, for a multiply delayed checkup. After patiently pointing out a number of lapses in my own dental self-care, he looked at me with kind concern and said, "Jeannie, you need to give yourself permission to take time for yourself."

⁸⁵ PEARLMAN & SAAKVITNE, *supra* note 14, at 285-286.

If the message for the lawyer for children is "lawyer, heal thyself," the lawyer should understand that she has tremendous capacity within herself to begin that healing process. The lawyer can begin by giving herself the same good advice that she gives to her clients instinctively. Thus a lawyer who, for instance, worries that her teenaged client is forced to do too much work in her home and helps the child strategize about that, should realize that she herself has the ability to strategize when her own workload becomes debilitating. The lawyer, after all, is often an excellent problem-solver for others—why not for herself? The lawyer who counsels a client to accept the services of a therapist to address mental health needs should understand that same insight may apply to herself when the demands of work become too crushing. Seeking professional help may often be a critical step for the stressed or vicariously traumatized lawyer.

Even more importantly, the lawyer should also remember to use the same compassionate skills of listening and non-judgmental understanding with herself that she uses with clients. Lawyers for children often find themselves explicitly and implicitly trying to shore up their client's self-esteem and sense of worth. A lawyer beginning the process of addressing her own stress and vicarious traumatization should address her own willingness to give herself the same kind of compassionate permission and support. While it would be easy for lawyers to resist the hard work of self-examination that addressing vicarious traumatization requires, this itself may be a by-product of unjustified low self-esteem on the part of the lawyer, the very kind of unjustified low self-esteem that we battle against with our clients. A lawyer feeling sheepish about seeking support or increasing her own self care could productively ask, "What would I say to my client if she told me that she was suffering through what I'm experiencing?" This perspective may help the lawyer use her full strategic abilities on her own behalf and create a more compassionate lens through which to regard herself.

The lawyer can do this problem-solving not only for herself, but also for others at work. Mutual support and problem-solving during periods of high impairment from these occupational hazards may be the greatest collegiality and kindness one can show to one's peers. If a lawyer still feels sheepish about helping herself, she may not feel nearly as sheepish helping her best friend at the office, especially when she sees her in pain. More organized ways to offer support to each other can be arranged, informally or formally, through office lunches or meetings to discuss the stresses and trauma of the work.

In the world beyond work, the lawyer may also find useful ways to give and receive. Because these occupational hazards are very little discussed in legal settings, the lawyer may be helpful to other colleagues or lawyers in other fields. She may give and receive sympathetic problem-solving help from other helping professionals. The lawyer should be comfortable receiving help from even the most improbable sources: self-help resources, magazine articles, earnest and heartfelt advice from caring friends and family.

If there were standard, well-known resolutions to the problems of stress and vicarious trauma, this chapter would not be necessary. The courageous task of addressing one's stress and traumatization requires a certain amount of creativity and boldness. A concrete way to think of this is to conceive of moving from the "if only" phase of identification with "longing and unhappiness" to the "what if" phase, the phase of exploration, creativity, and boldness.

In my presentations to practitioners, I have often quoted my father-in-law Phillip Blumberg, an accomplished legal author, who encouraged me when I lost heart in pursuing the somewhat unconventional structure of my book. Putting his arm around me, he commented, "My dear, you're not too young to be thought eccentric."

I have suggested to practitioners, and I suggest here, that eccentricity is a small price to pay for an experiment that may result in new and wonderful constructive ideas for lawyers battling serious occupational hazards that have grave negative consequences for their clients. Asking the question "what if?" and being patient with outlandish, even humorous, initial ideas may yield a gold mine for one's self, one's work, one's life, and the world beyond work.

§ 9-4(f). Strategy Six.

In re-examining one's commitment to one's self care, start with the basics.⁸⁶

Pearlman notes specifically that harried practitioners working with traumatized clients may easily lose track of their own physical needs because of the two operations of trauma. First, people exposed to trauma often experience *dissociation* in the aftermath of trauma. They find themselves disconnecting from their feelings, which are too painful, as a protective mechanism. Helpers working with trauma survivors, including lawyers for children, may also find themselves consciously detaching from their feelings in order to be able to fully hear a difficult and painful story from a client.⁸⁷ Clearly, people who work with trauma victims develop a sense of when deeply traumatic material is going to be shared and develop emotional and cognitive defensive mechanisms. To the extent that this leads the trauma professional to detach some of her normal reactors when hearing an extremely sad story or a story of a great loss, it may be hard to reattach those receptors later when trying to focus on her own self care.

Both primarily and secondarily traumatized persons, as well as those merely suffering from extreme work stress, often find that the disruption of trauma seeps

⁸⁶ For an excellent over view, see generally Yassen, *supra* note 23.

⁸⁷ Videotape: Vicarious Traumatization II: Transforming the Pain (Cavalcade Productions, Inc. 1995).

into the very core functions of daily life. Therefore, it makes sense to start at these core functions in remedying the effects of vicarious trauma. To wit:

§ 9-4(f)(1). Sleep.

The work of representing clients under tremendous stress or in the grip of trauma interferes with sleep in basic ways. First of all, people working the long hours of lawyers for children often do not get the amount of sleep they need. Chronic sleep deprivation has become a way of life for too many lawyers. Not getting the sleep your body needs creates chronic problems of illness, injury, and inability to concentrate or to function at your highest levels. Lawyers who wonder why their minds wander during the day, or who are not as efficient or productive as they could be during the day, may need to look no further than their own sleeping habits to realize that they are not getting the rest they need to do their work properly.

Practitioners may also experience other sleep disturbances, including interrupted sleep. Some practitioners report falling into bed exhausted at the end of a long day only to wake up prematurely with images and concerns about their clients' cases rushing pell-mell through their minds. The practitioner is then caught in the dilemma of whether to stay in bed, desperately trying to get back to sleep, or wake up and live with much less sleep than she needs. Debating that very choice can place a tremendous stress on the mind of the practitioner.

