

How Judges Can Respond to Secondary Traumatization and Burnout

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April 24, 2025

Disclaimer

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Disclosure

This project was supported by Award #15PBJA-23-GK-02440-DGCT from the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office.

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The author has no conflicts of interest to disclose.

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The Problem

Common Stresses in Court Cases

- Hearing traumatic stories of crimes, violence, domestic violence, child abuse and neglect, sexual abuse, kidnapping, serious injuries, and deaths
- Seeing pictures of women and children who have been harmed
- Exposure to the worst impulses, behaviors, and beliefs in people
- Seeing the effects on the most vulnerable among us



“I Don’t Know How You Do It”

- Managing the Calendar
- Am I being Consistent?
- Am I being fair?
- Confidence
- Imposter Syndrome
- I am not as stressed as I was as a lawyer - so I shouldn’t complain
- The weight
- Stigma

Isolation

“As an attorney, I used to come to court early for the sole purpose of visiting and catching up with all of the other attorneys. I miss that social contact with all of those attorneys and I miss working with them on cases. The relationship is very different though I wish it didn't have to be. I was not sure how to make the relationships work when I first took the bench and I know I pulled away from people and that is difficult to correct. “

Isolation in the Judicial Center

By Isiah Zimmerman

“Before becoming a judge, I had no idea or warning, of how isolating it would be.”

“Except with very close, old friends, you cannot relax socially.”

“Judging is the most isolating and lonely of callings.”

“The isolation is gradual. Most of your friends are lawyers, and you can’t carry on with them as before.”

“When you become a judge, you lose your first name!” “It was the isolation that I was not prepared for.”

“After all of these years on the bench, the isolation is my major disappointment.”

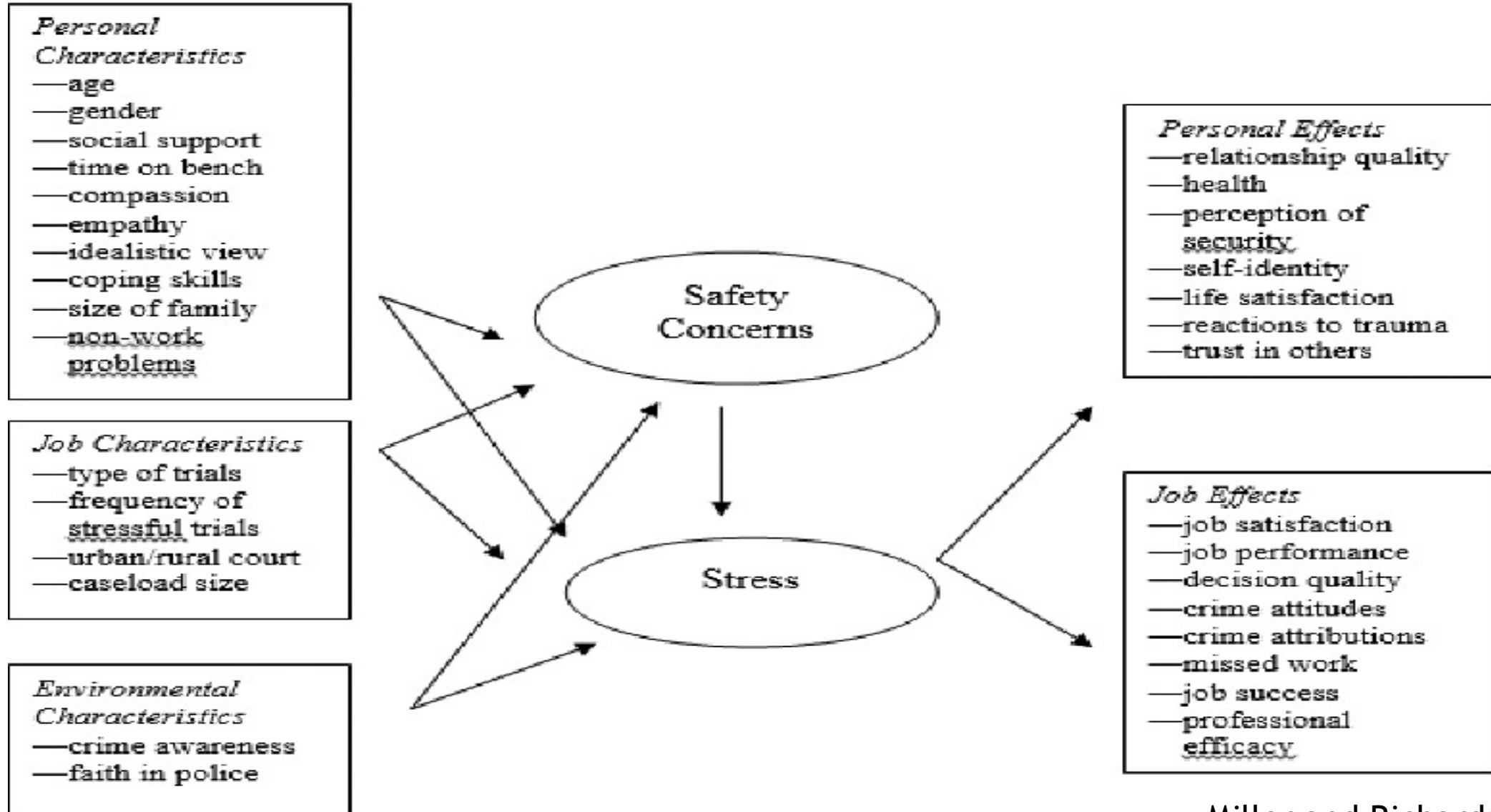
“The Chief Judge warned me: ‘You’re entering a monastery when you join this circuit.’”

“I live and work in a space capsule—alone with stacks of paper”

“Your circle of friends certainly becomes much smaller.”

“Once you get on the appellate bench, you become anonymous.”

