



NATIONAL DISTRICT ATTORNEYS ASSOCIATION

Contributing Authors: Kirsten Pabst & Mary Ashley

Well-being is No Longer Optional

Our profession must implement structural changes now to account for secondary trauma, promote organizational health and ensure employee resilience.

I was out of law school only a few months, just into my role of prosecuting misdemeanors and traffic offenses, before being called-out to my first crime scene in the middle of the night. The suspect had slashed the victim's neck and fled on foot, leaving the victim bleeding out on the dirty floor of the old trailer, amidst garbage, half-finished crosswords and animal waste. By the time I got there, the victim had been taken to the hospital and detectives were already processing the scene—taking photos, gathering evidence and swabbing for forensics. As I stared at the coagulating pools, I was struck by two things that have stayed with me for the last 25 years: my awe of the human body's capacity to hold and lose so much fluid, and that smell—the distinct mixture of blood, alcohol and squalor.

In the decades to follow, there were countless more crime scenes, gruesome photographs, horrific stories and jury trials. On the way to my kids' grade school, I look left and think about the college student who was strangled in the ground-level apartment and then dumped on Blue Mountain Road. The slant streets area conjures images of a schoolteacher who was bludgeoned with an iron on an Easter Sunday decades before. Before long, my physical and internal landscapes, like most prosecutors who handle crimes of violence, were dotted with bloody icons of human tragedy and suffering.

Prosecutors are exposed to and susceptible to secondary trauma stress

Career prosecutors who handle crimes of violence and human tragedy will often say that the most effective prosecutors are those who deeply connect with people and authentically convey to jurors the elusive essence of human tragedy. Serving as front-line warriors fighting for justice on behalf of those who have experienced tragedy at the hands of another is noble and necessary work but is often not sustainable—at least the way we've been doing it. It is no surprise that prosecutors often display classic symptoms of long-term exposure to secondary trauma, which can mirror the symptoms of PTSD. Many once exuberant ADAs pivot from, "This is God's work—I don't do it for the money," to "You can't pay me enough," as they pack their diplomas for a lucrative practice in a law firm with less rewarding work, lots more money, and very little gore.

For those that stick it out, the rewards of a career in prosecution are great but the cost can be very high. In my 25 years, I've lost colleagues to suicide, heart disease, and addiction and seen others gradually go from young, vibrant, enthusiastic public servants to barely recognizable, burnt-out, cynical, and badly degraded copies of their former selves.

As a professional community, we recently started discussing the need to address secondary trauma stress [STS] in front-line professionals who work with victims of abuse. And we just now started embracing the idea of holistic well-being in the field of criminal prosecution, a profession saturated with violence and trauma. Professor Rachel Naomi Remen, Osher Center of Integrative Medicine at the University of California, San Francisco, said,

“The expectation that we can be immersed in suffering and loss daily and not be touched by it is as unrealistic as expecting to be able to walk through water without getting wet.”¹

It is time to turn the crystal and see our profession both as it is—survivable—and as it can be—thrivable². Well-being is no longer optional. We must pivot and implement structural changes which account for prosecutors' unique challenges, promote organizational health and prevent our mentees from flaming out.

The effects of secondary trauma stress are cumulative

As a profession, we've been catching up on studying primary trauma as we begin to understand the profound effects of traumatic experiences on the human brain. We are learning that when a person or child suffers ongoing or intense abuse, the experience actually changes the physiological structure of the brain and ushers in psychological effects that change the person's view of and response to stress, to others and to the world. Trauma affects the brain's ability to process information, recall events and communicate to others.³

Similarly, indirect exposure to others' trauma such as listening to details of abuse, preparing cases for court and pouring over photographic evidence accumulates over time and, unless the person utilizes strategies for preventing and addressing STS, that cumulative exposure can significantly impact the professional's work life, personal life and mental health.⁴

Secondary trauma—sometimes referred to as vicarious trauma, compassion fatigue, or burnout—is just gaining recognition in the legal field and is the manifestation of long term, repetitive exposure to work-related human tragedy. STS largely impacts professionals on the front lines of the helping fields such as social work, emergency medicine, law enforcement, mental health and, in our case, prosecution. Constant and cumulative exposure to violence and trauma through work has documented negative effects, personally and professionally. Secondary trauma, like primary trauma, alters brain function.⁵

