

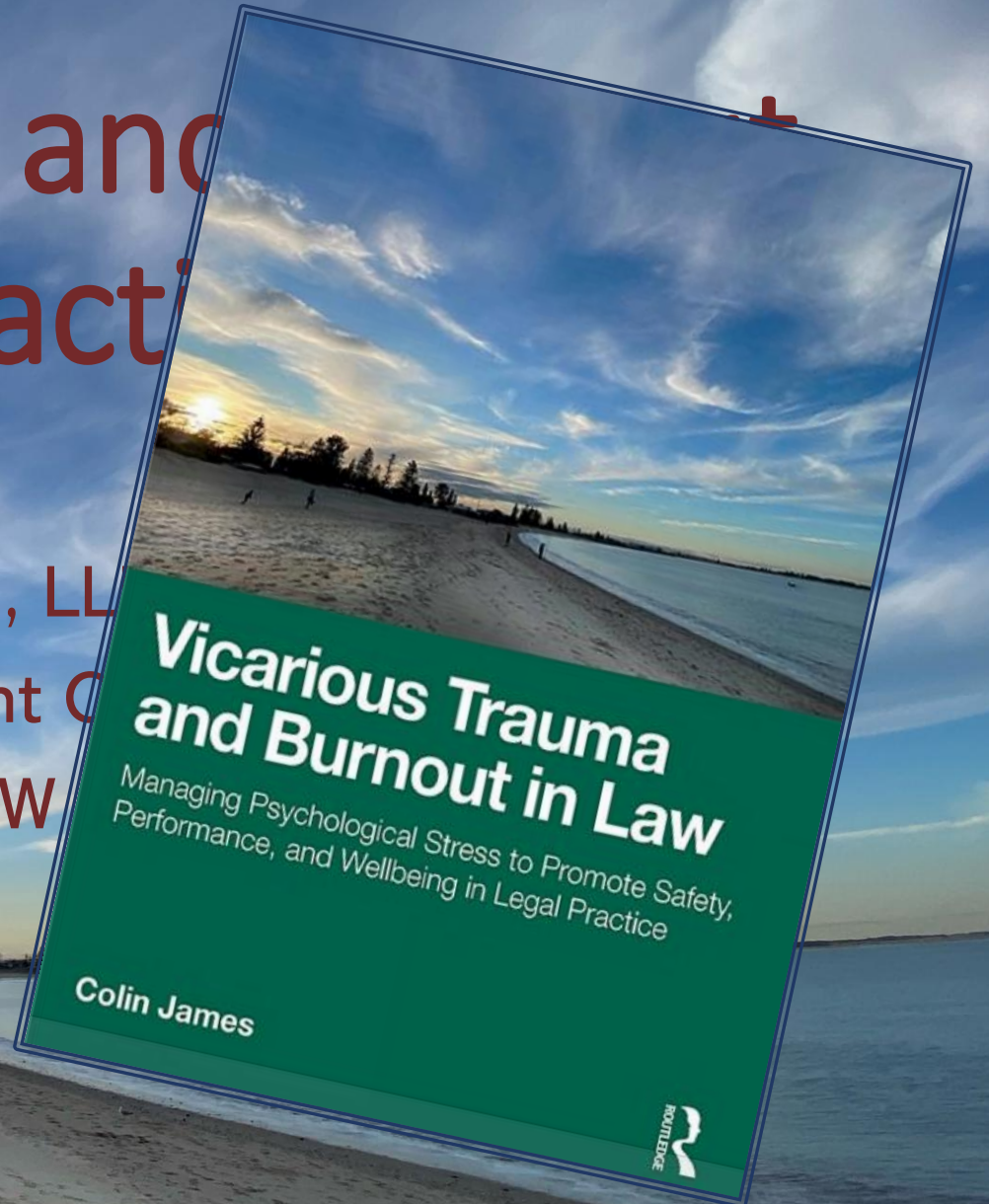
Vicarious Trauma and Burnout in legal practice

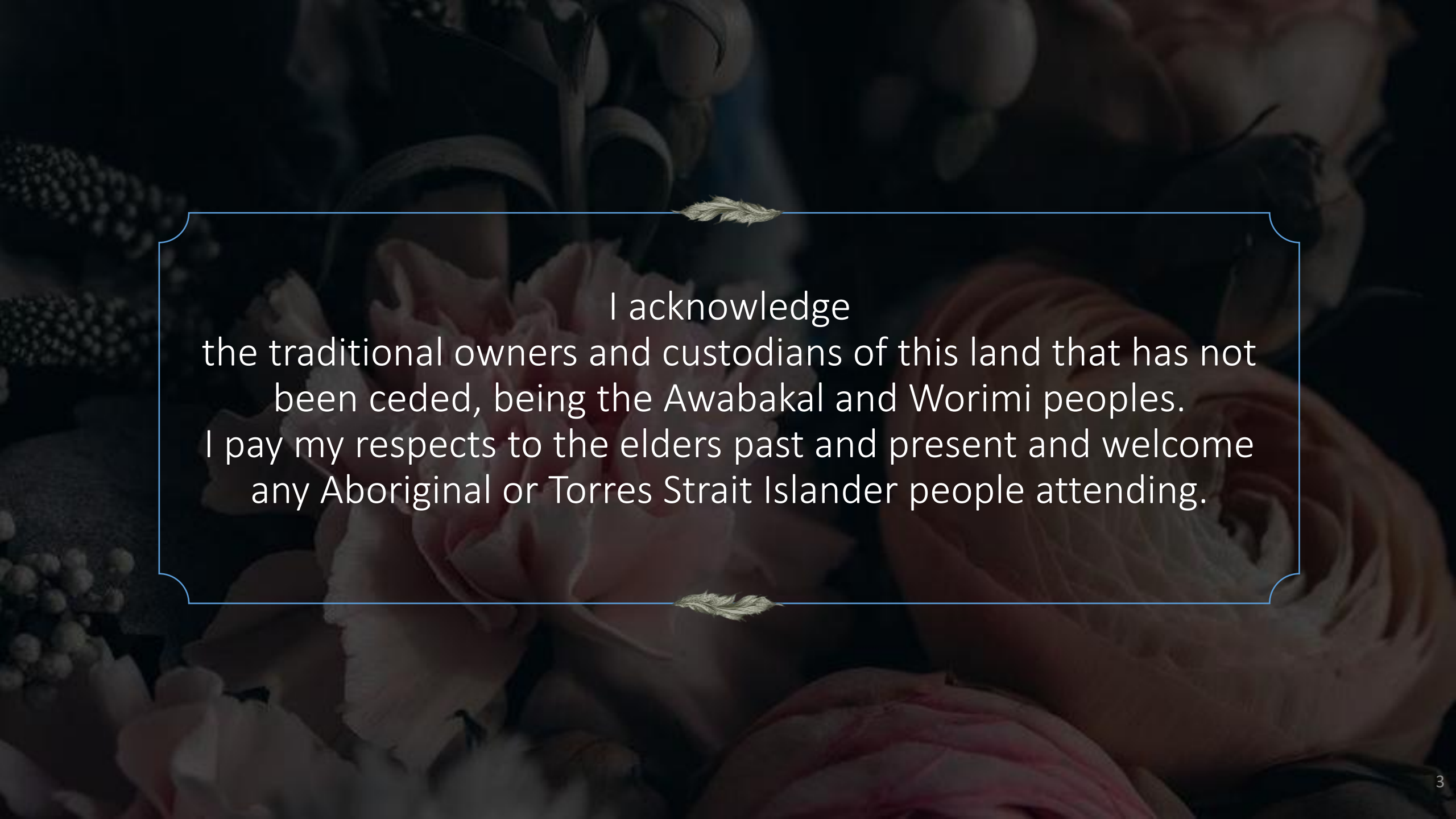
Dr Colin James PhD, MSc, MPhil, LLB, BJuris, BA, GCTT
Marbury Chambers 10 Point CPD Conference
29 March 2026. NSW Australia