A Model of Judicial Stress



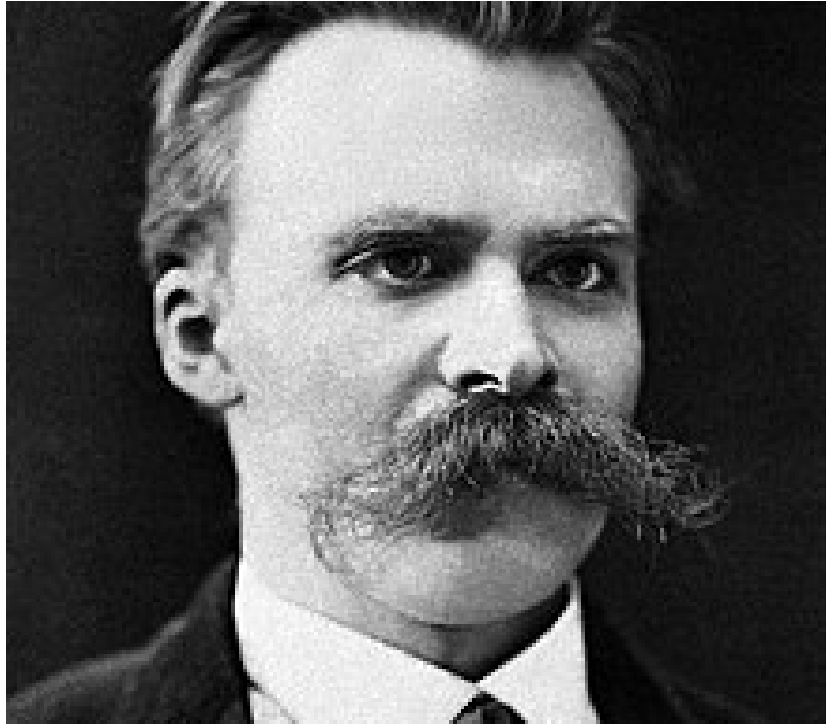
A Day in the Life

- 3 am: Phone call from Sheriff's Department to sign narcotics search warrant
- 5 am: Children were in the home, phone call from Children's Division to sign emergency order for children that were taken into protective custody
- 9 am: Criminal docket with 92 cases ranging from guilty pleas, bond hearings, and pre-trial motions
- 11 am: Review 3 emergency restraining orders from a domestic violence event requiring the perpetrator to leave home
- 1 pm: Traffic docket with 2 pro se bench trials
- 3 pm: Treatment Court docket; participant came to court high and with children

Obstacles to Judicial Self-Care



- Neither secondary traumatization nor self-care are taught in many law schools (Perry, 2014)
- Judges are reluctant to admit to their own suffering (Chamberlain & Miller, 2009)
- Judges may feel they need to be perfect role models (Chamberlain & Miller, 2009)
- Judges are reluctant to engage in lawyer assistance programs, because they may know other participants (Chamberlain & Miller, 2009)
- Judicial isolation (Jaffe et al., 2003)



“What Does Not Kill Us,
Makes Us Stronger”
Friedrich Nietzsche



And Kelly Clarkson



You are not
a superhero!



Results of Exposure to Trauma: Secondary Traumatic Stress

What Do We Mean by “Trauma”?

(i.e., primary traumatization)

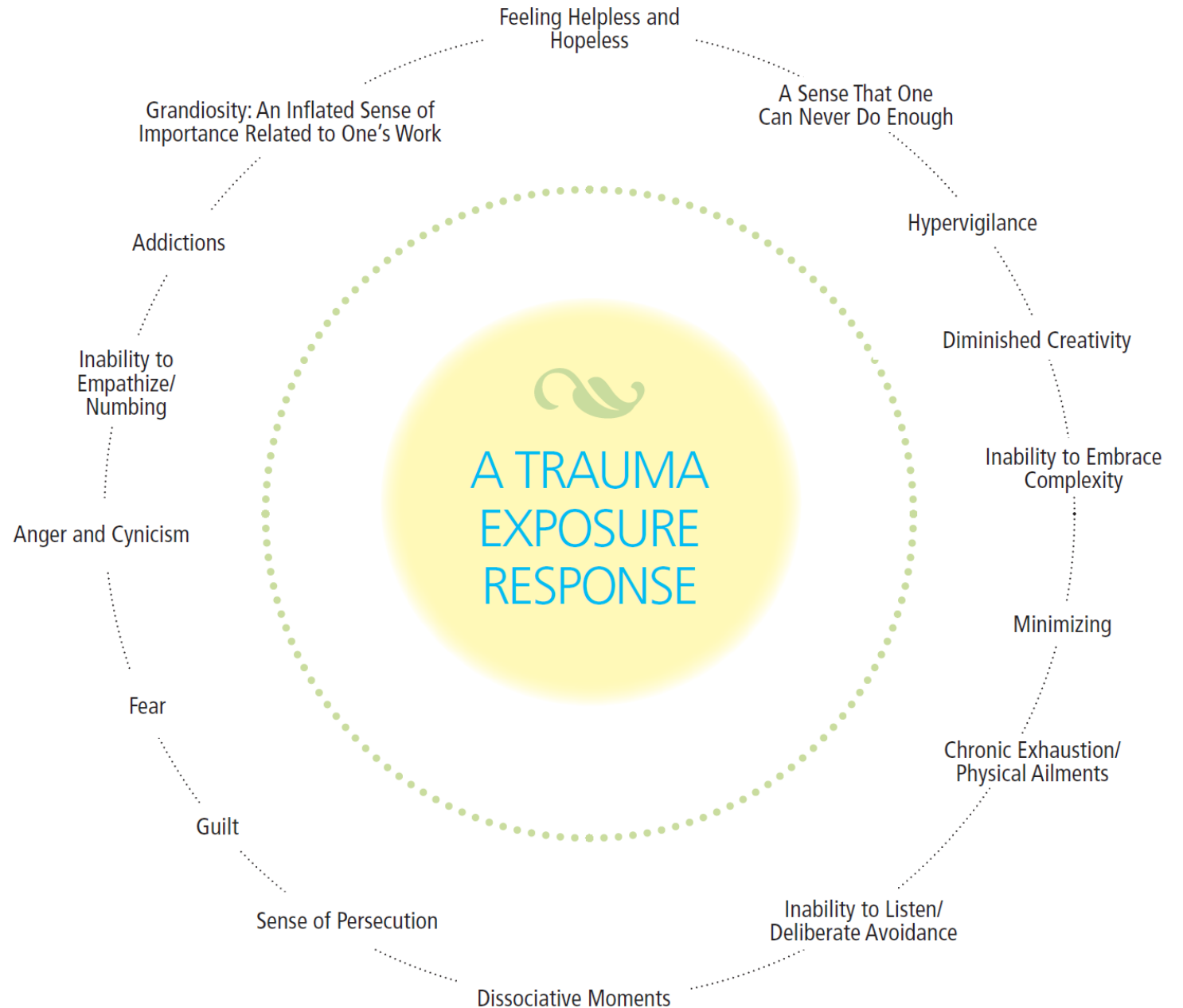
Trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening that has lasting adverse effects on the individual’s functioning and mental, social, emotional, or spiritual well-being.

