Proskauer

Coping With Secondary Trauma From Pro Bono Work

Law360 on **August 9, 2021**

As law firms prepare for a return to the office and embrace a new normal it is imperative that we reflect on how the pandemic has changed our understanding of mental health and the difficult, everyday traumas affecting vulnerable communities, as well as those who serve them.

Since the beginning of the COVID-19 pandemic, firms have experienced a record level of demand for pro bono legal services as issues such as health care access, [1] domestic violence, [2] drug addiction, [3] housing security [4] and income stability [5] have substantially affected our pro bono clients, revealing that many people pre-pandemic had been hanging on by a thread, and that life is precarious for those from low-income and disadvantaged backgrounds.

Although the economy is rebounding, the recovery thus far has been uneven.

Otto Starzman, chief production officer of the River Fund [6] — an organization in New York City fighting hunger, homelessness and poverty — told me that prior to COVID-19, they provided over 15,000 families approximately 500,000 pounds of free groceries every month.

By last summer, that effort grew to 33,000 families receiving 2 million pounds of groceries per month.

This summer, even as the city has been opening up, Starzman reports that unfortunately, those numbers have not budged at all.

The COVID-19 crisis is far from over for a large number of people, and the urgent need for pro bono legal services has only continued to grow.

As pro bono clients struggle with greater, more complex and increasingly urgent needs, the likelihood for attorneys to experience secondary trauma has never been higher. It is important for law firms to recognize this phenomenon and provide their lawyers with the support they need.

Secondary Trauma

Even under the best circumstances, some pro bono work can be incredibly stressful, challenging and emotionally taxing, and may lead to secondary trauma.

Secondary trauma occurs when the stress of working with a trauma-exposed client begins to interfere with a pro bono lawyer's professional or personal life.

Secondary traumatic stress — also known as vicarious trauma, burnout or compassion fatigue — shares some symptoms with post-traumatic stress disorder, but is a product of indirect (and usually repeated) exposure to another's trauma.

Evidence [7] of secondary trauma has been found in social workers who work with abused children, therapists who support sexual assault survivors and health care workers [8] during the pandemic, among others.

Secondary traumatic stress also affects public interest lawyers, and has been documented among public defenders [9] and judges.[10]

According to the American Bar Association,[11] lawyers in practice areas such as family, criminal and juvenile law are particularly susceptible to secondary traumatic stress, as their work often requires them to listen to victims' personal stories and review evidence of traumatic events.

Likewise, lawyers working on pro bono matters for clients who have survived traumatic events may also be vulnerable to the effects of secondary trauma, particularly when asked to read, view or listen to graphic depictions of violence.

Identifying Symptoms

It is important to look for symptoms of secondary traumatic stress[12] in your colleagues and within yourself.

In the workplace, compassion fatigue may manifest as:

- Avoidance (such as avoiding clients or missing deadlines);
- Hypervigilance (feeling on edge or like all clients are in immediate danger); and/or
- Becoming argumentative or defensive about work on a case, frequently spending large amounts of time on a pro bono case outside of regular work hours, and generally becoming less productive and

In your personal life, it may appear as:

- Disturbing images from cases appearing in dreams or intrusive thoughts;
- Physical symptoms, such as headaches or stomachaches, or feeling tired or guilty all of the time; and/or
- Becoming numb and detached from your friends or family outside of the office.

Tools and Resources for Individuals

As a busy professional who is deeply committed to your work on a case, how do you assess your stress?

Simply acknowledging and naming what you are experiencing can be an important first step in combating secondary traumatic stress.

One tool to help you examine if your work is taking a toll on your mental health is the Professional Quality of Life Scale measure, provided by the Center for Victims of Torture, [13] which evaluates an individual's compassion satisfaction, burnout and secondary traumatic stress on separate scales.

If you determine that you are experiencing burnout or compassion fatigue, it is critical that you find time to be away from your work and from your phone.

According to a 2015 ABA article, Erika Tullberg, an expert on secondary trauma and a research assistant professor at New York University Grossman School of Medicine, recommends[14] establishing regular, defined breaks where you do not check your emails or texts. She suggests telling colleagues that you will be away from your texts/emails for a set amount of time, and to call only if it is an emergency.

It can also be helpful to discuss both the rewarding aspects of pro bono work and the associated stressors you may be experiencing with a colleague who has worked on similar cases in the past, a supervisor on the case or managers of your firm's pro bono program.

Finally, if stress or burnout reaches a point where it is significantly affecting your personal relationships and ability to perform professionally, consider finding help from a licensed mental health professional who can provide personalized guidance and tailored resources.

Pro Bono Program Management

From technological issues to child care, the COVID-19 pandemic has created emotional, physical, financial and logistical stressors for attorneys.

Due to increased personal obligations and the heightened volume of billable work arising from the pandemic,[15] more attorneys may be hesitant or even unable to take on the same amount of pro bono work as they handled prior to the pandemic.

Particularly in times of great need such as this, the solution cannot be simply to disengage from public service — it must be to rethink how public interest work is offered, managed and measured.

Firm leaders should clearly convey to attorneys that pro bono work — no matter how busy the firm may be — is a high priority.