Vicarious Trauma and in legal practice

Dr Colin James PhD, MSc, MPhil, LL
Marbury Chambers 10 Point C
29 March 2026. NSW





I acknowledge
the traditional owners and custodians of this land that has not
been ceded, being the Awabakal and Worimi peoples.
I pay my respects to the elders past and present and welcome
any Aboriginal or Torres Strait Islander people attending.



Agenda



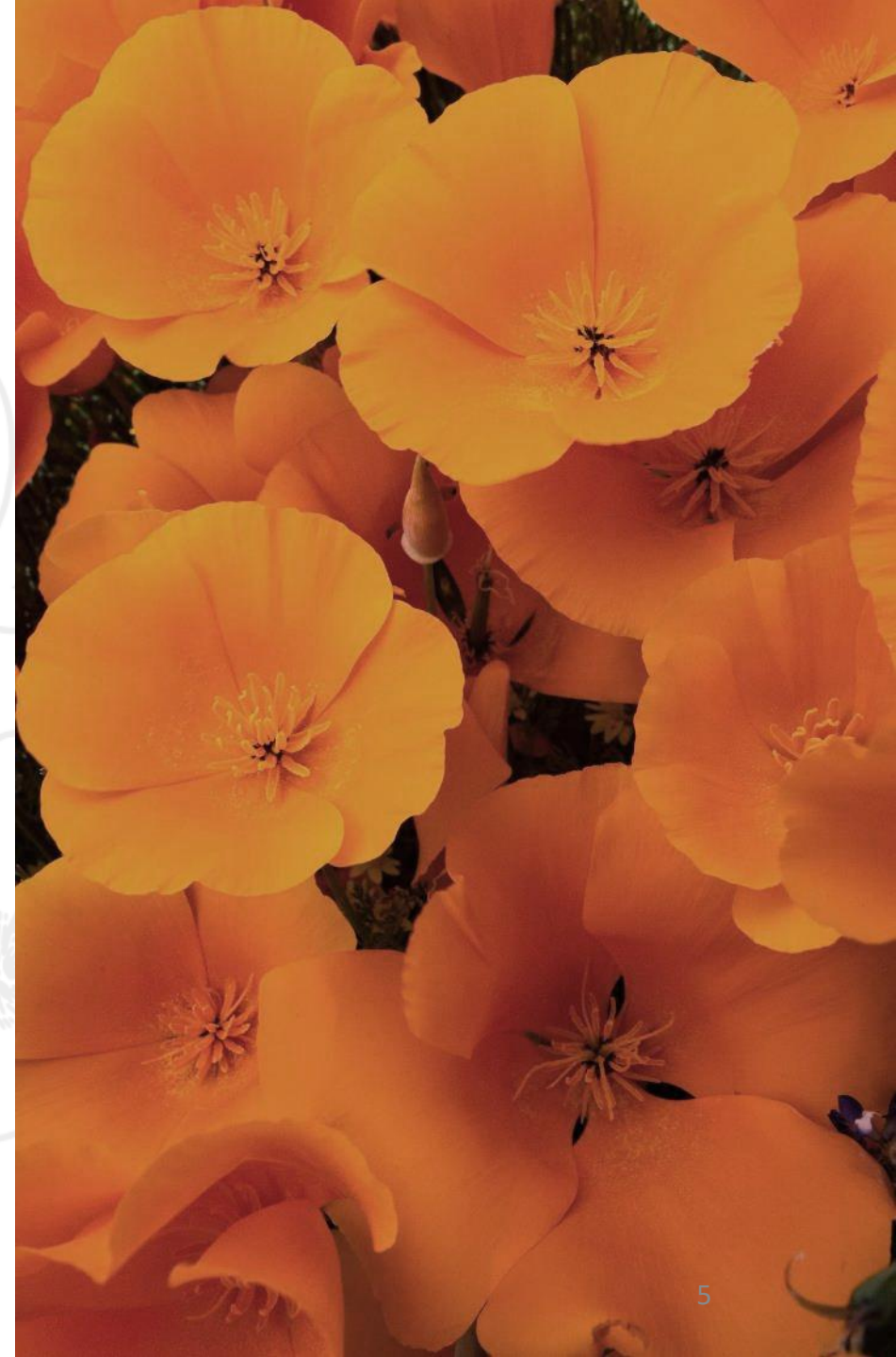
- * **Introduction – definitions, risk factors for lawyers**
- * **Practices of greatest risk**
- * **Burnout**
- * **Compassion fatigue**
- * **Secondary trauma stress**
- * **Vicarious trauma**
- * **Moral injury**
- * **The paradox and the key**