SAMHSA, 2014

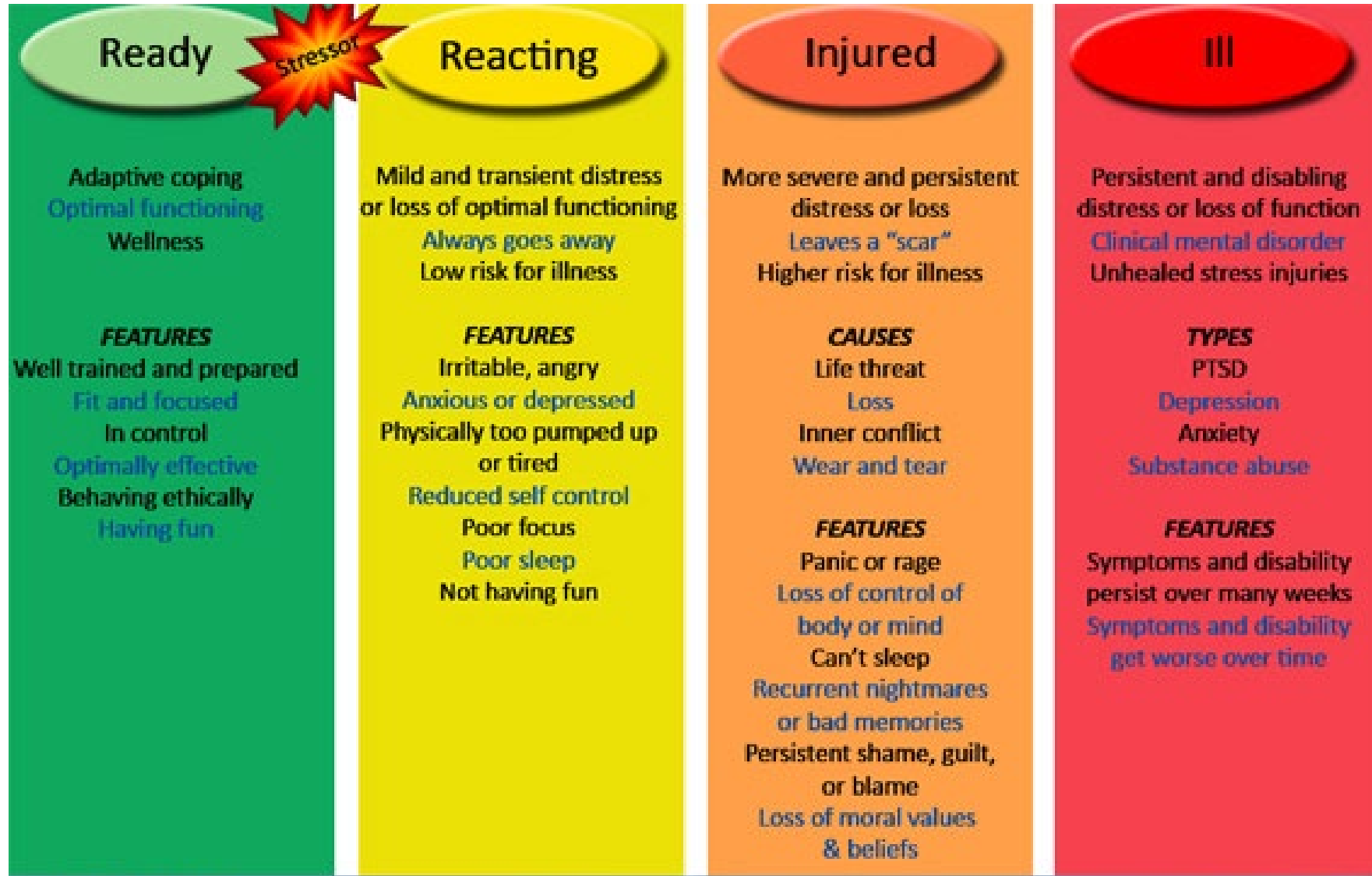
The Trauma Exposure Response

A trauma exposure response may be defined as the transformation that takes place within us as a result of exposure to the suffering of other living beings or the planet.

Laura van Dernoot Lipsky, 2010



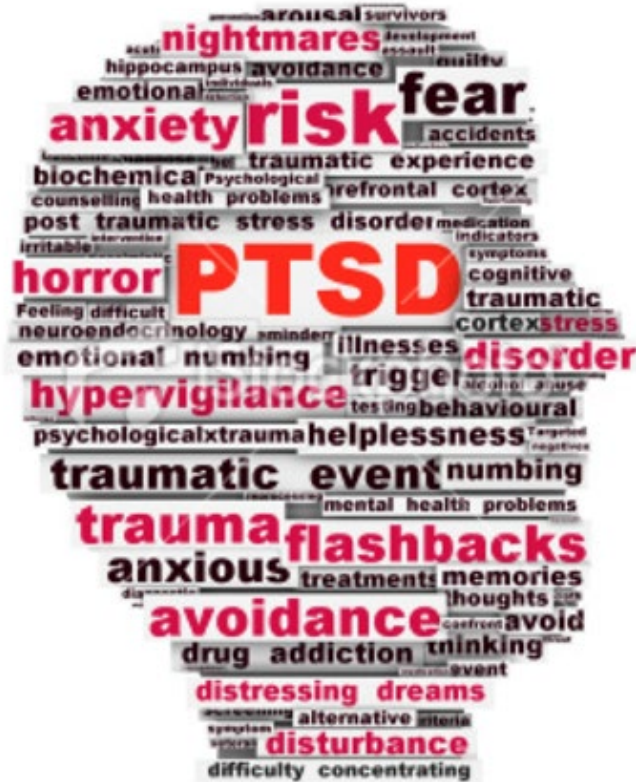
Post-Traumatic Responses Occur on a Continuum



