

# THE NEW MEXICO LAW OFFICES OF THE PUBLIC DEFENDER

Public defenders have been likened to emergency room doctors. Both are helpers who tend to thrive in intensity and adversity. But instead of fighting physical injuries, we fight systemic injustice one client at a time. They serve as a collective check and balance on the criminal legal system, making sure everyone's constitutional rights are protected. In addition to attracting tenacity, public defense tends to attract very giving, compassionate people who can give too much of themselves. We often sacrifice too much of our non-work life and lose our grasp on our work/life balance. We absorb an enormous amount of hurt and are the brunt of much abuse and contempt. Like all attorneys, public defenders face higher-than-average levels of addiction, depression, anxiety, stress and suicide than most other professions.



absenteeism, difficulty sleeping, nightmares, stomachaches, headaches, strained relationships, disconnection from purpose and dreading work. Phew. Many of us experience some combination of these symptoms so frequently that we incorporate them into what we expect working in public defense to feel like.

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For decades, these symptoms, traumas, injuries and feelings went unnamed. That is changing. Now, younger generations of public defenders and attorneys have a specialized vocabulary for this work dynamic, and they have accompanying expectations of their working environment to address it. Public defense agencies across the nation, already buckling under high workload before the pandemic, are now centering wellness to not only take care of their teams but to *keep* their teams.

National public defense organizations hold classes on wellness. Prominent public defenders have carved out niches on social media which they use to keep wellness in the spotlight. And law schools across the nation – including New Mexico have begun building in curriculum about wellness. Here at the New Mexico Law Offices of the Public Defender, leaders (some of them in the generations who did not get formal wellness training in law school) are taking the rising collective awareness as an opportunity to model how to step away from work.

But stepping away isn't easy. Not only are people's literal lives depending on our skill and dedication but being a public defender has a *very* strong cultural identity. Toughness, dedication, a righteous and fighting spirit, tenacious, compassionate--being a public defender is a calling and a life's work. For so many of us, this is more than a job. It is a social and moral imperative. It is this conviction that powers us through late nights and weekends preparing for trial. It motivates us to call one more drug treatment facility to see if we can find a bed for our client. It prompts us to email colleagues to collect money to buy our homeless client a

Why? Our job exposes us to a lot of trauma. We experience primary trauma: the horrible things we see first-hand happen to our clients and their families grinding through the criminal legal system or the inability to save someone from a grave injustice. We also experience secondary trauma - quite a bit, actually - by standing witness to terrible acts others perpetrate (think listening to audio or watching video of other people's traumatic events or autopsy photos or child pornography.) And we endure moral injury from the weight of participating in the hurtful systems our jobs are a part of. Additionally, moral injury arises when public defenders are so overworked, they cannot possibly give each client the adequate attention their case needs. It's a forced failure. With so many clients, time with one is time taken from another. Like the emergency room doctor, there is a system of triage that weighs heavily.

The weight has its costs. Symptoms of this trauma exposure include anxiety, hypervigilance, intrusive thoughts, chronic fatigue, sleeplessness, sadness, anger/irritability/impatience, poor concentration, second-guessing, detachment, emotional exhaustion, fearfulness shame, physical illness, lateness,

tent or a bus ticket to a mother's funeral. It is how we pull ourselves back up after watching a young client shackled off to prison. How does one step away from that? How does one continue this endless, crushing work without that framework?

We are finding our way. The LOPD's strategic plan highlights Defender Wellness alongside vigorous client defense and other key goals. Employees themselves are asked to center wellness in their work, de facto department wellness leaders are fostering peer-to-peer community groups *and* leaders are asked to build wellness into department expectations.

#### **Employees are asked to:**

- Use their leave and strive to not check emails, calls or otherwise work while on leave
- Modify work schedules and telework schedules to accommodate personal work-related stressors; e.g. commuting times, having to drop-off/pick-up dependents, as long as a 40-hour workweek is being adhered to
- Practice self-care at work, using flex time to exercise, meditate or otherwise take a break during work hours
- Foster a sense of community by visiting during morning and afternoon break times away from the desk
- Personalize and optimize their work environment, maybe asking for a new chair, desk, screen or ergonomic assessment that will make their job easier
- Seek support from and offer it to coworkers

#### **Leaders are asked to:**

- Encourage the use of leave
- Attend to employee trauma with regular check-ins, options of mental health and substance misuse resources, such as LAP, EAP, and other appropriate resources; Provide safe, empathetic spaces for employees to decompress and discuss emotional and mental health
- Celebrate hard fights, not just wins with a focus in celebration will be zealous advocacy, not outcomes
- Model wellness by taking leave themselves

Just as the ER doctor can't control who comes to them each shift, we can't change the workload and nature of the work. But we can — and are — changing how we engage with it and respond to the harm it causes. ■

*By Maggie Shepard, Director of Communication at the New Mexico Law Offices of the Public Defender, with Public Defender Carlene Miller*