Attorneys should be encouraged to communicate with their department heads and pro bono coordinators to determine what pro bono work they are capable of handling and the level of involvement to which they are able to commit.

Short-term, one-off or flexible projects, such as reviewing simple agreements or conducting discrete consultations, may be more appropriate for individuals concerned about large and unpredictable billable dockets.

Firm leaders should circulate pro bono opportunities with tailored outreach based on individual capacity to take on more work.

That being said, the practice of staffing pro bono matters can no longer be simply an exercise of evaluating time capacity; emotional capacity must be considered as well. To the extent lawyers express any hesitancy about taking on or remaining on a particular matter, their feelings should be respected.

Also, it should not be assumed that a pro bono matter serving a particular cause or demographic should necessarily be handled by those with identities directly affected by that cause or who are part of that demographic.

Lived experiences with sensitive issues can, of course, be a major asset to a case, but these experiences can just as easily impact an attorney's well-being on an emotional level.

Firms need to empower those who are inclined toward supporting the public good to engage at the highest level they are able, but still need to be attuned to the specific needs of individual attorneys as mental wellness becomes an increasingly important component of law firm talent management.

Additionally, as much as pro bono work can provide a sense of relief or empowerment to struggling attorneys by demonstrating the tangible effects that they can have on individuals in need, legal work is not the only manner in which an attorney can contribute to the greater good.

Nonlegal corporate social responsibility efforts and volunteering initiatives can be equally meaningful and impactful, and should be spearheaded by the firm whether or not the hours count toward any ranking.

In short, it is best to provide a wide variety of service opportunities, understanding that there is no one-size-fits-all approach.

Recommendations for Firms

Especially as many legal professionals continue to work from home, firms should consider providing employees with mental health resources.

An effective wellness initiative would offer free programming on such topics as meditation, mindfulness and yoga, and could be supplemented with educational webinars about, among other things, anxiety management and coping with social isolation.

A firm should also develop an employee assistance program that includes access to free, confidential counseling services.

Ideally, these programs would be developed and overseen by a senior manager at the firm dedicated to employee wellness.

Firms should send firmwide communications to remind employees of new and existing resources, include links to these resources in introductory emails to attorneys joining pro bono matters, and incorporate the discussion of secondary trauma into existing training where appropriate.

Firms can also help by placing an emphasis on mentoring and guidance from experienced lawyers, and by being willing to assign additional resources to particular matters that may be emotionally distressing to lawyers.

Secondary trauma is always a risk to those involved in providing pro bono legal services and is not solely a byproduct of the added stressors resulting from the COVID-19 pandemic.

With greater awareness and support from law firms, attorneys suffering from secondary traumatic stress will not only be able to get the help they need, but continue to engage in meaningful public service.

Please seek care if you recognize the symptoms of compassion fatigue or burnout in yourself or a colleague.

Additional resources include:

- Living Above the Bar's Mental Health Resource Page[16] on burnout and secondary trauma for lawyers, curated by the Attorney Wellness Task Force of the South Carolina Bar.
- The ABA's publication, "Understanding Secondary Trauma: A Guide for Lawyers Working with Child Victims,"[17] which includes applicable self-help recommendations and firm best practices for lawyers experiencing secondary traumatic
- The Trauma-Informed Law Project's resource page,[18] which includes self-care tips for lawyers as well as information on trauma-informed legal

Proskauer Pro Bono Coordinator Alexander Volpicello and Paralegal Madison Marko contributed to this article.

Reproduced with permission. Originally published August 9, 2021, "Coping With Secondary Trauma From Pro Bono Work," Law360.

---

[1] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7999346/

[2] https://www.nejm.org/doi/full/10.1056/NEJMp2024046

[3] https://www.apa.org/monitor/2021/03/substance-use-pandemic

[4] https://www.nytimes.com/2021/03/17/realestate/new-york-city-renters-evictions.html

[5] https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and

[6] https://www.river.fund/

[7] https://www.tandfonline.com/doi/abs/10.1080/00048670902721079?src=recsys&journa%

[8] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7102670/

[9] https://www.ncbi.nlm.nih.gov/pubmed/22134453

[10] http://jaapl.org/content/37/2/214/tab-article-info

[11] https://www.americanbar.org/groups/lawyer_assistance/resources/compassion_fatigue/

[12] https://www.americanbar.org/groups/child_law/resources/child_law_practiceonline/child_law_practice/vol-34/september-2015/understanding-secondary-trauma--a-guide-for-lawyers-working-with/

[13] https://proqol.org/ProQol_Test.html

[14] https://www.americanbar.org/content/dam/aba/administrative/child_law/clp/vol34/sept15.

[15] https://www.mckinsey.com/industries/financial-services/our-insights/covid-19-implications-for-law-firms#

[16] https://www.livingabovethebar.org/trauma-burnout-etc/

[17] https://www.americanbar.org/groups/child_law/resources/child_law_practiceonline/child_law_practice/vol-34/september-2015/understanding-secondary-trauma--a-guide-for-lawyers-working-with/

[18] http://www.traumainformedlaw.org/resources/

Related Professionals

- **William C. Silverman**
  Pro Bono Partner