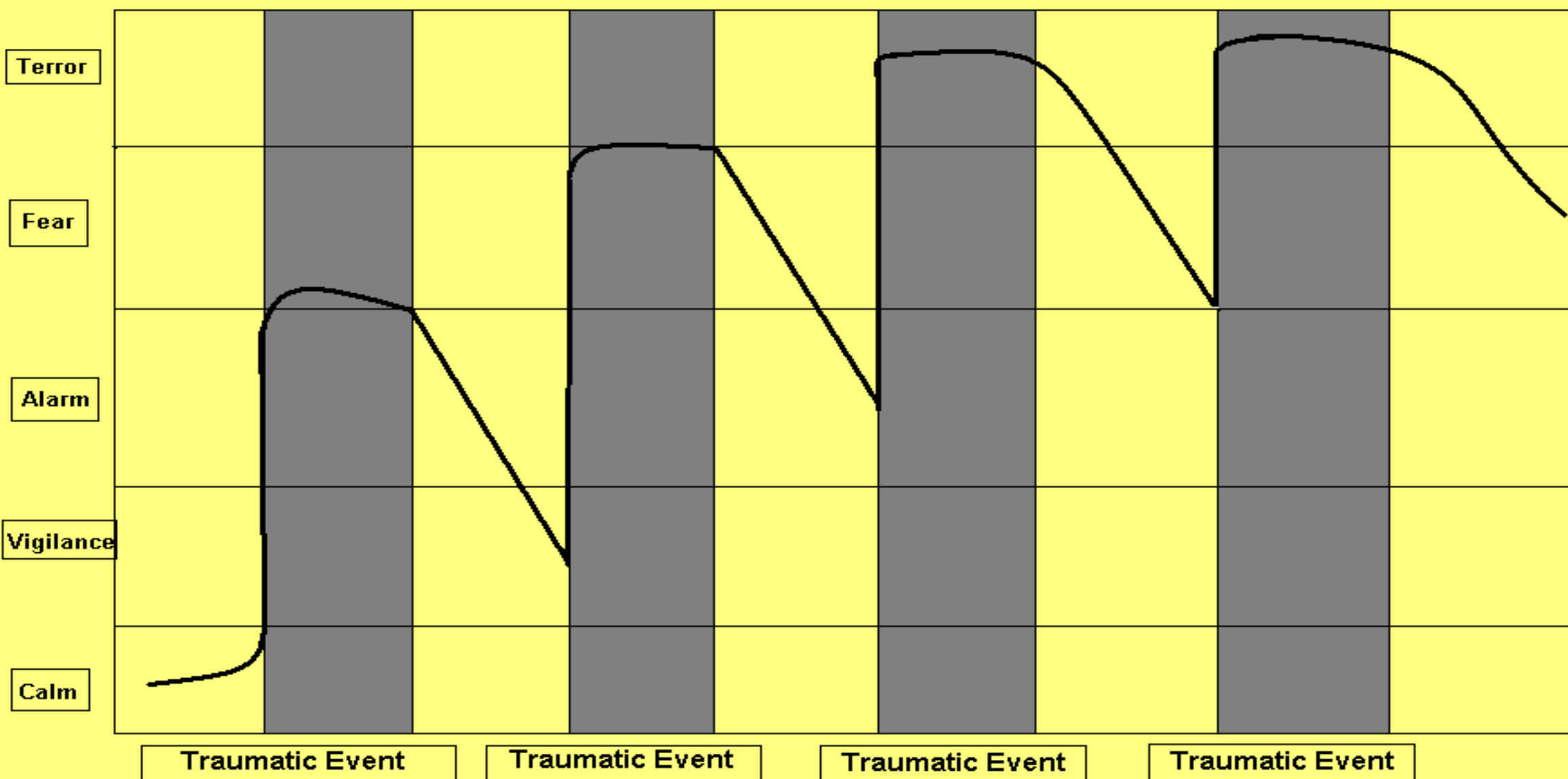
Post-Traumatic Stress Disorder in DSM 5

PTSD is characterized by:

- Exposure to a severe life-threatening event
- Repetitive re-experiencing of the event
- Avoidance of stimuli associated with trauma
- Negative moods and cognitions
- Increased arousal



RESPONSE TO MULTIPLE TRAUMAS



After Bruce D. Perry, 1999

What Happens When You Are Exposed to Multiple Traumas?

- We all have a certain amount of resilience
- It can be increased or it can be worn down
- With too much trauma exposure, our cup fills up
- We can only handle so much



How Does Repeated Traumatic Exposure Affect Judges?

It hurts.

It can consume their thoughts.

It creates images they can't forget.

It wears away at their resilience.

It can make them pull away from friends and family.

It can make them question their faith.

It may result in secondary traumatization.

What Is Secondary Traumatic Stress?

Secondary traumatic stress is the emotional duress that results when an individual hears about the firsthand trauma experiences of another. Its symptoms mimic those of post-traumatic stress disorder (PTSD).

NCTSN, 2017

What Is Secondary Traumatic Stress?

Unfortunately, we are not able to unhear or unsee the things we see and hear in the courtroom. There is no button to turn off the effects of this when you go to bed at night.

I will be out running, and suddenly I see the burned-off face of a 5-year-old child in my head, and it won't go away.

Anonymous judges, quoted in *Judicial Edge*, October 20, 2017

Secondary Traumatization is a normal response to an abnormal level of exposure to traumatic events.

Risk Factors for STS



- Personal history of trauma or something related to the case
- Overidentification with court participants
- Empathic style
- Insufficient recovery time between trauma exposures
- Reactive to children's vulnerability
- Isolation at work
- Lack of systemic resources

Symptoms of STS

Re-experiencing

- Intrusive images
- Nightmares
- Flashbacks
- Being triggered by reminders

Avoidance

- Trying not to talk about it
- Withdrawal and isolation
- Being late
- Missing work
- Not going out in public
- Increased alcohol and drug use

Symptoms of STS

Negative Thoughts and Moods

- Numbness
- Anxiety
- Depression
- Helplessness
- Cessation of previously enjoyed activities

Arousal

- Irritability
- Anger
- Hypervigilance
- Startle responses
- Insomnia

Other Common Symptoms of STS



- Worsening eating habits (overeating, junk food)
- Ruminative thinking
- Thoughts of retribution
- Fears for own safety and that of loved ones
- Preoccupation with work/working longer hours
- Engaging in excessive screen time (phones, tablets, computers, televisions)
- Feeling cut off from or distrustful of others

Important Note

It is not unusual to experience one or more of these symptoms from time to time.

Normally, these periods do not last more than two weeks.

It's only
TEMPORARY



Research on Secondary Traumatic Stress in Judges

In October, 2017, nearly 800 judges participated in a National Judicial College survey.

They were asked “Have you suffered secondary traumatic stress from being a judge?”

45% answered yes.

Judicial Edge, October, 2017

The Main Study: Jaffe et al., 2003

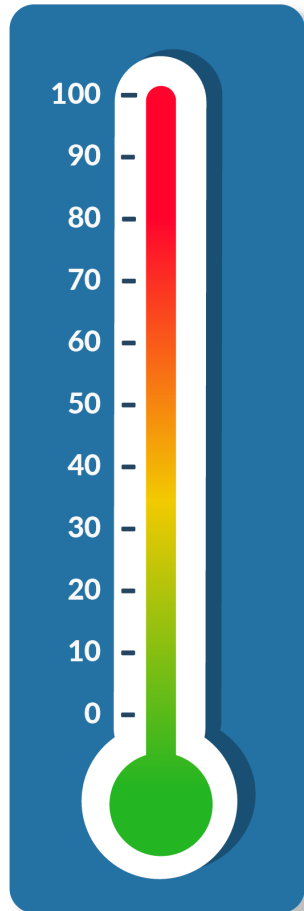
- 105 judges, 54% M and 46% F
- 81% had criminal court duties, 54% had domestic court duties, and 30% had juvenile court duties
- 63% reported one or more symptoms of STS
- Female judges reported more internalizing symptoms
- Judges with more than six years of experience were more likely to report more externalizing/hostile symptoms



The fact that 46-63% of judges experience some symptoms of secondary traumatization suggests that 37-54% do not.

Self-Assessment

Self-Assessment: Subjective Units of Distress



- 100 Highest anxiety/distress that you have ever felt.
- 90 Extremely anxious/distressed.
- 80 Very anxious/distressed; can't concentrate. Physiological signs present.
- 70 Quite anxious/distressed; interfering with functioning. Physiological signs may be present.
- 60 Moderate-to-strong anxiety or distress.
- 50 Moderate anxiety/distress; uncomfortable, but can continue to function.
- 40 Mild-to-moderate anxiety or distress. ***Intervene here
- 30 Mild anxiety/distress; no interference with functioning.
- 20 Minimal anxiety/distress.
- 10 Alert and awake; concentrating well.
- 0 No distress; totally relaxed.

