

**IT SHOULDN'T HURT TO BE A LAWYER:
DEALING WITH COMPASSION FATIGUE**

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When I graduated from law school, my classmates and I had been trained in a variety of skills to equip us with managing in the “real world” of lawyering. We were trained on how to research the law, how to cite precedent, the importance of practicing professionally and ethically, and the difference between a tort and a contract. We were trained in assessing risks and making reasoned recommendations based on those assessments. But one thing we were not trained in was how to deal with the risks to a lawyer’s mental health and well-being as a result of working with individuals who have been the victims of trauma, violence, and other emotionally tumultuous events. In fact, much like social workers and other mental health workers, a lawyer’s constant exposure to the emotional upheaval and traumatic events of others, including the lawyer’s clients, can lead to a phenomenon known as “compassion fatigue,” or “secondary trauma.”¹ But unlike social workers and mental health professionals who are typically trained on dealing with the emotional fallout of working with a traumatized population, lawyers and judges receive no such training and, in fact, are often unaware that they may be at risk for or are experiencing secondary trauma in their jobs.²

Compassion fatigue is often mistaken for burnout because many of the symptoms of each are similar; a lack of diligence in attending to work, avoidance of others, including clients, difficulty making decisions, withdrawal, and perseveration.³ But compassion fatigue is usually more pervasive than burnout and often involves a feeling of hopelessness, and strong feelings of anxiety and excessive emotional numbing.⁴

¹ See, e.g., Christine Rainville, *Understanding Secondary Trauma: A Guide for Lawyers Working with Child Victims*, 34 ABA Child Law Practice 9 (Sept. 2015); *Law and Life: Dealing With Compassion Fatigue*, 33 GPSOLO MAG. 5 (Robert M. Salkin Ed. 2016).

² Rainville, *supra*, note 1.

³ David Donovan, *Compassion Fatigue: For Lawyers, the Well of Empathy Can Run Dry with Consequences*, DETROIT LEGAL NEWS (May 1, 2017).

⁴ Dennis Portnoy, *Burnout and Compassion Fatigue: Watch for the Signs*, Journal of Catholic Health Associations of the United States (July – August, 2011).

Given the fact that legal professionals are expected to handle and solve others' problems and to have "all the answers," all judges and lawyers are at risk of compassion fatigue. But as lawyers have become increasingly specialized, and focused their practice on one or a limited number of areas of practice, certain practices are at greater risk of compassion fatigue.⁵ It may come as no surprise that attorneys who practice primarily or exclusively in the areas of family law, criminal defense, workers' compensation, bankruptcy, or immigration, are considered at higher risk for compassion fatigue, given that they spend their days working with individuals whose legal predicaments carry a heavy emotional component including the loss of family, jobs, financial stability, safety, security, personal well-being, and/or liberty.⁶ And because they are focused in one or a narrow area of practice, they lack a balanced caseload that includes matters in which client satisfaction, a positive outcome, and a sense of personal achievement are more frequently experienced, or what researchers have labelled as "compassion satisfaction."⁷

Compassion fatigue among attorneys is nothing new. In 2003, Andrew P. Levin and Scott Greisberg published the results of a study they conducted on secondary trauma and burnout in lawyers from agencies specializing in domestic violence and family law, as well as legal aid organizations providing criminal law representation.⁸ The lawyers' symptoms of compassion fatigue were compared to other study participants of similar age and experience but who were either mental health providers or social service workers.⁹ The study results revealed that the lawyers experienced more secondary trauma and burnout as compared to the other two comparison groups.¹⁰ Specifically, the lawyers showed higher levels of "intrusive recollection of trauma materials, avoidance of reminders of the material

⁵ Donovan, *supra* note 3.

⁶ Donovan, *supra* note 3. See also Rebecca Raney, *Compassion Fatigue, A Side Effect of the Immigration Crisis*, American Psychological Association, (October 15, 2019).

⁷ Donovan, *supra* note 3.

⁸ Andrew P. Levin & Scott Greisberg, *Vicarious Trauma in Attorneys*, 24 PACE L. REV. 245, 250 (2003).

⁹ *Id.* at 250.

¹⁰ *Id.*

and diminished pleasure and interest in activities, and difficulties with sleep, irritability, and concentration.”¹¹

Gabor Mate, a physician who spent many years working in Vancouver, Canada with patients challenged by mental health issues and addiction, has opined that the term compassion fatigue is a misnomer.¹² As Dr. Mate has observed, professionals do not tire of being compassionate.¹³ Instead, they often fail to attend to their own self-care; i.e. they fail to have compassion for themselves.¹⁴ So what is a lawyer to do? Just that: show self-compassion and prioritize self-care. How? Try the following:

- Try to start your day “quietly.” Instead of jumping out of bed, checking your emails and news feeds, spend five to ten minutes just “feeling the day.” Take in some deep breaths, stretch, notice the weather outside, and mentally tell yourself that you are going to have a good day.
- Routinely exercise, pay attention to your diet, and get sufficient sleep each night.
- Practice effective coping strategies, like daily breathing exercises, mindfulness and meditation. It might be something as simple as asking yourself before you walk into the office in the morning, “how am I feeling today?” If the answer is “not so hot,” ask yourself why and what can you do to improve your mood. Alternatively, it may mean simply taking a quick walk to clear your head before or after facing a particularly challenging case or client.
- Set boundaries with your clients; explain when and how they can contact you and what is reasonable for them to expect.
- Connect with others, talk about things you enjoy, and try to share a laugh.

¹¹ *Id.*

¹² See generally dgabormate.com and the resources and links therein.

¹³ *Id.*

¹⁴ *Id.*

- Set time aside at least weekly to engage in a hobby or to learn a new skill unrelated to the practice of law.
- Carve out time each day to be unplugged from technology, and “off-the-clock.”
- Take vacations (more than just one every few years and more than just a long weekend) and when you do, leave work, including your electronic devices behind.
- Be realistic with yourself, and others. You cannot be everything to everyone, and cannot solve or fix all of your clients’ problems. At times, doing your best for a client who has made poor life choices is simply what a friend of mine calls “engaging in damage control.”
- Reach out for support - talk with colleagues or seek professional counseling.

At the end of the day, try to focus on the positives of being a legal professional. Remind yourself that being a legal professional is a noble endeavor, and that helping your clients navigate their legal problems can be exhilarating and extremely satisfying. But also remind yourself that being a good lawyer does not mean that you need to shoulder all of your clients’ emotional burdens or sacrifice your own well-being to “zealously” represent your clients. Showing yourself some self-care, some compassion, will make you a healthier, happier, and more effective lawyer.

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