

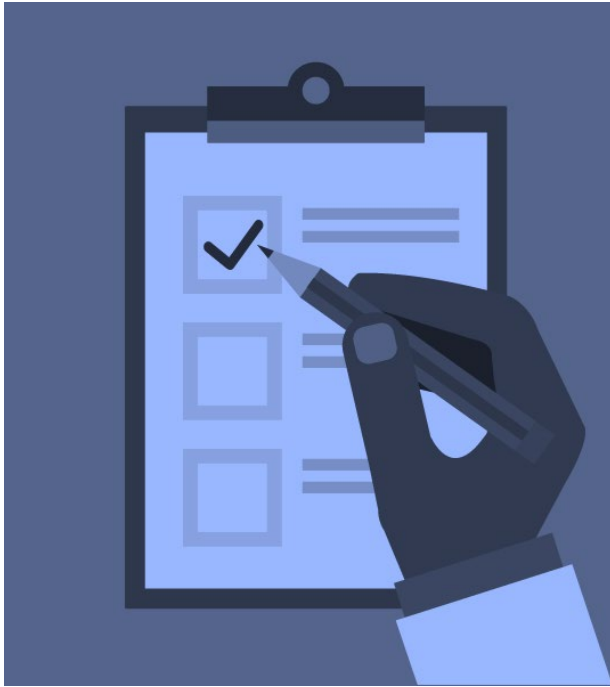
“Is It Just Me?”
Secondary Trauma in the
Courtroom

NAWJ 2024

Taylor Geyton, Ph.D.
Sarina Saturn, Ph.D.
&
Honorable Joan Weber

Mindfully Prepared





Agenda

- Why should we care?
- Defining and Recognizing Secondary Trauma
- Understanding the science of the brain and secondary trauma
- Outcomes of untreated or unaddressed trauma
- Identifying ways to cope and intervene before, during, and after trauma will be experienced in the classroom

Why Should We Care?

Up to 50% of criminal jurors reported trauma-related symptoms following their involvement in criminal court (Loneragan et al., 2016)

Prevalence among attorneys and judicial court officers (Krill, 2016)

- 20.6% Alcoholism
- 28% Depression
- 18% Anxiety
- 23% Stress

We can equip ourselves with the evidence and skills to be of support and to be supported

The State of Judges' Well-Being: **A Report on the 2019 National Judicial Stress and Resiliency Survey**

BY TERRY A. MARONEY, DAVID X. SWENSON, JOAN BIBELHAUSEN & DAVID MARC*



“Judges have always faced significant stressors, including the burden of consequential decision-making, exposure to disturbing evidence, and isolation. While every judicial assignment has its own mix of concerns, challenge is a constant. Recurrent experiences of serious stressors place judges at risk of burnout, secondary trauma, poor mental and physical health, and substance use disorders.”

Sources of Stress Among Judges

TABLE 1: SOURCES OF STRESS ⁸

Rank	%	Item
1	79.7	Importance/impact of decisions
2	73.2	Heavy docket of cases
3	67.6	Unprepared attorneys
4	62.5	Self-represented litigants
5	58.1	Dealing repeatedly with same parties without addressing underlying issues
6	55.5	Public ignorance of the courts
7	53.5	Long hours of work without a break
8	50.3	Hearing contentious family law issues
9	50.3	Isolation in judicial service
10	49.5	Insufficient staff support
11	48.5	Increased incivility and lack of professionalism by counsel
12	47.9	Unable to hear as many cases as needed
13	47.3	Inadequate compensation structure
14	45.9	Cases involving severe trauma/horror
15	41.6	Running for office/reelection



Effects of Stress Among Judges

TABLE 2: EFFECTS OF STRESS⁹

Rank	%	Item
1	38.8	Fatigue and low energy after hearing several cases in a row
2	36	Sleep disturbance (insufficient sleep, awakenings, daytime drowsiness)
3	32.3	Interference with attention and concentration; tend to be distracted
4	30.8	Ruminate or worry about cases after they are decided
5	27.6	Increased health concerns (high blood pressure, etc.)
6	26.3	Feel cynical about the effectiveness of the court
7	23	Feelings of apprehension or anxiety
8	22.9	Not having the initiative to do things I used to do
9	22.3	Have little time for my family
10	21.8	Physical discomfort such as headaches, stomach upset, etc.
11	21.3	Irritable, short tempered, sarcastic
12	21	Irritable over little things
13	20.3	I consider leaving the bench
14	20	Preoccupation with negative thoughts; few positive thoughts
15	19	Intrusive recall of traumatic images of people or evidence

What is Secondary Trauma?

“Secondary traumatic stress (STS) refers to the natural consequent behaviors and emotions that often result from knowing about a traumatizing event experienced by another and the stress resulting from helping, or wanting to help, a traumatized or suffering person.”