High Distress

Moderate Distress

Low Distress

Professional Quality of Life

Compassion
Satisfaction

Compassion
Fatigue

Burnout

Secondary
Trauma

Assess for STS

- Conduct periodic self-assessments
- Use evidence-based assessment instruments:
 - Professional Quality of Life Scale
 - Secondary Traumatic Stress Scale

Secondary Traumatic Stress and Related Conditions: Sorting One from Another

Secondary Traumatic Stress refers to the presence of PTSD symptoms caused by at least one indirect exposure to traumatic material. Several other terms capture elements of this definition but are not all interchangeable with it.

Compassion fatigue, a less stigmatizing way to describe secondary traumatic stress, has been used interchangeably with the term.

Vicarious trauma refers to changes in the inner experience of the therapist resulting from empathic engagement with a traumatized client. It is a theoretical term that focuses less on trauma symptoms and more on the covert cognitive changes that occur following cumulative exposure to another person's traumatic material.

Compassion satisfaction refers to the positive feelings derived from competent performance as a trauma professional. It is characterized by positive relationships with colleagues, and the conviction that one's work makes a meaningful contribution to clients and society.

Burnout is characterized by emotional exhaustion, depersonalization, and a reduced feeling of personal accomplishment. While it is also work-related, burnout develops as a result of general occupational stress; the term is not used to describe the effects of indirect trauma exposure specifically.



Assess for STS

- Helpers tend to underestimate their secondary traumatic stress
- The best evaluators tend to be their spouses/partners (Jaffe et al., 2003)
 - Also close family members and close friends
 - Ask them if you've changed/if you show signs of STS

Problem-Solving Courts

- Engage in a team approach

Nature of the work involves problem-solving

Problem-solving involves empathic listening

Empathic listening involves potentially hearing about traumatic experiences

Exposure to traumatic experiences of others contributes to vicarious trauma

Vicarious trauma affects the quality of service provided
- deterioration in provider decision-making and service delivery

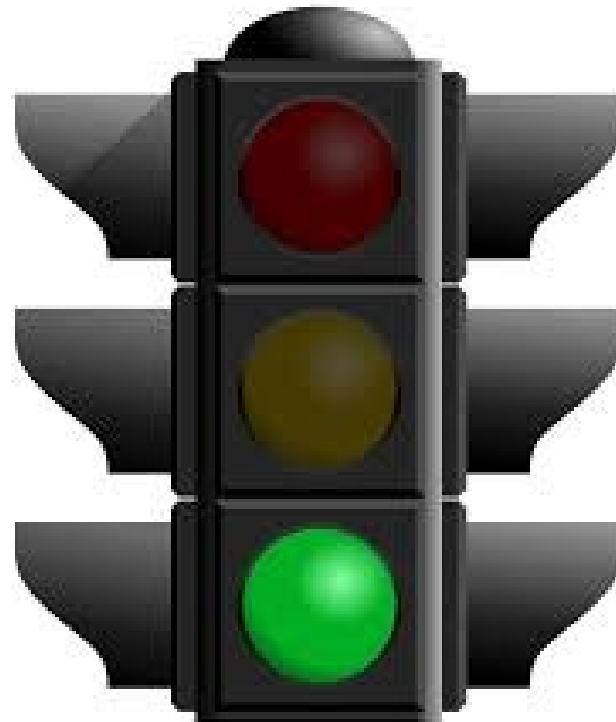
Thus, to be effective for clients and the team, the team must address vicarious trauma



Put on your own
oxygen mask
first before
assisting others.

Randy Pausch

Preventing Traumatization: Developing Resilience



What is Resilience?

- “Resilience is the process of adapting well in the face of adversity, trauma, tragedy, threats, or significant sources of stress...”
 - Ordinary not extraordinary
 - It does not mean the absence of distress or emotional symptoms
 - Not a “trait” - involves thoughts, behaviors, and actions



Factors Involved in Resilience

1. Supportive relationships inside and outside of one's family
2. The capacity to make realistic plans and take steps to carry them out
3. A positive view of yourself and the confidence in your strengths and abilities
4. Skills in communication and problems solving
5. The capacity to manage strong feelings and impulses (i.e., distress tolerance)
6. Engaging in self-care

...In other words, these are **all things someone can cultivate** within themselves....

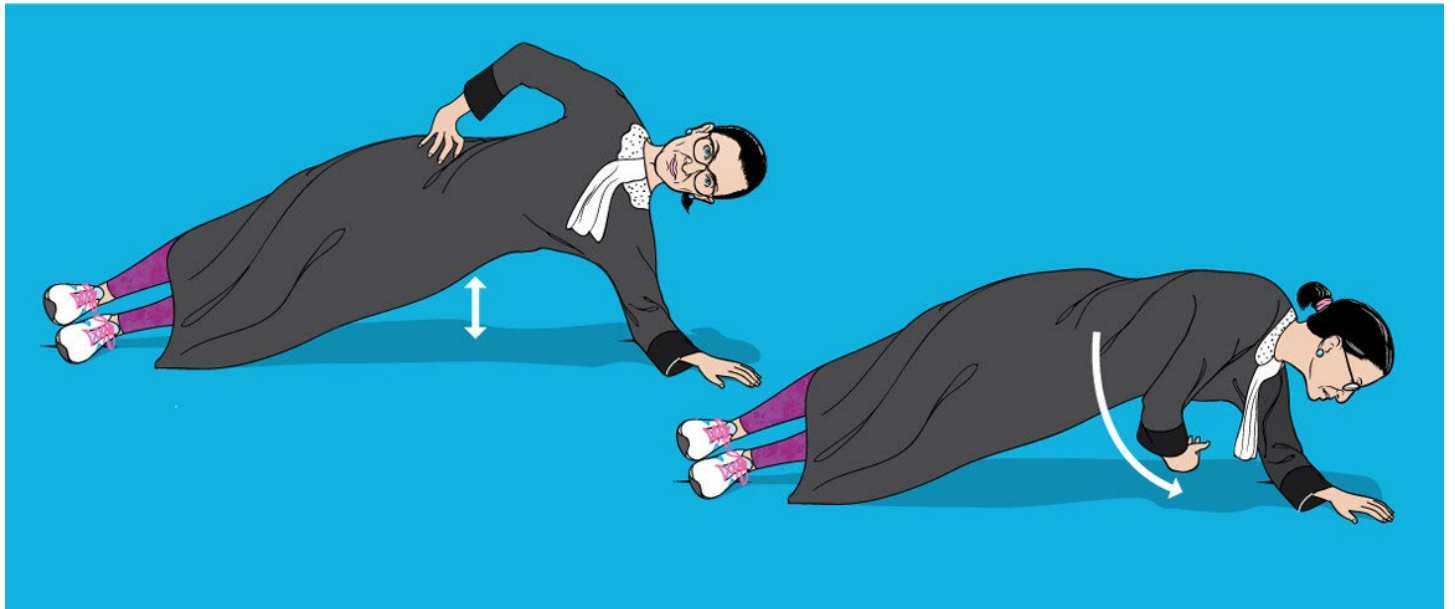
Address Systemic Safety Concerns

- Trauma-related symptoms may be the result of feeling unsafe with offenders
- Address practical concerns with practical solutions wherever possible
- Review best practices for courtroom safety
 - <https://cdm16501.contentdm.oclc.org/digital/collection/facilities/id/170>
- If your court does not have an emergency management plan, create one