Getting proper amounts of truly restful sleep is certainly a goal for all practitioners, especially those who suspect that they have begun to feel the negative effects of stress and vicarious traumatization. In some cases, a well-rested practitioner working a few hours may be able to accomplish significantly more than a chronically sleep-deprived practitioner putting in more hours. Sensible approaches to improving the quality of one's sleep include vigorous exercise during the day, control of caffeine intake, especially after noon, and making a conscious effort to make a restful transition between the business of the workday and bedtime. Be aware that even those who find themselves watching TV or reading to fall asleep may find that the images of what they read or watch will intrude or interfere with restful sleep. Create a peaceful transition into times of rest.

Even those who are committed to getting the amount of sleep they need do not always get restful sleep. Nightmares are a classic symptom of post-traumatic stress disorder and plague many new and experienced attorneys representing traumatized clients. Nightmares may include upsetting imagery from the client's experience, such as the details of an assault, the painful moment of separation from the home as a child is taken into foster care, or some other vivid negative event.

Proactive strategies to improve and lengthen sleep will give the lawyer more resources with which to do her job well and improve her ability to problem-solve these occupational hazards more clearheadedly. Failure to do so can quickly harm one's clients through impaired service.

§ 9-4(f)(2). Food and Water.

Many practitioners representing children run on empty all day, forgetting to eat and hydrate themselves properly. Since learning more about stress management, vicarious traumatization, and the need for self care, I have made a point in my classes, lectures, and presentations to ask people how much water they drink in a day. With quizzical looks, many people report that they drink little or no water during the day. Since 64 ounces of water is a baseline for most people per day, many practitioners found themselves falling well short of that. As with inadequate sleep, inadequate hydration leaves every person more vulnerable to injury/illness and fatigue, and causes them to fall far short of optimal physical functioning.

The same is true for food. Many laughed when I asked if they ate a regular breakfast or lunch—noting that many days they ate neither. I could vividly remember the difficulties of managing extremely high-stress encounters with clients and judges and other lawyers while desperately hungry. Dissociation, combined with intense concentration on work, may delay the lawyer's realization that she is hungry.

Too many people in our profession fail to take a proper break for lunch, depriving themselves of both adequate nutrition and a break from the incessant stress of working in the child protective system. Failure to take lunch often means that practitioners do not leave the work environment—either the office or courthouse or agency with which they work—throughout the whole day, losing a chance to breathe fresh air, take a brief rest during the noon day, or ever take their mind off work. Many practitioners can make immediate progress on all of these fronts by simply carrying a water bottle in their briefcase, packing a lunch from leftovers, and resolving to take a twenty minute break outside the office or during the normal courthouse break time. Lawyers, teachers, and those in supervisory positions can order their employees and students to take breaks and model that behavior by looking for opportunities to get perspective by moving out of the workplace. Colleagues can encourage their peers to do the same.

§ 9-4(f)(3). Breathing.

High-stress work with traumatized people can disrupt even as elemental a function as breathing. As an interesting test, a lawyer can try to keep track of the number of times during the day he finds himself sighing, yawning, or otherwise seeking deep breaths in the middle of a literally breathless day. Studies show that

people under high-stress find their breathing shallow and truncated. This is especially true for lawyers who are chronically and literally on the run around the courthouse, lawyers who are constantly talking, or lawyers who operate constantly under time pressure. Taking time both to notice and deepen one's breathing has multiple beneficial effects beyond increasing oxygen flow: regular deep breaths can increase the alertness of the mind as well as create calming effects in the harried practitioner.

One immediate technique that might be useful is to try consciously to breathe more deeply during times of listening.⁸⁸ Being conscious of one's posture and breathing while listening to someone can increase the ability to understand and listen empathetically and carefully, as well as increase the ability to focus on the present moment and the substance of the client's concerns.

§ 9-4(f)(4). Exercise.

In my experience, practitioners habitually lament the lack of exercise that their courthouse centered or deskbound lives seem to require. Once basic sleep, food, water, and oxygen needs are met, exercise is a critical next step. Exercise clearly is good for the self, encouraging as it does a healthier body, a clearer mind, and in some cases a spiritual outlet. It can also be a social activity that strengthens relationship with peers, or allows a lawyer to expand his world beyond just the world of work. Even small steps, such as a twenty-minute walk at lunch time alone or with a colleague, a class once a week after work, or time outdoors on the weekends can add tremendously to one's quality of life. One member of a large office organized a group of his colleagues to walk in a fund-raising walk for a cause important to their child clients. The neat efficiency of a healthy, social, socially contributory walk is a model for the way in which these changes in one's life can be made efficiently, synergistically with other needs, and in the spirit of fun and joy.

Note that exercise is not inconsistent with the work of a legal aid office and a courthouse. Many lawyers regularly walk throughout their day, often carrying heavy files. Even long hours on the telephone can become time for stretching, isometric exercise, or other common de-stress techniques that also have long-term, excellent effects on the body. Even the simple task of focusing more on one's posture while sitting and standing to promote better back health can be an immediate change the lawyer can make that improves her bodily health and her sense of well-being. Incorporating these healthier attitudes towards one's body even in the middle of one's work day can make a tremendous difference.

⁸⁸ I thank my friend, Jacklyn Trimble Shapiro, a physical therapist, for this suggestion.

§ 9-4(f)(5). Time Off.

In addition to sleep, it is important, even critical, not to work. People need time off as part of every day, every week, every month, and every year. It is often true that lawyers who do not take lunch breaks also do not take their full share of vacation time during the year, may work weekends, or work nights until bed. (A bedtime that is probably delayed!) The lack of free time may indicate problems as serious as workaholicism, which threatens both lawyer and client by depriving the lawyer of perception and broader vision. Even in its less drastic forms, the absence of free time is debilitating to the lawyer's self, the lawyer's connections at work, and the lawyer's connections beyond.