Trauma psychologists tell us—and we've seen firsthand-- that those who work with victims of crime for prolonged periods of time often experience symptoms similar to those of PTSD, such as difficulty concentrating, headaches, stomachaches, depression, intrusive images, nightmares, strained personal relationships, fatigue, difficulty sleeping and compromised parenting.⁶ Andrew Levin, M.D., Assistant Clinical Professor of Psychiatry at Columbia, wrote, “[T]here is a consensus that STS and VT (vicarious

traumatization) degrade the professional's ability to perform his or her task and function in daily life beyond the job."⁷

Like criminal investigators, prosecutors and staff who work with victims of violent crime are at very high risk to suffer the effects of STS and the best ones often are affected to a greater degree. In fact, according to secondary trauma expert Andrew Laue, LCSW,

"Professionals who are the most successful, because of their ability to openly and effectively engage with victims, suffer the greatest negative consequences of secondary trauma."⁸

Reactions to the cumulative effects of STS vary and are influenced by internal and external factors. Unmitigated, STS can be destructive and—especially coupled with other challenges prosecutors face, and can lead to physical, psychological and social problems.

The legal profession is in turmoil

Chronic exposure to stress hormones is detrimental to body and brain. What was once an adaptive survival response has become chronic and maladaptive. The result is that our ability to regulate the physiological response to stress decreases over time and returning to stasis takes longer and longer, exposing us to long-term consequences.⁹

Attorneys seem particularly susceptible to the ill-effects of poorly managed work stress and are at an elevated risk of substance use and mental health disorders.¹⁰ According to a study conducted by the American Bar Association (ABA), published in 2016, with over 12,000 practicing lawyers participating, up to 36% qualify as problem drinkers, and up to 28% are struggling with some level of depression, anxiety, and stress.¹¹

Prosecution: a recipe for distress

Exposure to STS is one of many compounding factors leading to burnout in prosecutors.¹² Combined with other unique stressors such as burgeoning caseloads, long and densely packed schedules, dwindling resources, decades of racial and gender inequality, virulent accounts of police misconduct, and lack of authentic peer support, all set in an intentionally competitive and adversarial role, this career that we love often isn't viable in the long term. Even though STS is considered a normal response to this kind of work, it often results in decreased productivity and interest in work, increased use and abuse of substances and high turnover. And responding to employees in crisis is expensive and disruptive, as is training new attorneys to replace ADAs who leave.

Despite the level of suffering and negative personal and financial effects of secondary trauma on prosecutors—particularly those working in domestic and sexual violence, child abuse and homicide---there remains a notable lack of programming designed to prevent and mitigate the negative effects on those dedicated employees. How can we make our work sustainable?

Implementing organizational resilience starts at the top

Changing an ingrained culture takes time but has to start with leadership. The role of the public prosecutor is unique and rapidly evolving and must allow for adaptation and growth. Altering the course of a freightliner at sea takes time, intention, and most definitely involves the captain. Instituting a culture of well-being necessitates buy-in from all of the team and, consequently, must start with leadership.

Erika Tullberg, an expert on secondary trauma and assistant professor at New York University's Child Study Center explained the importance of making changes at the institutional level. Tullberg said, "The most important component of mitigating the impact from secondary trauma (and the best way to limit employees from developing it in the first place) is through organizational changes."¹³ Similarly, the ABA recommends organizational programs designed to counter secondary trauma in the legal system,¹⁴ stressing that larger scale strategies and systemic changes are key in addressing STS.

How leaders can cultivate a culture of well-being

Leaders bear much responsibility for employees' well-being and should provide sustainable work environments, understanding that employees' self-care, though important, isn't enough. That expectation implies that there is a pathology or depletion that is the responsibility of the individual alone. We must make structural and organizational changes that build in secondary trauma processing and employee resilience as competencies, acknowledge the depletion inherent in the job, and provide mechanisms to neutralize it.