Preventing Secondary Traumatization

1. Know the signs and symptoms of STS
2. Assess yourself annually
3. Take breaks at work
4. Ensure 6.5-7.5 hours of sleep/night
5. Eat healthy foods in healthy amounts
6. Exercise regularly





Preventing Secondary Traumatization

7. Engage in a spiritual life
8. Engage in a hobby that has nothing to do with work
9. Set boundaries between work and home
10. Schedule and accumulate pleasant activities
11. Deal with your personal history
12. Obtain regular training on trauma and its effects

SAMHSA's Four R's of Trauma-Informed Courts

01

Realize the widespread impact of trauma and understand potential paths for recovery

02

Recognize the signs and symptoms of trauma in participants, families, and staff

03

Respond by integrating knowledge about trauma into policies, procedures, and practices

04

Actively resist re-traumatization

Responding to Traumatization



A judge was asked, “How do you cope with all the stress associated with being a judge?”

He answered, “With ~~golf and alcohol~~.”

Intervening When You Experience STS

1. Engage or re-engage your support network
2. Re-balance work and life
3. Reduce exposure to work-related and trauma-related books, movies, internet content, and news



Intervening When You Experience STS



4. Practice self-soothing: baths, music, massages, etc.
5. Take vacations
6. Start a journal, including what you are grateful for
7. Be creative: sing, dance, write, draw, sculpt
8. Spend time with healthy children
9. Practice self-compassion

Intervening When You Experience STS

10. Practice mindfulness meditation

11. Engage in regular yoga



THE BENEFITS OF MINDFULNESS

Physical



Boost energy levels



Improves sleep



Reduces chronic pain



Improves heart function



Helps with digestive problems

Mental



Relieves stress



Reduces anxiety



Improves mood and happiness



Boosts concentration and focus



Improves self-esteem

Mental Health

Benefits of Yoga

Decreases Stress & Anxiety

Helps You Focus

Creates Mindfulness

Increases Self-Esteem

Boosts Confidence

Increases Awareness

Encourages Self Care

Improves Meditation

Increases Happiness

Promotes Well-Being



Q: How do you know when primary trauma and/or secondary traumatic stress becomes a significant problem?

A: When your symptoms become constant and/or pervasive.



**Know when your
cup is running over.**

Self-Soothing

Self-Soothing

(Comforting yourself through
your five senses)

1. Something to touch
(ex: stuffed animal, stress ball)
2. Something to hear
(ex: music, meditation guides)
3. Something to see
(ex: snowglobe, happy pictures)
4. Something to taste
(ex: mints, tea, sour candy)
5. Something to smell
(ex: lotion, candles, perfume)



Everyone Needs One Person in Whom to Confide







- Trauma dissipates in waves
- Each of us needs one person to talk with:
 - A partner or spouse
 - A close friend
 - A family member
 - A minister/pastor/priest/rabbi
 - A therapist

Develop a Self-Care Action Plan

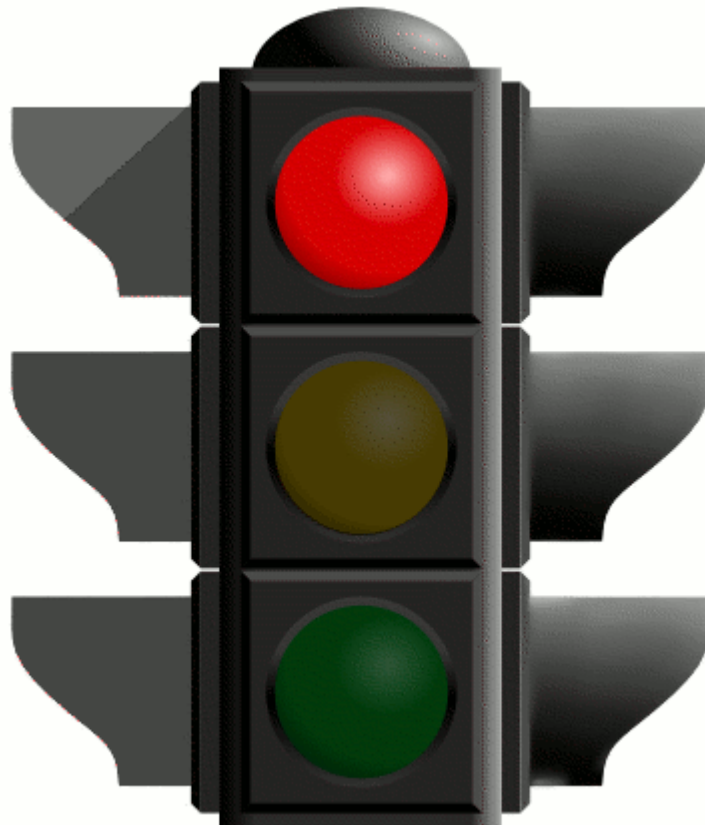
- Use the ideas above, and add your own
- Make a plan how you will leave work at work
- Identify your triggers and how you will handle them
- Set aside at least one hour daily for self-care
- What gives you joy?
- What gives you meaning?

_____ 's Self Care Plan

 Mental	 Physical
 Emotional	 Spiritual

***Start a plan
within the next four days***

Recognizing When You Need Outside Help



Signs of Deepening Problems

- Drinking more than two standard drinks/day
- Misusing prescription medication
- Using illicit drugs



Signs of Deepening Problems



- Becoming a couch potato
- Insomnia lasting more than two weeks
- Panic attacks
- Isolation from family and friends
- Despair about the world
- Loss of faith
- Thoughts of suicide

Deepening Problems in Court

- Inability to balance compassion and impartiality
- Numbness
- Unstable moods
- Emotional acting out towards participants
- Spacing out/dissociation



“My work stress became apparent to me when my spouse told me I was changing. I took stock and realized that I was getting crabby at work and quiet at home. Signs are hard to pickup on, but change is a little easier to identify.”

Anonymous Judge, 2025

Deepening Problems in Court

- Decreased motivation
- Decreased productivity
- Decline in quality of work
- Avoiding or becoming less responsive to others
- Impaired judicial functioning



From my experience, one of the symptoms of judicial burnout is an unwillingness or inability to timely decide matters. That can be manifested in taking matters under advisement and not issuing decisions for inordinate amounts of time. *See, e.g., In the Matter of Gerard*, 631 N.W.2d 271 (Iowa 2001). Another way I have seen it manifested is in simply refusing to try a matter. I have seen judges do that in a variety of ways such as engaging the attorneys or parties in settlement negotiations until insufficient time remains in the schedule to try the case. I have seen judges simply say there isn't sufficient time to try the case based on what the attorneys have identified as the issues and then continue the matter. I have seen a judge commence a trial and almost immediately launch an attack on an attorney or witness and then recuse, forcing the rescheduling of the trial before another judge.