Examine the ways in which you use free time during the day, week, month, and year. Is there time in every day devoted to some kind of recreation that is not related to work and that is replenishing and fulfilling? Does you enjoy anything even approaching the Sabbath day in which no work is done? (Remember that even God rested on the seventh day.) Does the coming month contain a holiday or any kind of break from the daily grind? Does you have a vacation in the offing?

All work and no play not only makes the lawyer a dull boy, but also makes the lawyer less creative, less imaginative, less resourceful, and ultimately less hopeful. A world that consists solely of work, especially in this very difficult field, can spiral quickly into despair. Particularly in difficult times, supplementing one's work struggles with joy in one's personal life and non-work relationships is critical, not only for the lawyer, but in the end for the client whom the lawyer serves.

§ 9-4(f)(6). One's Daily Work and Home Environment.

In examining the basics ones must also look at one's surroundings. Look at them as if you had never seen them before. Are they filled with objects of beauty or of great meaning and sentimental value? Is there music or art in your daily life? Is there any semblance of order? Beware particularly of loose paper, the scourge of all lawyers. Do the piles of undone work, visible in every part of your work and at home, lead you to a sense of hopelessness and discouragement the minute you enter a room? Even if piles of work remain to be done, must they sit on-top of your desk while they wait?

Again, even simple changes in the work environment can go a long way. The addition of a CD player or a Walkman could bring well-loved music into a particularly difficult work week. A poster of a favorite sports team might cheer the lawyer and client on. A plant or fresh flowers might provide a symbol of hope, even in the most embattled legal aid environment. Does uncomfortable office furniture contribute to chronic back pain? A favorite painting or photos of family and friends may be critical encouragement during the most difficult day.

Even if an environment is very far from the ideal, is there one step you can take today to remedy some of its most bothersome qualities? Can you encourage your colleagues at work to do the same? Can you bring the world outside of your work, that part of your work that most refreshes and affirms you, into your work and home?

§ 9-4(g). Strategy Seven.

In seeking fun and recreation, look for activities that give you deep satisfaction and balance out the experiences at work, as opposed to numbing activities which may replicate the experience at work.

Beyond the basics, self-care requires time for recreation. In answer to the "what if" questions about things that could make their life better, many respondents immediately gravitated to neglected hobbies: musical instruments, sports, arts and crafts, and other critical self-replenishing, integrating tasks that would counter the effects of trauma and stress on their daily work. I left with a sense that the clues to both the substance of our job stress and vicarious trauma and how we can respond were right at the surface of our consciousness, even in the most harried work lives.

Confronting vicarious traumatization requires one to be strategic even about one's recreation. Again, the choice of recreation is deeply individualized. One person's spiritual food may be another's poison. For instance, some people find watching television extremely restful and full of constructive and useful images and stories. Others find it a numbing activity, a low-energy, but low-payoff escape from the present. Some would find the effort of vigorous physical exercise too grueling after a tough day of work; others may find it the perfect antidote to the challenges to mind and spirit that are created by representing children.

In evaluating the use of the precious little recreation time that you have, several questions may be helpful. First, does the activity planned offer the reverse of some of the worst feelings of vicarious traumatization?

A lawyer who has identified the trauma of losing home as particularly difficult for her clients may find that home building activities are extremely fulfilling. Of course, a similar lawyer in a similar situation might find that those are the very activities to be avoided in the worst moments of vicarious traumatization.

Be particularly wary of time-wasting activities that appear relaxing, but may be either numbing or even destructive. Do computer games relax you, or do they contribute to the numbing of vicarious trauma? Artistic pursuits may provide the perfect outlet to replace violent or disturbing images from work with more beautiful, more constructive, more nourishing images of one's own. Similarly, seeking restorative images in nature, in traditional art, in crafts, or in any way

one finds pleasing can combat the prevalence of the negative, sad visual images that are the hallmark of post-traumatic symptoms. Listening to beautiful music, or making music, even if you are a beginner, can engage the mind, body, and soul in ways that replace or soften the sad and sometimes spiritless information we learn from work. The outdoors often provides many constructive avenues for recreation: solitary time alone, or time with a friend or family member, connection with spirituality, location for exercise, or simply places of intense physical beauty. Especially for those who practice in the city, contact with nature, in parks or in local hiking spots, can be invaluable sources of re-creation. In turn we can use this replenishment for our clients' good, using our renewed resources to give us the courage to continue the fight on their behalf.

Also, explore the balance of solitude and sociability in one's activities. If one's work life is a throng of people and demands, recreation may need to balance that with time alone. But be aware of the danger of isolation often warned about by vicarious trauma theorists.⁸⁹ A movie need not be solitary if a good friend can join, even if one needs to unwind in front of the television. A walk after work can sometimes be a solitary walk, but may sometimes involve a close friend or family member. Seeking activities that expand one's daily frame of reference can be especially nourishing, although they also involve time and energy commitments. For example, learning a language can be an extremely engrossing and useful, mind-expanding hobby. Exploring science and nature inevitably brings the professional out of herself and her own narrow field into a sense of wonder at the complexity of the world.

One's natural tendencies towards recreation may reflect either the descent into vicarious traumatization or some roads out. For instance, many lawyers report being drawn to watch-trauma related shows, such as the very popular *ER*, and tragic movies, including *Schindler's List*. Sometimes these may be the perfect escape; at other times they may confirm one's spiral into hopelessness and despair. On the other hand, sometimes one's natural preferences may point the way out.

During my early phases of research on this chapter, I found myself reading many books by an author named Faye Kellerman involving a homicide detective named Peter Decker and his love and—in the later books—wife, Rina Lazarus, a devout Jew. As I learned more about vicarious traumatization, I wonder if I was not both reinforcing my own experience with trauma while also pointing the way out through a reconnection with my own religious faith.

⁸⁹ PEARLMAN & SAAKVITNE, *supra* note 14, at 284.