- 1. Start with your mission statement.** Does your mission statement contemplate sustainability of the staff? Examine and refine your department's core values and consider incorporating well-being into your stated values and mission statement and include resiliency skills as required professional competencies.
- 2. Offer a plausible work landscape (PWL).** Prosecutors' caseloads are notoriously high. New ones sink or swim. The tough survive. Sort of. Like Maslow's hierarchy, the prerequisite to organizational health requires hosting a PWL, in which leaders look at staff caseloads with new eyes and adjust. Learn to identify signs of burnout or disengagement and provide opportunities for respite. Check your best litigators' vacation banks and insist they use it. Another approach is turning one of your less-stressful full-time employee (FTE) slots into rotating temporary placement where trial attorneys can rest for a few months and recharge. Although it is important for us to teach resiliency skills and foster peer connection, none of that matters if unmanageable caseloads keep your people in crisis. We must make sure the landscape is compatible with life before we look at improving the quality of that life.
- 3. Initiate an office-wide well-being program.** Many organizations have jumped onto the wellness bandwagon and, to their credit, initiated "wellness" programs. Others have rolled out "well-being" programs. What is the difference? Are the terms interchangeable? Not really. While wellness is the primary responsibility of

the employee, well-being is best accomplished when employers provide adequate opportunities and secure funding for well-being. When organizations offer well-being programs — and workers seize the opportunities therein — everyone benefits. Employers who offer comprehensive well-being programs report higher productivity, better results, and less adverse medical and emotional stress amongst workers.¹⁵ Other strategies include incorporating resiliency skills in professional competencies, providing training on brain science and teaching resonate listening skills.

- 4. Host an in-house secondary trauma group.** About five years ago, I started a formal Secondary Trauma Group [STG] as a major component of our well-being program.¹⁶ Working together with an expert in secondary trauma, our employees learn the fundamentals of trauma and secondary trauma; practice using resiliency tools while understanding the basics of neuroplasticity; participate in peer-facilitated critical incident support, which includes investigators and, in one instance, our jury. The expense and time commitment were minimal and the results—less turnover, better morale—have been significant.¹⁷
- 5. The importance of a formalized peer support program.** Peer support groups provide prosecutors and staff a place to share their experiences and receive informal support. While not every member of a district attorney's office needs formal assistance or suffers from secondary trauma, nearly everyone at some point in his or her life is in need of compassion and empathy—at the very least, a friendly ear or shoulder when a bad day or personal challenge leaves one struggling. The Substance Abuse and Mental Health Services Administration (SAMHSA) has long advocated and utilized research to reinforce the power of peer support.

“Peer support encompasses a range of activities and interactions between people who share similar experiences. This mutuality, called ‘peerness,’ between a peer support person and a person seeking help promotes connection and inspires hope. Peer support offers a level of acceptance, understanding, and validation not found in many other professional relationships.”¹⁸

Some positive reported outcomes for individuals who receive peer support are increased self-esteem and confidence, increased sense of control and ability to bring about changes in their life, raised empowerment, and a feeling that treatment can be responsive and inclusive of their needs.¹⁹ Workers trust peers over supervisors, because they understand your job, the atmosphere, and experiences within the profession. Peer support programs have done well in the fields of law enforcement, emergency, fire, and first responders.

The responsibility of every prosecutor

The responsibility of well-being is equally carried by each worker and management. Stress, adversity and trauma are unavoidable realities in a prosecutor's world. Despite swimming in life's most horrific stories, we can control how we respond to such

challenges, learn to metabolize work stress by practicing resiliency skills, support our colleagues through resonant listening, and reframe how we look at stress as an impetus for personal and professional growth.²⁰ Being good to yourself takes effort and intention and daily maintenance. Here's your assignment:

1. **Schedule and prioritize self-care**²¹, like exercise, outside activities, social connection. Self-care alone, as noted above, isn't enough, but remains a crucial part of sustainability.
2. **Try meditating**²². Take time every day to quiet your mind, like going for a walk, checking in with a friend, or single tasking a cup of tea.
3. **Practice gratitude**. Take the [gratitude challenge](#)²³.
4. **Manage anxiety**. Practice noticing where you harbor stress in your body and teach your brain to forge new neuropaths.²⁴ Stay in your window of tolerance between hyper-arousal and numbness.
5. **Learn and practice resiliency skills**. Build your own, personalized [resiliency toolbox](#).²⁵ It is important to understand that resilience requires 1) awareness—paying attention to how our bodies and brains respond to stress, and 2) connection—through resonant listening and peer support.
6. **Offer support** to colleagues through resonant listening and peer support. If your office doesn't have a formal peer support program, start one!