Anonymous Judge, 2025

When STS Becomes a Serious Problem

- Seek consultation from a peer
- Use state assistance programs for attorneys or clinicians
- Use the employee assistance program
- Engage in psychotherapy

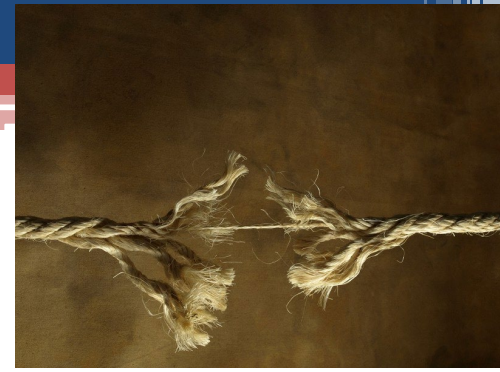


Brownout

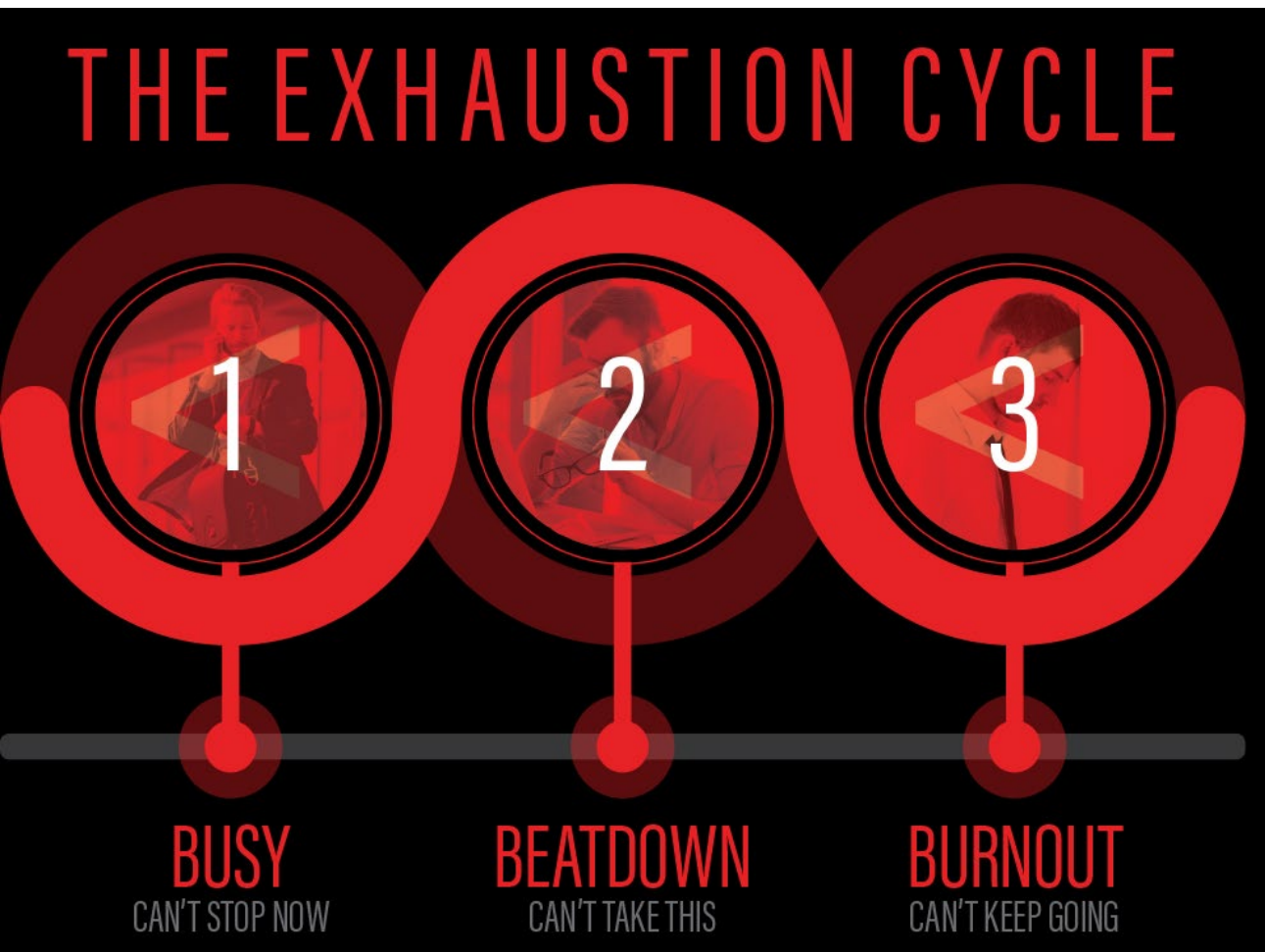
- Brownout precedes burnout
- It occurs when someone disengages, becomes discontent and lethargic, and loses interest in work
- It may result in sick leave and/or vacation in an attempt to recharge
- A survey of 1,000 executives by Corporate Business Concepts found:
 - Brownout is more prevalent than burnout
 - 40% of the population experiences brownout
 - 5% of the population experience burnout