(OVC, 2023)



Exacerbating Secondary Trauma

Critical Incident Stress Debriefing
without a skilled facilitator

Suppression of negative emotions

- Increases stress hormones
- Wear and tear on the body
- Can lead to anxiety, depression, and substance use

Escaping

- Overly self-medicating
- Excessive disengagement

Displacement

- Transferring negative emotions

Who Experiences Secondary Trauma?

Anybody can feel the effects of this form of trauma if they are exposed to traumatic stories and images in the news or on social media, for example.



Who is impacted in the courtroom?

- Judge
- Lawyers
- Jurors
- Witnesses
- Community Members
 - partners, family, friends
- Staff
 - clerks, bailiffs, court reporters, etc.



SECONDARY TRAUMA IN THE COURTROOM

SECONDARY TRAUMA TO JUDGES



RELIEVING STRESS



SECONDARY TRAUMA TO LAWYERS



SECONDARY TRAUMA TO COURT STAFF



SECONDARY TRAUMA TO WITNESSES



SECONDARY TRAUMA TO SPECTATORS AND SUPPORT PEOPLE



SECONDARY TRAUMA TO JURORS



a. Counseling Services

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
CENTRAL COURTHOUSE
1100 UNION STREET
P. O. BOX 121531
SAN DIEGO, CA 92112-1531**

Dear Juror:

There are counseling services available to you at the conclusion of the case you are serving on. If you would like to request these services, please contact:

Dr. Piedad Garcia
San Diego County Health and Human Services Adult Mental Health Services
(619) 957-4138
Piedad.garcia@sdcounty.ca.gov

If you have any difficulties obtaining these services, please contact my office at (619) 844-2984.

Sincerely,

Ryan Willis
Chief Deputy Jury Commissioner
OFFICE OF THE JURY COMMISSION

b. Juror
Service
Stress
Brochure
provided
by Judicial
Council of
California

RELIEF SUPPORT AND SELF HELP

- [https://www.courts.ca.gov/documents/Jury Stress Relief.pdf](https://www.courts.ca.gov/documents/Jury%20Stress%20Relief.pdf)

How to prepare
before, during,
and after
exposure to
secondary
trauma

Prepared Mindset (Livanou, Whittenbury & Di Basillio, 2023)

1. Prior Knowledge, Training, and Expectedness
2. Commitment to Professional Ethos
3. Self-awareness and acceptance of limitations
4. Scission between professional- and personal-self
5. Knowing that it's not over when it's over



Resilience-Building Strategies

- Dealing with secondary trauma
 - Mindfulness
 - Growth mindset
 - Laughter
 - Countering sitting fatigue
 - Nutrition
 - Sleep
 - Behavioral Health
 - National Helpline for Judges
- Helping Judges: (800) 219- 6474



JULY 2022

Five Senses:

- 5 Things you can see
- 4 Things you can feel
- 3 Things you can hear
- 2 Things you can smell
- 1 thing you can taste