§ 9-4(h). Strategy Eight.

Examine and strengthen your connections to yourself, people at work, and your larger communities.

In order to combat feelings of isolation, the lawyer's support system within and without should be carefully examined. Again the lawyer must start first with her connection to herself—mind, body, and spirit. Because of the operation of dissociation, the lawyer may often feel out of touch with herself, unable to tap into her feelings, disconnected from her physical, emotional, and psychological needs. This sense of either disconnection or numbing is, as noted often above, a primary sign of stress and traumatization; reconnecting to others often first requires reconnecting to one's self. Pearlman recommends practices that renew a cherished sense of identity or that expand one's identity.⁹⁰ With respect to reconnecting to one's self, she particularly recommends "engaging in creative endeavors such as writing, playing music, creating art, gardening, being physically active through exercise, dance, or hard physical work; reconnecting with one's body through massage, dance, yoga."⁹¹ In the same article, Pearlman included developing a spiritual life and writing in a journal as some of the activities that trauma therapists reported as helping to balance out their trauma work.⁹²

Within the office there are many mechanisms for peer support that should be considered, starting with ones that are easily put in place. Does the lawyer have peers to talk to in order to debrief daily? If in the middle of a particular crisis, is there someone, a supervisor or peer, to go to? Are there fora to discuss the ongoing effect of the work on our lives?

Today after a long morning observing in court, Cathy went off to take a phone call, pointing me toward a door and saying—"We usually eat lunch in there." So I grabbed my lunch and marched in expecting formica tables and vending machines, and instead found myself in an office of two of the men lawyers, who welcomed me warmly, then went back to work. Slowly, the rest of the staff trooped in, with yogurt, nuts, sodas, candy, everyone freely dipping into each other's meals, perched on tables, on worn and comfortable couches, window sills, chair arms, and the floor. I got that same feeling I used to get on Sunday afternoons when the whole family was home puttering around the house, not necessarily overtly interacting, but all enjoying the close presence of everyone else.

⁹⁰ Pearlman, *supra* note 74, at 54.

⁹¹ *Id.*

⁹² *Id.* at 59.

Even if such fora do not exist, how difficult would it be to create a weekly coffee break or coffee after work with a trusted colleague? Could a continuing legal education session include training and discussions of vicarious traumatization? In a Pearlman and McCann survey of 188 trauma therapists, 87% reported that they discussed cases with colleagues on a regular basis, and 85% found it helpful to balance out trauma work; 84% reported they attended workshops on a regular basis, and 76% found it helpful; 74% noted that they talked with colleagues between sessions, 69% of those finding it helpful. In the same study by Pearlman and McCann, 95% of the trauma therapists surveyed stated that they regularly spend time with family and friends, and 70% of them found it helpful in balancing trauma work.⁹³

Professional opportunities to discuss one's work outside of the immediate context of one's day-to-day office should also be explored. People who do the same work in other locations may be ideal sounding boards, and conferences and talks may be helpful places to process the difficult work of representing children. Lawyers doing the same work in other parts of the city or state may speak the same language, understand the legal structure, and may be in an excellent position to generate ideas as well as sympathy. Although outside of one's jurisdiction, regional or national conferences can also provide excellent continuing education resources that can help an attorney acquire or develop new skills and information. Attending yearly conferences regularly, including those sponsored by national organizations, such as the National Association of Council for Children and the ABA Center for Children and the Law, can allow practitioners over time to make friends nationally who can support them on an ongoing basis in their work. Even given the constraints of confidentiality, the lawyer can give and receive a good deal of useful ideas, sympathy, and insight with national colleagues, in a location that allows her to get some perspective on her work. Over the years, these relationships as well as the larger group interactions of these conferences, can lead to a substantial resource for personal and professional support and development.

More general support from one's family members and friends can also be of immeasurable support to the embattled lawyer for children. Maintaining strong connections with intimates is a critical part of combating secondary trauma. Thanks to technology, and resources like the internet and e-mail, new ways of developing daily contact with close friends faraway can also ease the isolation and stress of this hard work. Colleagues who do similar work in other locations or former co-workers or old classmates may be of particular help in supporting a lawyer, since these people both understand the professional requirements and the lawyer's own personal professional profile in coping with these difficult issues.

⁹³ *Id.* at 56.

Both in the office and at home, the sense of mutual support, that "we are all in this together," will best break the feeling of isolation that is such a classic symptom of stress and traumatization.

§ 9-4(i). Strategy Nine.

Reconstruct your daily schedule: integrate a routine of self care, proactive strategies that work, and commitments beyond work into daily life.

The crucial final task of any person addressing these occupational hazards is to complete the fight against fragmentation through integration of the various solutions into a regular daily routine. Using the insights gained in strategies six through eight, the lawyer may have most or all of the pieces to apply towards reintegration. It may be useful at this point to revisit the questionnaire described in strategy number one. If none of the concrete ideas generated in strategy six through eight resolve the problems identified there, the lawyer can continue through a "what if" process, brainstorming possible solutions, starting with asking "what if?" about the specific issues identified in questions 2a through 2c. Again, in beginning the brainstorming process, it is important to allow one's self to be creative, even fantastical. Using a sense of humor will at least make the process enjoyable, if not fruitful, and may spark some helpful ideas. This brainstorming can also be done with colleagues or loved ones at home who may be delighted to have a concrete way in which to participate in the process of problem-solving some of the problems of daily life that doubtless affect them, too.

By incorporating changes in the basics, building connections to one's self and to others at work and beyond work, and looking carefully at one's choices of recreation, a more balanced and less trauma-centered daily life should slowly emerge. One can also expand the frame to look more at the week. The process of examining one's life patterns in these varying time frames may provide the lawyer with the kind of perspective needed to break the grip of stress and trauma's negative effects.