I know.

To most of us old-timers, this all seems a little touchy-feely, a little woo-woo. But the reality is that using proven techniques to make our work sustainable is not only supported by science²⁶, it is rapidly becoming our ethical obligation²⁷, and is well on its way toward mainstream. The ABA is recommending that all states modify the rule of competence to include well-being. If we are knowledgeable and prepared enough to try a case, shouldn't we also be emotionally and mentally strong? Let's not watch any more of our colleagues fall as we stand by admiring our own grit or worse, feeling responsible.

Remember why you chose this work and recall that moment you knew that you were on the right path, regardless of what obstacles lay ahead. You handled it, sure, but what about those who didn't? So many of our prosecutor friends over the years, have taken their own lives, died way too young, or succumbed to addiction. And, of those who handled it, who didn't handle it well? And should we have to "handle" it? Why not crush it? Why not thrive?

NDAAs new Well-being Task Force

NDAAs President Nancy Parr has made prosecutor well-being one of her priorities for 2021 and we couldn't be more excited! President Parr assembled a taskforce that hit

the ground running last Fall by launching weekly blogs, planning future retreats and conferences and organizing a series of webinars that kicked off in December 2020 and are scheduled to run through 2021. Missoula County Attorney Kirsten Pabst was named Chair of the Task Force, with DDA Mary Ashley from San Bernardino County as Vice-Chair. The taskforce members, consisting of a circle of career prosecutors--plus one well-being professional-- with shared expertise and/or special training in secondary trauma, burnout, vicarious trauma and compassion fatigue have been remotely convening monthly to address the challenges that face prosecutors from across the nation and help make our critical work more sustainable.

Our current projects include writing and publishing [In Recess](#), our dedicated weekly blog filled with short articles, everyday tips, videos, and other good, easily digestible information. [Check it out](#) and sign up for a free account to get weekly notifications.

And . . . coming soon . . . we are rolling out a national peer connection and support service for all prosecutors (stay tuned). Additionally, we will be launching a resource hub on the NDAA site, where we'll offer a collection of resources, articles, books and other materials. Whether interested in your own well-being, concerned about a colleague or contemplating implementing an in-office program, we hope to provide a centralized hub for you to find what you need, to support your colleagues, office and profession.

Finally, we are also working on hosting—at a site TBD—a retreat for prosecution team members where we'll learn the latest in the neuroscience of well-being while physically and mentally unwinding for a few days. Education, food, relaxation, nature and CLE credits will be featured.

Conclusion

We invite, encourage and challenge you to take this new journey with us into a stronger, prioritized and focused area of well-being for prosecutors across the nation. It will only get better from here.

For many career prosecutors, the years of being subjected to violent images, human suffering and the hypervigilance it creates takes its toll, even on the "toughest" of prosecutors. In 2021, we need to create a new "toughness," one that acknowledges the struggles and incorporates time for self-care and a commitment to the appropriate work-life balance. Training and education for prosecutors to build their resiliency skills and allow healthy space for peer support and other well-being strategies has become critical.

A prosecutor who is emotionally supported by their organization and trained to manage stress is a far better reasoned and capable decision maker who can exercise good judgement and perspective on each case. Thriving organizations foster vibrant team members who then provide better services to the victims and communities we serve. Win, win, win.

NDAAs Well-being Task Force Members:

- **Kirsten Pabst**, Chair, Missoula County Attorney, MT
- **Mary Ashley**, Vice Chair, San Bernardino County, CA
- **Jennifer Webb-McRae**, Cumberland County, NJ
- **Joe Dallaire**, City of Fairbanks, AK
- **John Hollway**, Quattrone Center
- **Kimberly Spahos**, North Carolina Conference of District Attorneys
- **Lou Anna Red Corn**, Fayette County, KY
- **Michael Rourke**, Weld County, CO
- **Susan Broderick**, NDAAs Staff Liaison

Kirsten Pabst is the Missoula, Montana County Attorney and chairs NDAA's Well-being Task Force. Mary Ashley is a Deputy District Attorney in San Bernardino County and serves as the task force's Vice-chair.