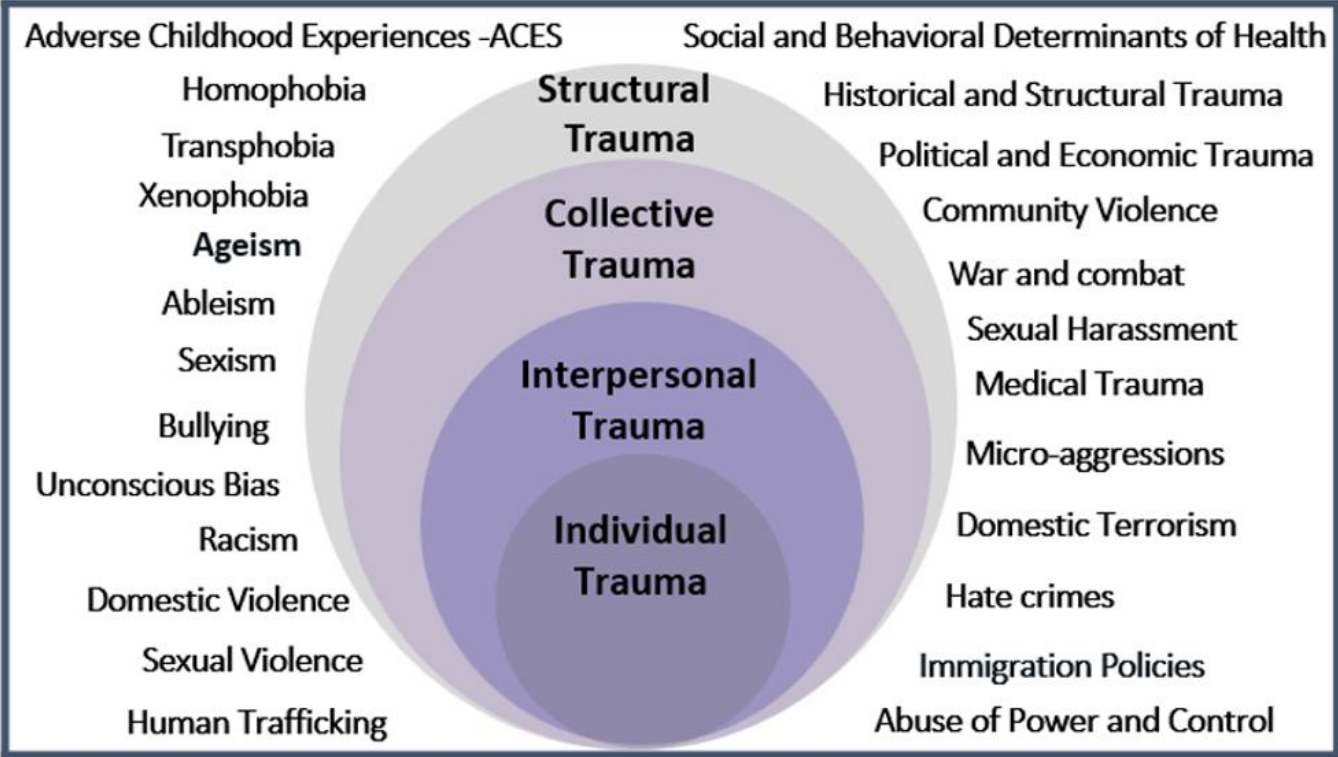


Definitions



- **Trauma** – the effects of accumulated stress or a single distressing experience, causing any of numerous PTSD symptoms
- **Burnout** – involves a mental and physical collapse caused by overworking,
 - **Secondary Trauma Stress** – PTSD symptoms acquired from exposure to the trauma of another person
- **Vicarious Trauma** – a significant change in a person's world view caused by a significant traumatic event or accumulated exposure
 - **Compassion Fatigue** – empathic exhaustion caused by emotionally overcommitting and attempting to alleviate the suffering of distressed or traumatised clients.
- **Moral Injury** – intense feelings of guilt, shame and/or anger following a breach of a strongly held moral code or witnessing or experiencing the consequences of a breach.





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Legal Practice Areas of Greatest Risk

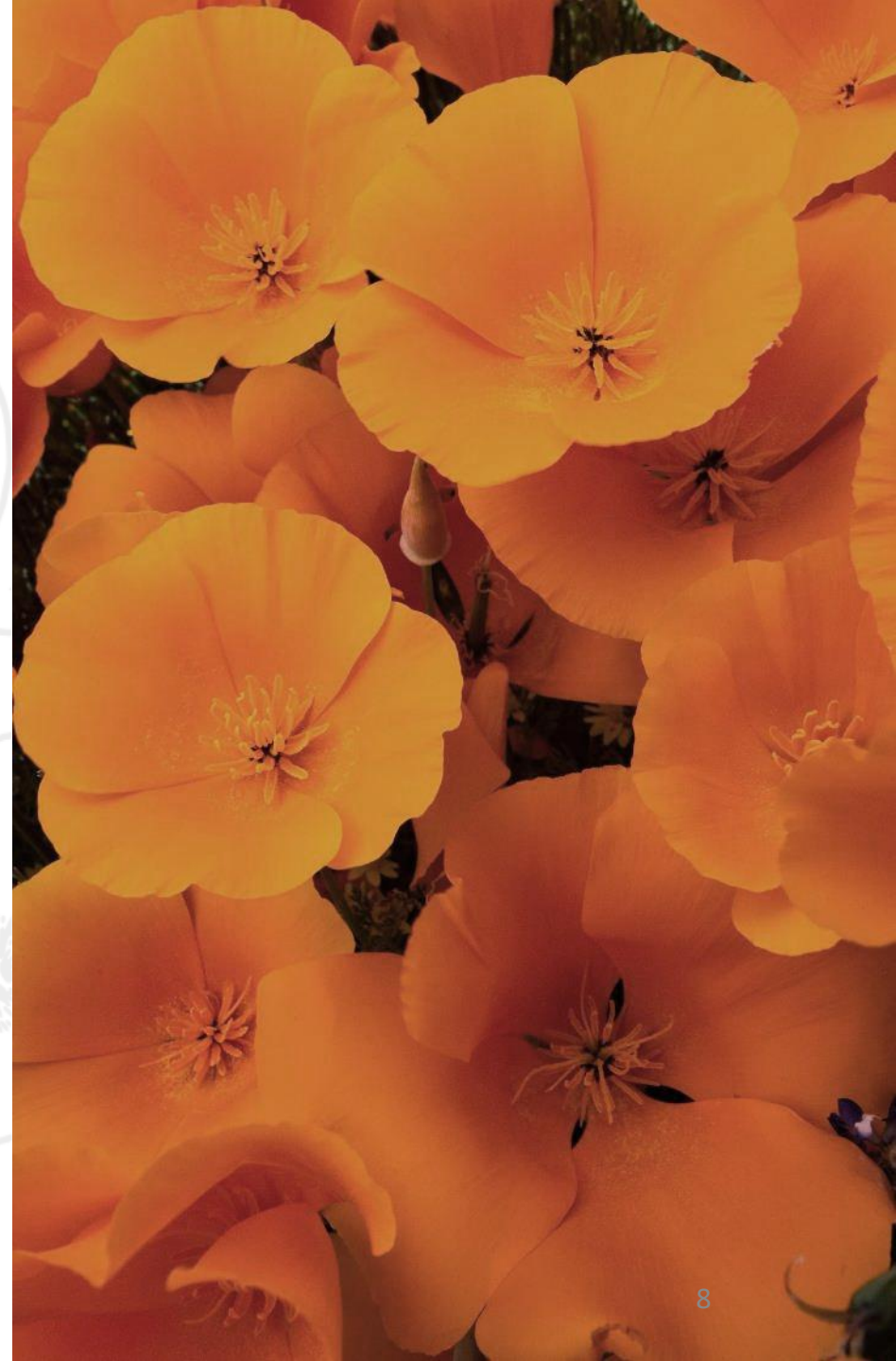
- **Criminal** (sexual violence, homicide, child exploitation material; repeated viewing/reading of graphic briefs)
- **Family law / child protection / family violence** (high-conflict, coercive control narratives, child abuse/neglect content; over-identification risk)
- **Coronial work** (repeated exposure to sudden death narratives/images)
- **Asylum / immigration / human rights** (torture/trauma narratives, detention harm)
- **Personal injury and historical abuse civil litigation** (catastrophic injury/abuse detail; adversarial disbelief dynamics)