Pearlman and Saakvitne assign a central role to balance in the arsenal of vicarious traumatization interventions. Whether the balance is in one's work life, from direct client interventions to mentoring activities to continuing legal education and participation in office improvement, or between work and other life activities, such as creating time within each day, week, and month to balance work with important recreational and replenishing activities, balance is key to repairing the disruption that daily exposure to trauma creates. In the hectic life of a lawyer representing children, obvious ideas for balance present themselves: frantic days of running into court and interacting constantly with other lawyers and case workers must be balanced with some time for quiet reflection on the cases. The lawyer who regularly takes no lunch breaks will quickly lose

perspective and exhaust the resources needed to combat the disruption of vicarious trauma and stress.

§ 9-4(j). Strategy Ten.

Remembering that vicarious traumatization is a process, not an event, be prepared to address vicarious traumatization on an ongoing basis.

In the months after I identified that I wanted to write this chapter on vicarious traumatization, I began extensive research with my research assistants into the literature on secondary trauma and vicarious traumatization, and quickly noticed the parallel between the literature and problems with my own daily functioning. Using the materials I read, I tried systematically to address these issues. Heightened self-care and good friendship and acts of grace led to the rekindling of my own spirituality and sense of hope. After a joyous Christmas, I felt healed of my vicarious traumatization.

Reinvigorated in many parts of my work and non-work life, I believed my vicarious traumatization to be over. Shortly after Christmas, my family was able to fulfill our lifetime dream of moving into our own house. Throughout the process of packing and moving, however, I found myself paralyzed on the one hand and seized by panic on the other in what appeared to be random alternation. I struggled to survive the move, mystified about why I should feel so bad when I'd just been so recently healed. The move came and went, and then I dove into a very busy semester and actively put aside some of the research until later in the semester. I found myself avoiding reading and writing about stress and trauma.

Upon reentering the material, I was able to see the ways in which signs of stress and vicarious traumatization had continued through the most recent spring semester, even after I had declared myself healed! I was particularly able to see ways in which moving my home implicated the central issues of my own vicarious traumatization. Most of my clients are refugees seeking asylum in the United States, having fled their home country, or children who have been removed from their homes, or parents who have faced the removal of the child from their home. Moving my own home, even under joyous circumstances, appeared to re-ignite many of the traumatic experiences of my clients over the last sixteen years, that I had kept in my mind and heart. It also dawned on me that the work that would lead me to work outside of my own beloved home would have to be work of this nature, in which someone else's home was at stake.

As long as the work with our traumatized clients continues, and even beyond, as we continue to process the work, we will struggle to maintain hope and to fight the fragmenting effect of this work. We will also continue to be subject to the interaction between our empathic engagement with our clients' experience

and the experience of our own lives. Therefore, self care, peer support, and continual reassessment in confronting our stress and vicarious traumatization must be an ongoing process, even a lifestyle. The skills developed and the commitments made, especially in terms of maintaining self-care, treasuring the empathetic abilities to connect to our clients' life experiences even when very different from our own, and the restorative techniques in reconnecting to one's self, others, and one's sense of meaning, are ongoing skills that must be scrupulously maintained. As long as we do the work, stress and vicarious traumatization will always be with us. As a result, our best skills in addressing and confronting vicarious traumatization must also be ever-present in order for us to be able to serve our clients well throughout our careers.

§ 9-5. Areas for Further Study: Questions of Organizational Duties, Professional Duties of Confidentiality, the Paradigm of Children's Trauma, and Avoiding Re-Trauma with Our Child Clients.

At least four burning questions emerge as yet unresolved from this discussion. First, how should institutions who employ lawyers for children, and government agencies that fund these organizations, address stress, burnout, and vicarious traumatization? Second, how can we reconcile the lawyer's duty of confidentiality to our clients with the urgent need that lawyers have to debrief their work in order to replenish their resources? Third, how does the growing field of trauma studies concerning children affect our models of representing children and our understanding of the way they view the world when we meet them at the beginning of a representation? Fourth, knowing now a bit about the dynamics of working with traumatized children, how can we ensure that at least our work with them does not inadvertently re-traumatize them as we pursue lawyering on their behalf? The following sections will outline the questions, suggest some preliminary strategies for addressing these concerns in the concrete day-to-day world, and suggest areas for further research.

§ 9-5(a). Institutional Duties to Train Attorneys in Recognition and Prevention of these Occupational Hazards, as well as to Minimize Circumstances Which Give Rise to these Hazards.

Clearly, lawyers on their own, and working spontaneously with colleagues and friends, can make some important headway in addressing stress, burnout, and vicarious traumatization. But progress in addressing these occupational hazards would exponentially increase if agencies that employed lawyers for children, those who funded them, and court systems in which those lawyers for children worked took these hazards seriously and made solid movements for prevention.

A number of concerns spring immediately to mind. First, the largest intractable problem facing many lawyers for children is an unreasonable

caseload. In just the last year, for instance, I have met practitioners in various jurisdictions who have represented dozens of clients, some hundreds, some the better part of a thousand. Clearly, there is no way to meet the ethical standards of this book, or any other prevailing ethical standards, when a lawyer is literally unable to remember the names of her own clients. If these occupational hazards are characterized by disillusionment and loss of hope, excessive caseloads are the number one factor which the lawyer alone cannot address. Institutional responses to these occupational hazards must focus, first and foremost, on this intractable issue.

Second, institutions can clearly make an array of changes, some marginal, some more ambitious, which could fight the negative effects of these occupational hazards for the good of the agency, as well as the lawyers within the agency and the clients it serves. Creating a mechanism for peer support, creating educational opportunities, and continuing opportunities to address these hazards as they arise will be critical for experienced and new attorneys alike. Examining the structure of the work life, as well as the structure of vacation and leave time, may also be critical. Although many agencies that represent children are used to high turnover, a systematic approach to stress, burnout, and vicarious traumatization suggests that such turnover may not be necessary. Organizational commitments to make continuing education available is a critical first step.