If you have questions, need more information, or have good ideas for us, let us know by sending an email to **Susan Broderick** at sbroderick@ndaajustice.org or any of the task force members.

Additional Resources & Links:

- [Coping during COVID](#)
- ABA page to [lawyer assistance crisis hotlines in each state](#).
- NDAA's Prosecutor well-being blog, [In Recess](#)
- [Did You Know? Prosecutor Wellness](#), Prosecutors' Center for Excellence
- STAR-T program: [Secondary Trauma Activates Resiliency](#)
- [Suicide prevention programs by state](#)
- [The Institute for Well-Being in Law](#)
- Secondary Trauma Group wins [NACo's Brilliant Ideas at Work](#) award
- Public Radio, [Prosecutors Recognized For Fighting 'Secondary Trauma'](#)

¹ Rachel Naomi Remen: *Kitchen Table Wisdom: Stories that Heal*, Penguin, New York, 1996.

² Author's word

³ *Reducing Compassion Fatigue, Secondary Traumatic Stress and Burnout*, William Steele, Routledge 2020.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ [Vicarious Trauma in Attorneys](#), A. Levin and S. Greisberg, Pace Law Review, 2003.

⁸ [Andrew Laue, LCSW](#), Developer of the STAR-T program (Secondary Trauma Activates Resiliency)

⁹ *Vicarious Trauma in Public Service Lawyering: How Chronic Exposure to Trauma Affects the Brain and Body*, Zwisohn, Handley, Winters, Reiter, Richmond Public Interest Law Review, 2019.

¹⁰ [The Path to Lawyer Well-being: Practical Recommendations for Positive Change](#), Nat. Task Force on Lawyer Well-being Report (2017).

¹¹ Id.

¹² *Vicarious Trauma in Public Service Lawyering: How Chronic Exposure to Trauma Affects the Brain and Body*, Zwisohn, Handley, Winters, Reiter, Richmond Public Interest Law Review, 2019.

¹³ American Bar Association, *Understanding Secondary Trauma*, Vol. 34. No. 9, Sept. 2015 (pg. 136)

-
- ¹⁴ ABA, Center for Children and the Law, *Understanding the Impact of Secondary Trauma on Lawyers Working with Children and Families*, presentation by Carly Baetz, psychologist at Mount Sinai Health System, Center for Child Trauma and Resilience, New York, 2016.
- ¹⁵ *Reducing Compassion Fatigue, Secondary Traumatic Stress and Burnout*, William Steele, Routledge 2020.
- ¹⁶ Did You Know? [Prosecutor Wellness](#), Prosecutors' Center for Excellence.
- ¹⁷ Missoula Deputy CAs, along with other human service workers, video discussion about burnout from STG in this [STAR-T video](#) and the benefits of STG in this [STAR-T trailer](#).
- ¹⁸ Shery Mead & Cheryl McNeil, *Peer Support: What Makes It Unique*, 10 INT'L J. PSYCHOSOCIAL REHAB. no. 2. 2006, at 29–37.
- ¹⁹ Substance Abuse & Mental Health Servs. Admin., Value of Peers, 2017.
- ²⁰ [Optimizing our response to stress](#), J. Hollway, *In Recess*, Nov. 11, 2020.
- ²¹ [Small Steps to Well-being](#), K. Pabst, *In Recess*.
- ²² [Clearing the Crime-Scene Cobwebs: Meditation for Skeptics, Old-Schoolers & Beginners](#), K. Pabst, *In Recess*.
- ²³ [An Attitude of Gratitude](#), S. Broderick, *In Recess*.
- ²⁴ [Toolbox Tip: One-minute Anxiety Buster](#), K. Pabst, *In Recess*.
- ²⁵ [The Vicarious Trauma Toolkit](#), Office for Victims of Crime.
- ²⁶ [Clearing the Crime-Scene Cobwebs: Meditation for Skeptics, Old-Schoolers & Beginners](#), K. Pabst, *In Recess*.
- ²⁷ [The Path to Lawyer Well-being: Practical Recommendations for Positive Change](#), Nat. Task Force on Lawyer Well-being Report (2017).