Trauma/stress risk factors for lawyers



Personal

- age, gender, personality, self-awareness, experience (“suck-it-up”)
- unresolved mental health issues (ACE, trauma history)
- lack of supportive connections
- STIGMA and lack knowledge of trauma theory
- general fitness level and use of alcohol and other drugs

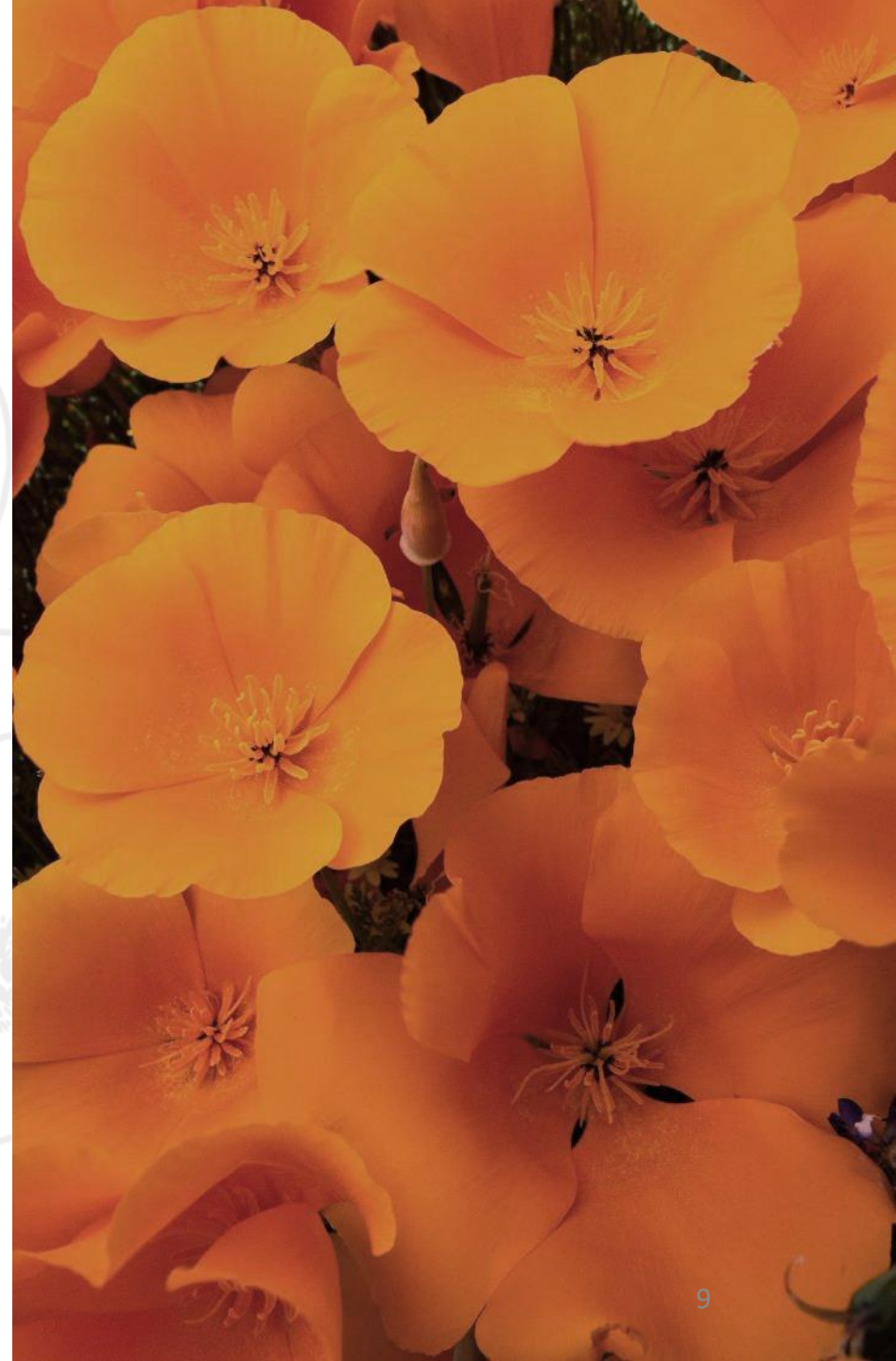


Trauma/stress risk factors for lawyers



Workplace

- work type and workload
- competitive and unsupportive culture (feeling isolated)
- mental health stigma
- STIGMA, attitude and practices of leaders, supervisors and managers
- lawyers' experiences of bullying, discrimination, sexual harassment