Finally, government sources who fund lawyers for children must be made aware of the scope of these occupational hazards and the detrimental effect that they have on the quality of representation. As noted above, excessive caseloads are the number one source of low-quality representation to children and the primary source of stress, burnout, and vicarious traumatization in lawyers. Only by providing the necessary resources to allow organizations and individuals who represent children to do a job that remains faithful to the child-in-context can the government adequately fulfill its purpose in funding the organizations in the first place: quality representation of children in child protective proceedings.

§ 9-5(b). Reconciling Lawyers' Duty of Confidentiality with Lawyers' Need to Debrief and Understand the Effects of the Work on their Lives.

The literature on stress and vicarious traumatization requires lawyers to examine their work and to get support for the effects of the work on their lives. Yet the rules of professional responsibility forbid lawyers from revealing confidential material to anyone without the client's consent except under very narrowly specified exceptions. Rule 1.6 reads:

- (a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and

except as in subsections (a), (b), (c), and (d). (b) A lawyer shall reveal such information to the extent the lawyer reasonably believes necessary to prevent the client from committing a criminal act that the lawyer believes is likely to result in death or substantial bodily harm.⁹⁴

These confidentiality constraints can heighten the already acute isolation that many lawyers for children feel. They find the experiences of their clients deeply disturbing, and yet are unable to discuss their work outside the office because of their ethical duties. How can this lawyer prevent her isolation when she has a duty to keep confidential the very material that would allow others, be they concerned spouses, counselors, colleagues in the profession, or others, from understanding enough of her context to be a useful sounding board?

This crucial question has been virtually ignored by the legal literature. Of huge concern to the profession is the possibility that the crying needs of lawyers have already caused breaches to occur in the strong mandate against revealing information. Without clearly thought through guidelines for how to process our experiences consistent with our duties, the lawyer faces the stark choice of keeping all the information completely within herself, seeking support only from those who share her identical confidential duties, or violating the duty to her client.

One practical solution reiterates and reinforces the stress management and vicarious traumatization theorists' exhortation to develop peer support within one's own office and agency. Legal aid organizations, law school clinics, and other law firms can integrate peer support into their weekly lives, providing a forum for lawyers struggling with particularly difficult cases. In these settings, discussions within the office would not violate the confidentiality rules, because all present would be bound by the same duties of confidentiality to the clients. It is critical to include not only the lawyers, but non-lawyers, including paralegals, investigators, social workers, and clerical and support staff, who also wrestle with their exposure to traumatic material and have important issues to debrief and support to offer. Even where one's agency does not provide such a forum, lawyers, one-on-one, or in informed groups, can gather for lunch or otherwise to create these opportunities. The only clear "solution" to the confidentiality dilemma underscores the critical role that colleagues play to support each other in managing the emotions of their professional life.

This solution, however, does not avail the solo practitioner with any solace or companionship. What solutions exist for the solo practitioner, who may be the most in need of this kind of support? In addition, for all lawyers, what about the strain created on their most intimate relationships, spouses, best friends,

⁹⁴ CONNECTICUT RULES OF COURT: STATE AND FEDERAL Rule 1.6 (West 1999).

roommates? Would it be ethically consistent to open a zone of disclosure of information without seeking consent, if such disclosure would benefit clients and the lawyer could assure that there was no chance of the material negatively affecting the client in any way? Under current readings of Model Rule 1.6, it appears that such zones are not permitted. The words of Rule 1.6 simply state that the lawyer shall not reveal information relating to the representation. Under the narrowest interpretation of all the words of the rule, it would appear to not allow any revelation at all.

Were we able to identify such an honorable need for disclosure at no risk to the client, several concrete questions could be asked which might create useful guidelines for disclosure.

Those include:

- I. *What information is being revealed?* For the purposes of processing and obtaining support about the work in the office, the lawyer may need to reveal very little of the client's actual confidential material. For instance, a lawyer handling a caseload of over fifty cases comments to his spouse that he is tired and sad after a long day of trying unsuccessfully to arrange medical care for a terminally ill client. Would such a disclosure, which involved no identifying information, and yet enough details to explain the lawyer's strong reaction to the case, ever be narrowly tailored enough to pass ethical scrutiny?
- II. *To whom is the information being revealed?* The identity, profession, and geography of that person have a sizeable effect on the risk to the client of such a revelation. Therefore, a lawyer's telling a good friend in a different profession in a far-off city about a narrowly circumscribed subset of the materials in the case may create a setting for a good deal of useful emotional support at zero risk to the client. Would such disclosure be considered consistent with the current ethical rules? If the information revealed primarily concerns the lawyer's reaction, is it information "relating to the representation?"
- III. *For what purpose is the information being revealed?* A number of purposes useful to the client can also be identified. For instance, informally mooting a proposed argument to see if knowledgeable lawyers thought a judge would accept the argument would allow the lawyer to utilize sounding boards for the case in ways that might be highly useful to the client. All lawyers have had the experience of being so deeply mired in the case that they have lost perspective, and found a fresh ear to be extremely useful in reality-testing the effectiveness of different arguments. One way to assure that such purposes could be met under the current ethical scheme would be to obtain consent from a client, either on a case-by-case basis when such mooting is sought, or on

a more blanket basis. ("Would you feel comfortable if I tried different arguments in your case out on different lawyers, without using your name or identifying information, to see if they believed that the arguments would work before the judge?") Likewise, the lawyer seeking advice about obtaining services for a client may need to give some information about the client, e.g., benefits received or age, to receive relevant general information. What if the lawyer wants to reveal some non-identifying information about a case in order to give professionals or concerned friends and relatives the context in which to support her? Is the lawyer using the narrowly tailored information to provide context for a spouse or counselor who is helping her process the strong reactions to a difficult day?

These factors just begin to outline some guidelines which would allow the lawyer to meet the needs that would make it possible for her to serve the clients better. Research and writing on this issue would be of enormous help to helping lawyers and clients caught in the conundrum of the current ethical scheme.