Top 10 Signs of Brownout



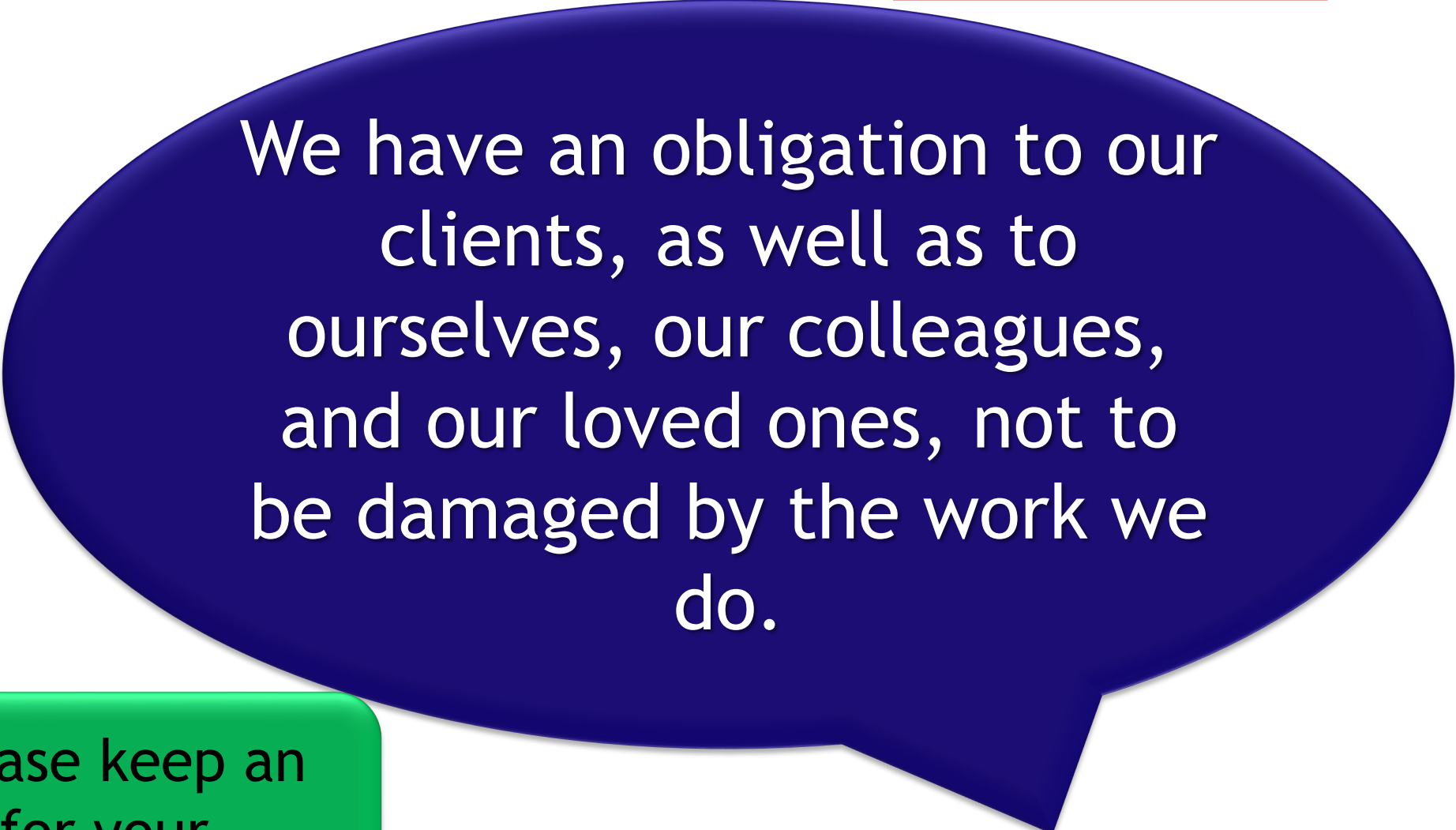
1. You work **long hours**, but without any real interest in your job. The work itself is a dull slog and lacks intellectual challenge or stimulation.
2. You feel as if you **never really finish tasks**. There's always more to do.
3. You no longer know where your career is going and **don't make important decisions**.
4. You **contribute the minimum** in meetings and have little interest in new suggestions. You're the person who pours cold water on other people's ideas.
5. You'll **use any excuse not to show up**. A headache becomes a migraine and a cold is always flu.
6. You check emails when you get up in the morning and in bed before you to sleep. You are **glued to your smartphone** on holidays, on weekends and even during social occasions.
7. **Physically you've started to suffer**. You're out of shape, you eat junk food, you don't get enough sleep and you've given up exercising.
8. You've **lost your sense of humor** and tend towards passive aggressiveness and surliness. If anyone (in work or outside) asks you how things are going, you tend to snap or answer in monosyllables.
9. Family **life is no longer what it once was**. You come home late to watch TV and show little interest in your spouse and children. Friendships have withered on the vine and outside interests have been forgotten.
10. You don't **hate your boss**, but they're moody and unpredictable. You never know whether they'll like or hate a given piece of work.



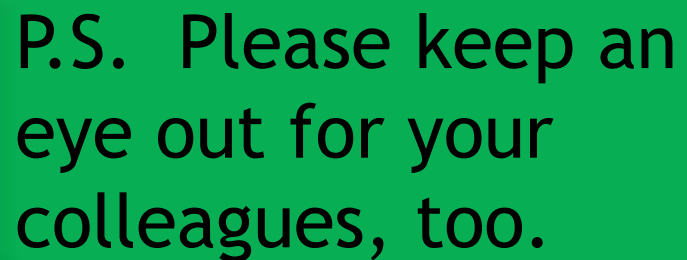
Signs of Burnout

- Chronic exhaustion
- Problems with attention and focus
- Headaches, stomach aches, chest tightening, dizziness, etc.
- Increased illness
- Loss of appetite or heavy overeating
- Cynicism and detachment
- Feeling ineffective

A Final Thought



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.



P.S. Please keep an
eye out for your
colleagues, too.

Karen Saakvitne and Laurie Pearlman, 1996

References and Resources

Self-Screening Tools

- Secondary Traumatic Stress Scale:

https://www.naadac.org/assets/2416/sharon_foley_ac15_militarycultureho2.pdf

- Professional Quality of Life Scale

http://proqol.org/uploads/ProQOL_5_English_Self-Score_7_2011.pdf

Dealing with Trauma Exposure

- *Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others* by Laura van Dernoot Lipsky
- *Transforming the Pain: A Workbook on Vicarious Traumatization* by Karen Saakvitne and Laurie Pearlman
- *The Resilient Practitioner: Burnout and Compassion Fatigue Prevention and Self-Care Strategies for the Helping Professions, 3rd Edition* by Thomas Skovholt and Michelle Trotter-Mathison

Dealing with Trauma Exposure

- Self-Care Workbook:

http://www.figleyinstitute.com/documents/Workbook_AMEDD_SanAntonio_2012July20_RevAugust2013.pdf

- When Compassion Hurts:

https://www.beststart.org/resources/howto/pdf/Compassion_14MY01_Final.pdf

- Secondary Traumatic Stress in child-serving systems:

http://www.nctsn.org/sites/default/files/assets/pdfs/secondary_traumatic_tress.pdf

Mindfulness Books

- *Mindfulness for Beginners: Reclaiming the Present Moment - and Your Life* (2011), Jon Kabat-Zinn
- *Radical Acceptance* (2012), Tara Brach
- *The Miracle of Mindfulness* (1999), Thich Nhat Hanh
- *Meditation for Beginners* (2008), Jack Kornfield
- *How to Meditate* (2013), Pema Chodron

Online MBSR Courses

- Free online MBSR course:
<http://palousemindfulness.com/selfguidedMBSR.html>
- Online video course:
<http://www.soundstrue.com/store/the-mbsr-online-course-3226.html>

Guided Mindfulness Meditations

- <http://www.va.gov/PATIENTCENTEREDCARE/resources/multimedia/index.asp>
- <http://www.fammed.wisc.edu/mindfulness-meditation-podcast-series/>
- <http://health.ucsd.edu/specialties/mindfulness/programs/mbsr/Pages/audio.aspx>
- <http://marc.ucla.edu/body.cfm?id=22>

Self-Help Mobile Applications

<http://www.t2health.org/mobile-apps>

- Breathe 2 Relax
- PTSD Coach
- My Life
- Mindfulness Coach



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