Burnout in lawyers



Lawyers are in top five BO risk category (healthcare, teachers, social workers and first responders)

- **Caused by workload, time pressure, adversarial conflict, and trauma exposure.**
- **Risk of BO increased by trauma work, BO increases the risk of co-morbidity (with CF, STS or VT) and vice versa.**

Burnout in lawyers



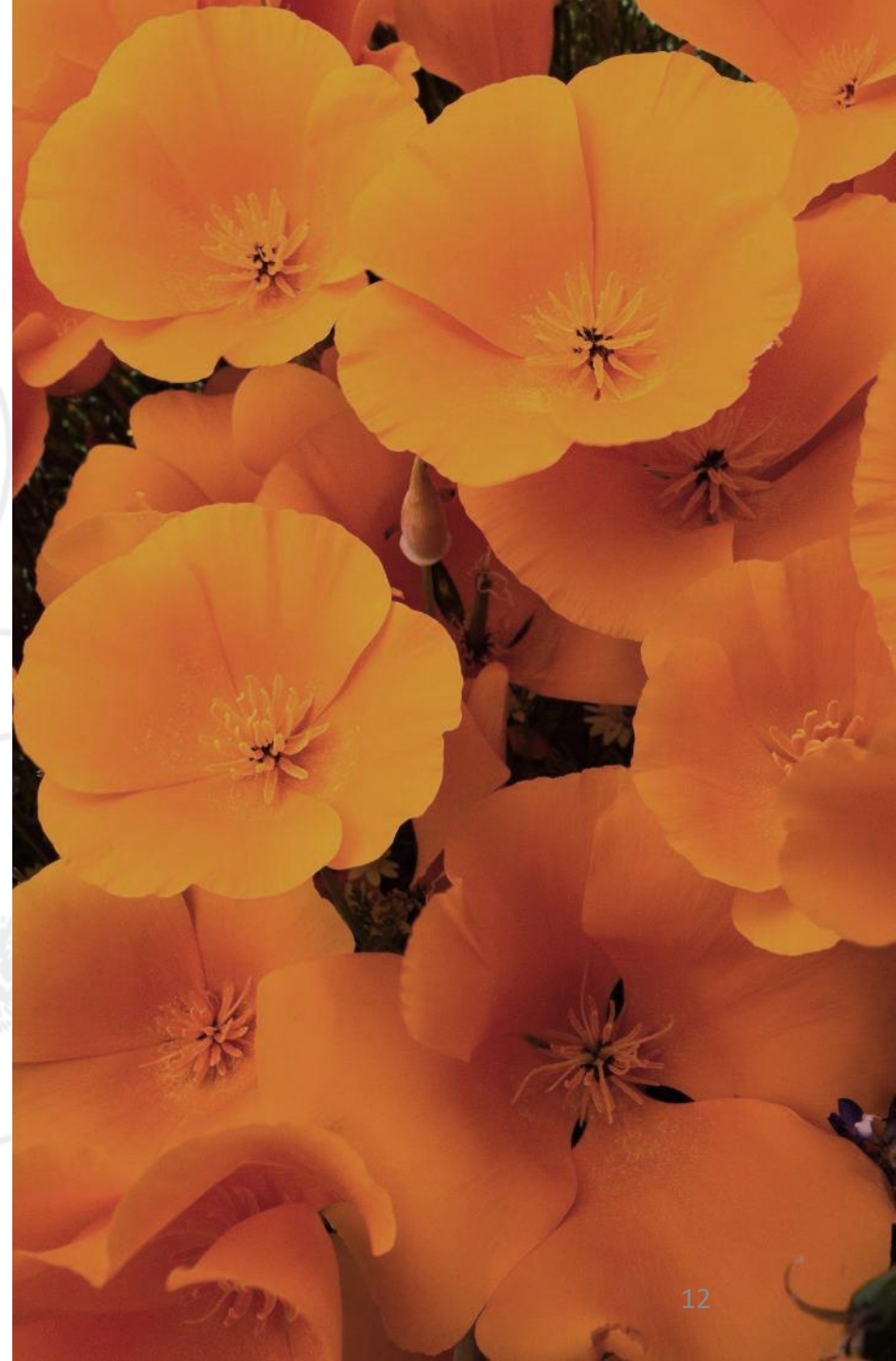
Symptoms may include

- mental - constant fatigue, low mood, sense of dissatisfaction, easily frustrated, prone to irritation, difficulty concentrating, sleep problems,
- physical - reduced immunity, gut diarrhoea/constipation, cramps
- behavioural - reduced performance, procrastination, absenteeism, presentism, withdrawal from social groups, and increased alcohol/drug usage

Avoiding Burnout



- **not overworking**
- **ensure time off, rests and holidays**
- **maintain self-care habits:**
 - **physical exercise**
 - **good nutrition**
 - **adequate sleep**
 - **avoid alcohol**
- **maintain supportive colleagues and non-law friends**
- **get a hobby or other mental stimulation outside of work**



Compassion fatigue in lawyers



Empathic Distress Fatigue (EDF)

Causes

- **Not “too much compassion” but rather too much *emotional* empathy (Paul Bloom), “rescue mentality” (new lawyers)**
 - **High risk in human rights, immigration/refugees, child abuse, family violence**
- **Maladaptive coping strategies with high case-load, weak supervision, lack of self-awareness, lack of organisational and professional support**
 - **Working alone with distressed clients**
- **Ignoring systemic limits, trying to fix the unfixable, “impossible” cases**

Compassion fatigue in lawyers



Symptoms

- reduced empathy and care
 - reduced efficacy & performance
- increased rumination, negativity & cynicism
 - mixed disruptive emotions - fear, frustration, anger, guilt, inadequacy, countertransference (unhelpful emotions about, towards or against the client/witness)

Avoiding Compassion fatigue



- maintaining a lawyer role-focus
- not becoming enmeshed in our client's needs or cause
- good self-awareness ("How am I feeling?")
- good self-care habits ("Time for a break?")
- self-compassion (a strength: transforming the inner critic into a nurturing voice. Kristen Neff)
- regular reflective practices:
 - journaling, meditation, walking in nature, yoga, surfing.