§ 9-5(c). Further Understanding Research on Children's Trauma.

The brief foray into the literature on children's trauma suggests a multitude of additional questions. What percentage of our clients have actually experienced trauma? If this percentage is as large as it well could be, what else should lawyers be taught about the current state of trauma studies relating to children?

In a way, this call for additional research mirrors principle two. Lawyers for children reading the materials on vicarious traumatization recognize many of those signs in their own daily lives. This suggests to us that our clients' experience of trauma may in some cases be extremely severe, if in experiencing the secondary effects of it we find ourselves impaired in our work. If our clients are experiencing a phenomenon this strongly, and we have hitherto paid little attention to the research relating to it, lawyers for children may be facing a large paradigm shift. Would our model of representing children change, if we learned more about the trauma that our clients face when they meet us for the first time?

In any case, faithfulness to the child-in-context suggests that we will always be confronted with trauma and must strive to understand subjectively how our clients experience that trauma. Continuing research into the trauma studies may allow us to gain more insights that will aid the child-in-context in his or her primary struggle with the trauma that we are now experiencing secondarily and vicariously.

§ 9-5(d). Avoiding Re-Traumatizing the Client in our Lawyer/Client Relationships.

While much of the literature on representing clients pays lip-service to the priority of avoiding re-trauma of the child within our lawyer/client relationship, lawyers for children are still provided very little guidance about how to do so. The vast majority of the research focuses on avoiding re-traumatization of client child witnesses and use of multi-disciplinary teams to reduce the number of client interviews when a child is first brought into the child protection system. Based on the review of children trauma materials that is sketched at the beginning of this chapter, it is clear that larger issues must be addressed in the literature.

First, a fuller investigation of the ways in which the lawyer/client relationship may feed or repeat the psychological effects of trauma must be undertaken. Unfortunately, even the literature that does exist on child witnesses focuses on avoiding re-traumatization of the child *witness so that the client's testimony is uncontaminated*. The focus on systemic needs, that is, the need to get reliable testimony, neglects the important concern that the client does not experience new trauma, while re-living events in the course of cooperating with his or her lawyer. Literature and research focusing on the *effect on the child* as opposed to the reliability of the child testimony is critical in helping us minimize re-trauma to the child through our own representation.

Second, materials on children's trauma must focus on the lawyer's involvement from start to finish, not just on the child's early interviews or the rather rare experience of the client taking the witness stand. Those who have advocated for multi-disciplinary interviews of a child upon his or her entry into the child protection system have been notably concerned with trying to prevent multiple re-interviews of children about traumatic material. Under the current setup of the lawyer's duties, however, it is simply not possible for a lawyer to rely on an interview that a child gave to child protection authorities in creating a strategy for legal representation. The child's right to have individualized, confidential interactions with the lawyer creates, at least for the short run, the need for the lawyer to have an independent relationship with the child in order to represent the child-in-context as conscientiously as possible.

What are the parameters for conducting that private individual relationship in ways that minimize the risk of re-trauma? Some parameters for guidance of the lawyer can be gleaned from the information about re-trauma. Lawyers representing traumatized adults, for instance, are encouraged to be sensitive to the ways in which the concrete acts of the lawyer/client relationship might replicate experiences of trauma, and consciously to reverse those dynamics. Thus, for instance, if the centerpiece of the child's trauma appears to have been isolation from loved adults during a sudden removal from parental care into

foster care, the lawyer may seek over time to figure out a way to incorporate those trusted adults into lawyer/client communications.

Another example: In adult lawyer/client relationships, lawyers working with traumatized clients, such as refugee clients, are encouraged to give the adult client control over a range of activities within the lawyer/client relationship, even on small issues, such as where to sit in a conference room or the timing of when to discuss traumatic materials, and the like. If a child's primary sense during domestic violence at home was one of helplessness and powerlessness, should lawyers create a sense of helpfulness and control in the child in the lawyer/client relationship? Is this appropriate in an adult lawyer/child client relationship? Further research is needed to see if such common, sensible suggestions also obtain for child clients, whose experience of trauma may be more complex.

These issues must be carefully mulled over and researched all the more because the lawyer/client relationship is also an adult/child relationship, which may echo the parent/child relationship in ways of which the lawyer must be eternally conscious. As emphasized throughout the book, from its introduction forward, the best lawyer/client relationship is mercifully short; the most fortunate client needs a lawyer for a fixed period of time only. The constant challenge of the lawyer to keep these intense short relationships within proper role boundaries, not misleading the child into a ongoing relationship even when such a relationship might be tempting at the time to both lawyer and client, is critical in this context.

§ 9-5(e). Invitations to Other Areas of Study.

These are but four of the areas of study that scholars and students in this field can usefully explore for the benefit of our profession and the children we serve. In some ways the inquiries of this chapter open more questions than they answer. We must continue to broaden both our theoretical and concrete understanding of the working of trauma and its connection to our work to improve our service to our child clients.

§ 9-6. Conclusion.

The paradigms of stress, burnout, and vicarious traumatization offers a framework for understanding the dilemmas of the lawyer's daily life. The lawyer most dedicated to trying to represent the client-in-context and to trying to do justice to the client's own experience of his or her world is also the one most likely to find the client's life challenges seeping into the lawyer's own daily functioning. Precisely because of the lawyer's attempt to see the client's life from the child's own point of view, intense job stress and vicarious trauma lead to a disruption in the lawyer's own functioning and eventually a disruption of the lawyer's ability to offer excellent services for the client. A pro-active strategy of

preventing the negative effects of stress and vicarious traumatization from accumulating to a disabling level, and a rapid response when they build up intolerably, are crucial assets to the lawyer who wants to maintain the resources to continue to perform this hard and important work for her clients.

The framework for vicarious traumatization also frees the embattled lawyer from time- and energy-consuming battles with shame and low self-esteem which are misplaced in this context. Stress and vicarious traumatization, unchecked, make even the simple act of surviving a day in the life of the lawyer for children nearly unbearable. In this setting, the client's and lawyer's interests coincide. The client needs the lawyer to attend to her own needs in order to ensure that the lawyer has the resources available to offer the client the professional service that he or she deserves. Lawyers who take care of their own needs and work thoughtfully with themselves to combat these occupational hazards then have the ability to give more authentically to their clients, because they are not pursuing the relationship in order to meet their own needs. Better self-care in turn engenders better service.

The strategies and principles above offer methods of seeking short-term relief for lawyers who find themselves deeply enmeshed in the negative effects of these job hazards. Over time, the strategies and principles should also have the useful medium-term effect of creating an anti-stress and vicarious traumatization lifestyle which will proactively prevent their negative effects from building up. In the end, a proper strategy against these job hazards may keep talented and compassionate professionals serving as lawyers for children for the longer haul. Organizational attention to larger intractable problems facing children's lawyers, including unreasonable caseloads, is also a vital piece of the response to these occupational hazards.

Successfully battling the negative effects of stress, burnout, and vicarious traumatization also allows the lawyer to incorporate the positive effects of vicarious traumatization—that is, the true empathy that she can develop for her client's experience of trauma—into her lawyering for her clients.

Thus the job hazards paradigm offers lawyers with the ability to solve many problems posed by stress, burnout, and vicarious traumatization and with the courage to do so. Lawyers can re-commit to their own self care, starting with the basics and moving into proactive, healthy, lifestyle changes.

The vicarious traumatization framework can also encourage lawyers to reaffirm the basic meaning and sense of purpose that brought them to the field and to spend important time shoring up those areas of spiritual and personal support that are critical to keeping hope alive as they do this tough work. The paradigm can also encourage lawyers to examine their support systems both within the office and outside to ensure that their sense of connection is kept alive amid the isolating and disintegrating stress and effects of vicarious traumatization.

Finally, lawyers who understand these occupational hazards will understand also that there are times when their own self help will not be enough. Remembering the second strategy of addressing and confronting one's vicarious traumatization, many lawyers will face a time when an outside professional—be it a substance abuse counselor, a psychotherapist, a pastor, or some other helping professional—will be the critical support to keep the struggling lawyer going. As we encourage our clients and their families to understand, there is no shame in needing this sort of help. The benefits that such professionals can provide to us will inure eventually to our clients, as we replenish the resources that we need in order to undertake the uniquely challenging and peerlessly rewarding work of representing our child clients.

Chapter Ten

REPRESENTING THE CHILD-IN-CONTEXT: FIVE HABITS OF CROSS-CULTURAL LAWYERING

- § 10-1. Introduction to Chapter Ten: Representing the Child-in-Context: Five Habits of Cross-Cultural Lawyering.
- § 10-2. The Animating Methodology of the Habits: The Four Threes.
 - § 10-2(a). The Three Steps.
 - § 10-2(b). The Three Ghosts of Diversity Training Past.
 - § 10-2(c). The Three Dynamics.
 - § 10-2(c)(1). The Dynamic of Nonjudgmentalism.
 - § 10-2(c)(2). Isomorphic Attribution.
 - § 10-2(c)(3). The Dynamic of Daily Practice and Learnable Skill.
 - § 10-2(d). The Three Principles.
 - § 10-2(d)(1). All Lawyering Is Cross Cultural.
 - § 10-2(d)(2). Remain Present With This Client Ever Respecting Her Dignity, Voice, and Story.
 - § 10-2(d)(3). Know Oneself As a Cultural Being.
 - § 10-2(e). Conclusion.
- § 10-3. Habit One—Degrees of Separation and Connection.
 - § 10-3(a). Habit One: The Habit of the Lawyer-Client Relationship.
 - § 10-3(b). Learning Habit One.
 - § 10-3(b)(1). Phase One—The Brainstorming Phase.
 - § 10-3(b)(2). Phase Two—Analysis of the Degrees of Separation and Connection.
 - § 10-3(c). Habit One for Lawyers for Children.
 - § 10-3(d). Thoughts About the Relationships Between Similarities and Differences.
 - § 10-3(e). Conclusion.
- § 10-4. Habit Two—The Three Rings.
 - § 10-4(a). Brief Overview of Habit Two: The Habit of the Forest and Trees.
 - § 10-4(b). Learning Habit Two.
 - § 10-4(b)(1). How to Do Habit Two Non-Visually.
 - § 10-4(b)(2). How to Do Habit Two Visually: Drawing the Three Rings.
 - § 10-4(c). Logistical Questions About Habit Two.
 - § 10-4(d). Special Considerations for Lawyers for Children Using Habit Two.
 - § 10-4(e). Suggestions for Making Habits One and Two a Daily Practice—Ten Tips.
 - § 10-4(f). Special Considerations of Habit Two for High-Volume Practices.
 - § 10-4(g). Areas for Further Study.
 - § 10-4(h). Conclusion.
- § 10-5. Habit Three—Parallel Universes.
 - § 10-5(a). Habit Three: The Habit of Not Jumping to Conclusions About Behavior.
 - § 10-5(b). Learning Habit Three.
 - § 10-5(b)(1). Habit Three: Special Considerations for Lawyers for Children.
 - § 10-5(b)(2). Habit Three: Special Considerations for Lawyers in High-Volume Practices.
 - § 10-5(b)(3). Areas of Further Study of Habit Three.
 - § 10-5(c). Conclusion.
- § 10-6. Habit Four—Red Flags and Correctives.
 - § 10-6(a). Habit Four: The Habit of Not Making Habits When Communicating With Clients.
 - § 10-6(b). Learning Habit Four.
 - § 10-6(c). Using Habit Four in Daily Practice.
 - § 10-6(c)(1). Special Considerations for Lawyers Representing Children.