Secondary Trauma Stress in lawyers



STS is common in lawyers and ranges from subclinical to serious including PTSD

Causes - a single traumatic exposure or accumulated exposures over time

Symptoms – STS may cause any number of PTSD symptoms, including

- **cognitive** (intrusive thoughts and flashbacks, rumination, inability to concentrate),
- **affective** (depressed mood, sadness, lack of motivation)
- **physical** (gut problems, headaches, lower resistance)
- **behavioural** (increasing drug and alcohol use, sleep disturbance, nightmares, and eating disorders).
- may increase vulnerability to and be comorbid with related conditions (BO, CF, VT)

Secondary Trauma Stress in lawyers

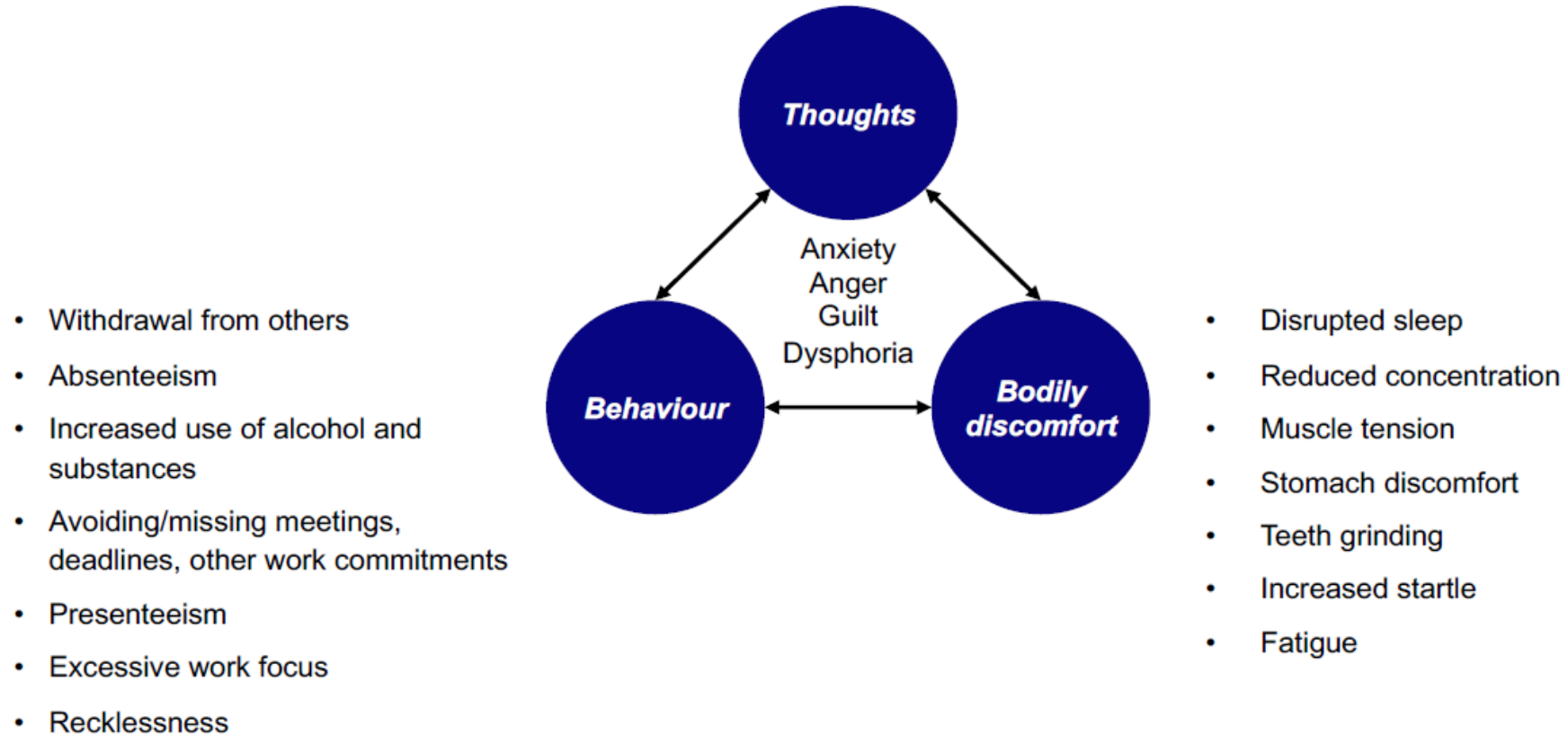


“Everyday life as a barrister can often involve reading the most awful things, seeing the most awful photographs, watching the most dreadful videos and interviewing people about the worst days of their life – the day they got raped, the day they found out their daughter had been murdered, the day their arms were cut off, the day that they lost their child.”

– Kylie Nomchong SC

Three Domains of STS Injuries

- Change in view of self/others/the world
- Possibly – intrusive thoughts, memories, nightmares

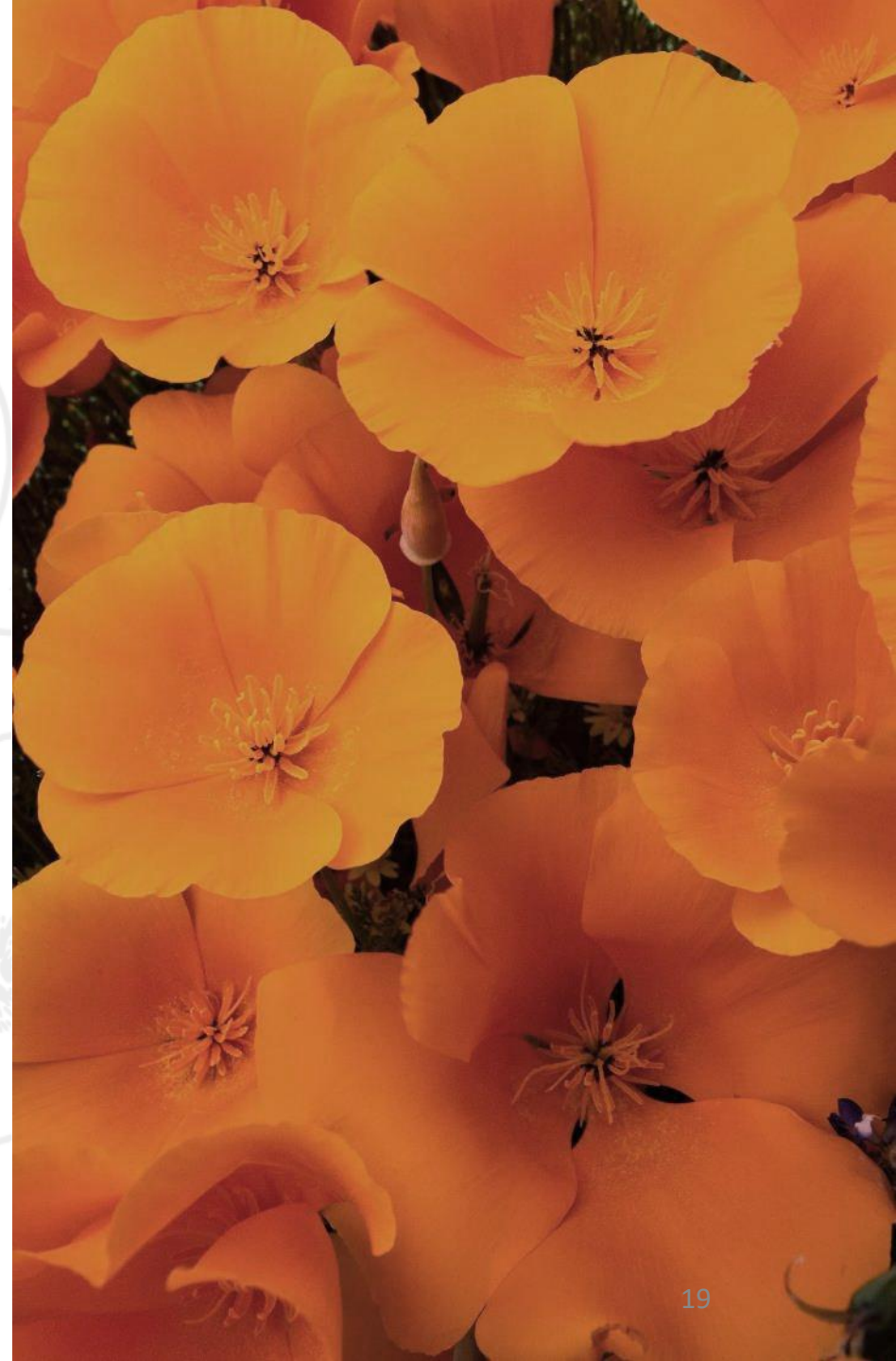


Adrian Allen, *Vicarious Trauma Stress: How to recognise it and how to stay well* (Law Society of New South Wales & Healthy Mind Clinic, 2022).

Avoiding Secondary Trauma Stress



- **get familiar with trauma theory**
- **arrange trauma-informed supervision**
- **do not over-commit to a large client load of trauma-affected cases**
- **ensure a mixed variety of case type**
- **take rest periods, breaks and holidays**
- **practise self-care habits:**
 - **physical fitness and**
 - **a reflective practice.**



Vicarious Trauma in lawyers



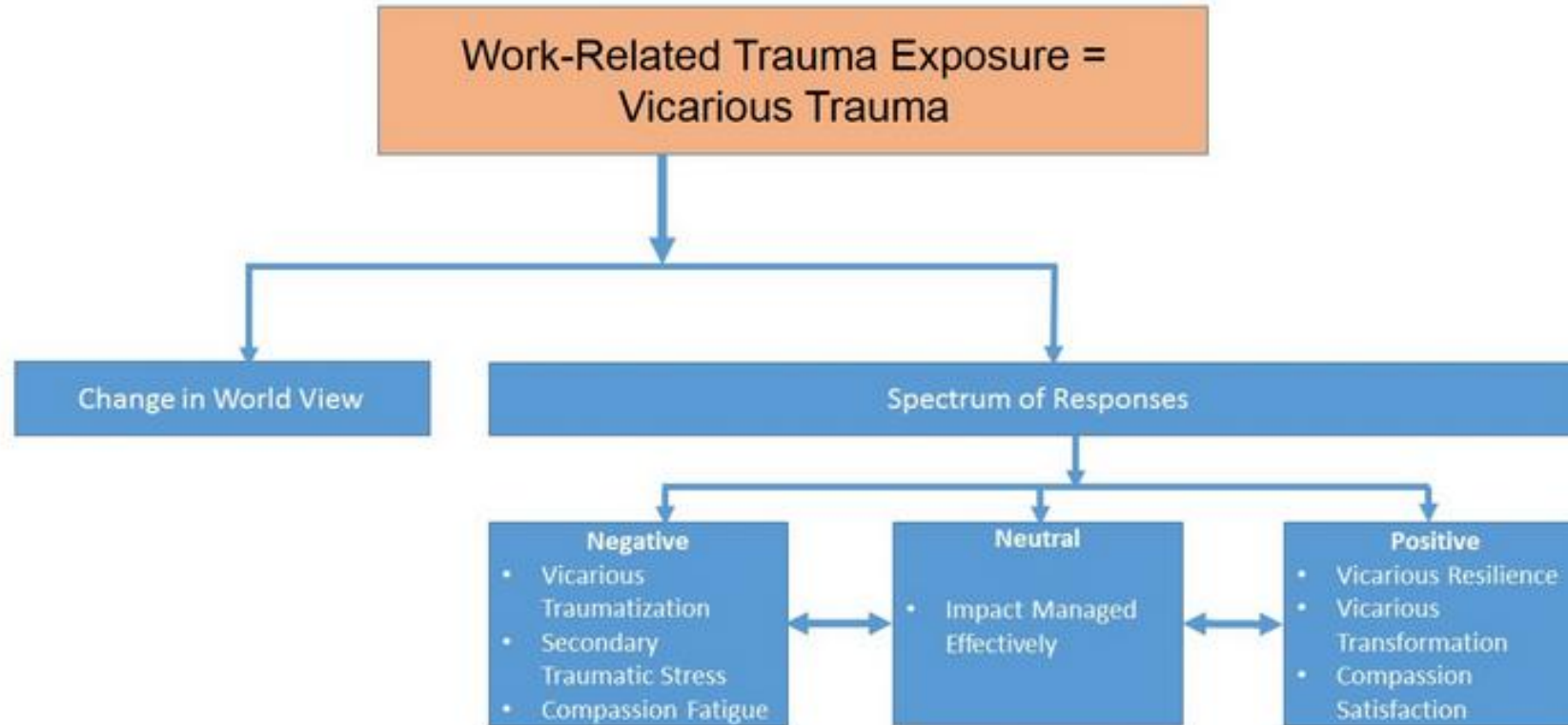
Causes

A single traumatic experience/exposure or accumulated exposures over time

Symptoms

- not necessarily clinical but typically involves
“a disruption of central schemas”
- * “a transformational change in how the person sees themselves, the world and their place in it”.
- may include changes in trust, assumptions about other people, changes in values, and new perspectives on life
- may lead to change of approach to being a lawyer, change of practice areas, ...or leaving the profession
- often confused with BO, STS or CF and may be comorbid.

Vicarious Trauma Toolkit Model



Moral Injury

- **War veterans who recall being ordered to kill unarmed civilians**
- **Prosecution lawyers who ruminate over an error in trial prep which led to aborting a trial or “wrongful” acquittal**
- **Defence lawyers who fail to use a potential defence allowing a “wrongful” conviction**
- **Judges who find a person guilty and then later have regrets with troubled sleep**



Moral Injury in lawyers



A common psychological risk for lawyers; a “cousin of VT”.

- **Anna Fischer – “*That’s so wrong: moral injury vs vicarious trauma*” LSJ, June 2025**

An “internal accusation” of having done something or allowed it to be done

- that was harmful or wrong
- that transgresses our closely held moral beliefs, expectations or ethical values

“I should have been more prepared”

“I should have run a better case”

“I should have.....”

Moral Injury in lawyers



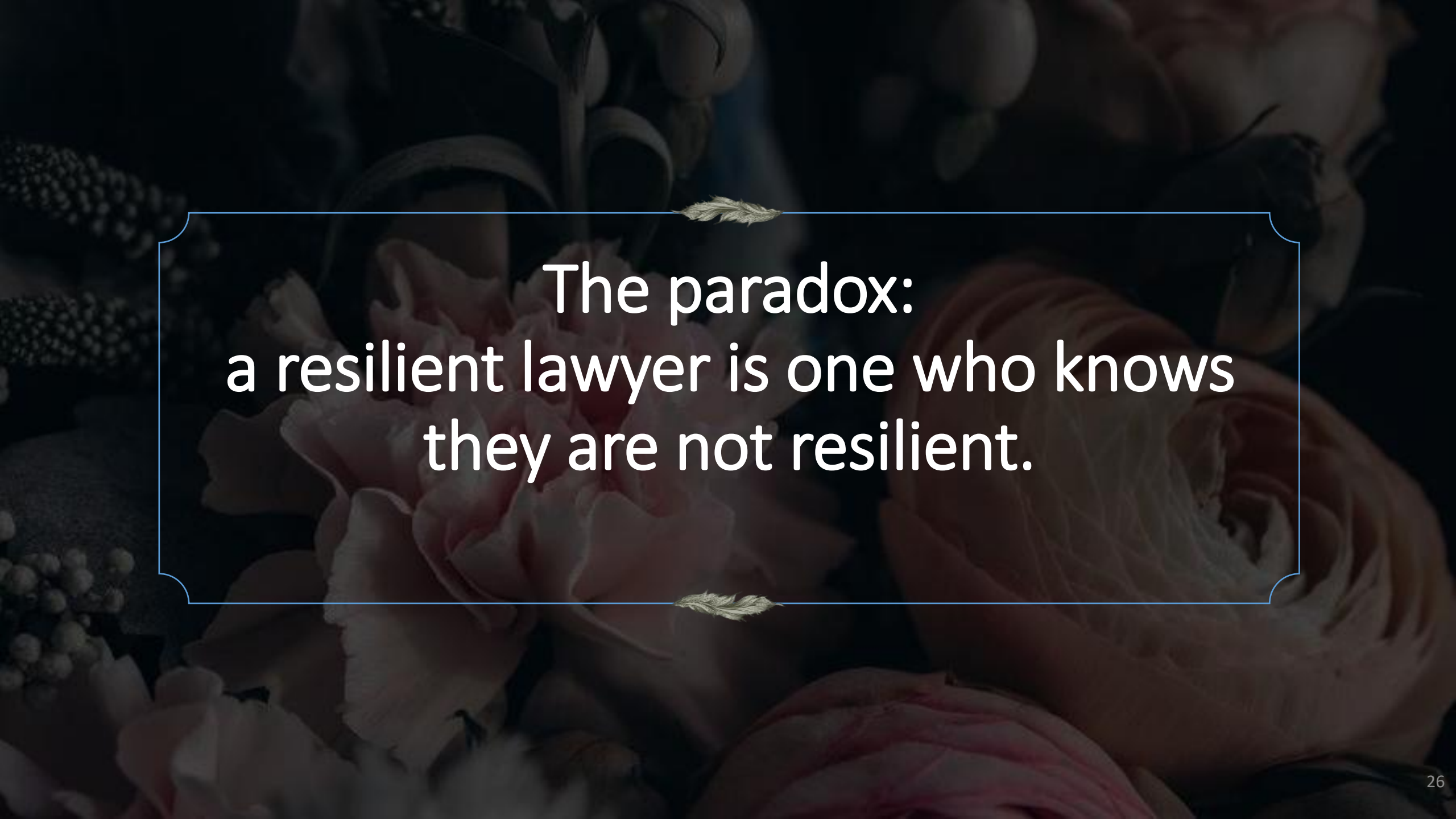
Symptoms

- persistent rumination, distraction & concentration problems
- dropped efficacy / effectiveness
- feelings of guilt/shame
 - self-condemnation
 - anger/outrage
- loss of trust or faith in system/authority
- existential/spiritual crises


Prevention of Moral Injury

Be prepared

- **Self-awareness:** I will reflect on my values and get to know my moral bottom-line:
 - Q: What will I *not* do to please a client, colleague, or judge, or to win a case?
 - *Not knowing* our values puts us at risk of breaching them when the situation arises.
- **Self-compassion:** I will not use “should” in self-talk.
 - I accept my human limitations and treat every day as a learning opportunity.
- **Kill shame**
 - “Shame corrodes the very part of us that believes we are capable of change.” – Dr Brene Browne*
- **Restore connections, friends and safe attachments**
- **Consider getting an “external voice” – a counsellor/supervisor/mentor (a “professional best friend”)**



The paradox:
a resilient lawyer is one who knows
they are not resilient.



The key:
Self-compassion builds resilience

Thank you

Dr Colin James

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