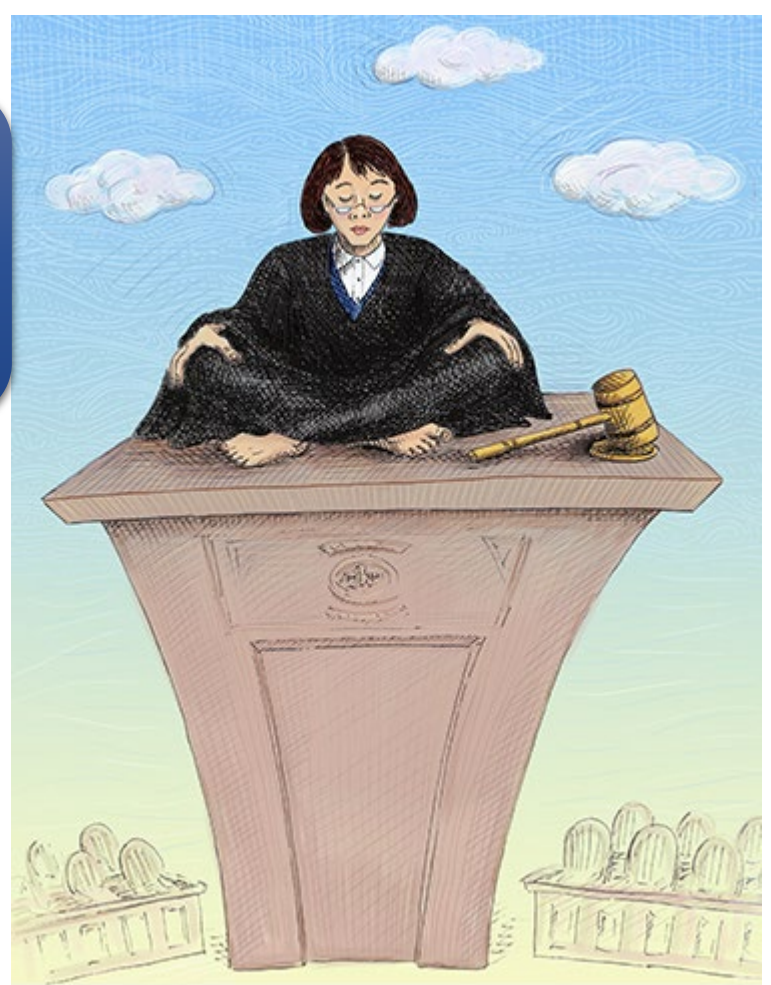


Illustration by Barbara Kelley

Before

Anticipate activating /
upsetting (“triggering”)
content

Reflect on who will be the
most activated

Foreshadow when it will be
best to take a break from
proceedings

Compile resources (pamphlet,
online, QR codes)

During

Provide some tips before diving into the usual procedures

- Breathwork
- What to do during breaks

Give warnings about upsetting content

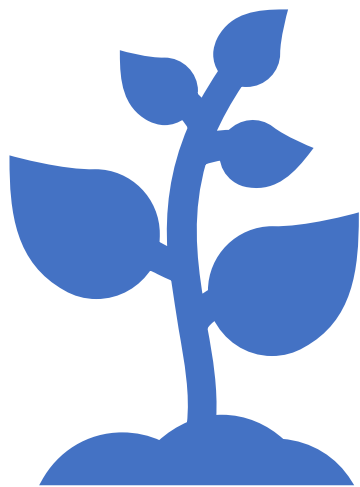
Check in on those you anticipated being most impacted

Scan the courtroom to see who is there and how others are coping

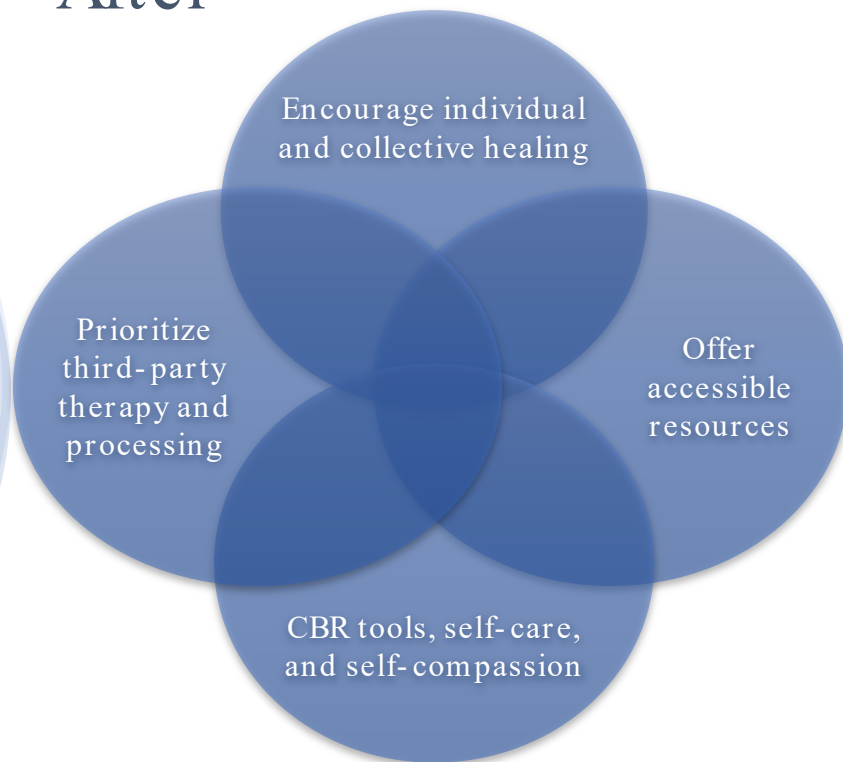
Expect the unexpected

When it is time for a break after covering some upsetting material

Practice self-regulation strategies so you can “be well to serve well”



After



Some Symptoms of Secondary Trauma

Hopelessness and helplessness

A sense that one can never do enough

Hypervigilance

Diminished creativity

Inability to embrace creativity

Minimizing

Chronic exhaustion/Physical ailments.

Avoidance

Dissociation

Sense of persecution

Guilt

Fear

Anger and cynicism

Numbing/Inability to empathize

Addictions

Grandiosity

Compassion Fatigue vs. Empathic Distress

Compassion can be defined as an anecdote to the empathic distress, This is because empathic distress strongly activates the SNS and can lead to overwhelm and overidentification which can lead to the one of the SNS 4 Fs which do not allow for the behaviors needed to tend to the suffering of others.

Compassion is required to activate our prosocial behavioral system, which includes the oxytocin system and vagus nerve, so that we can self-regulate and help alleviate the suffering of others.

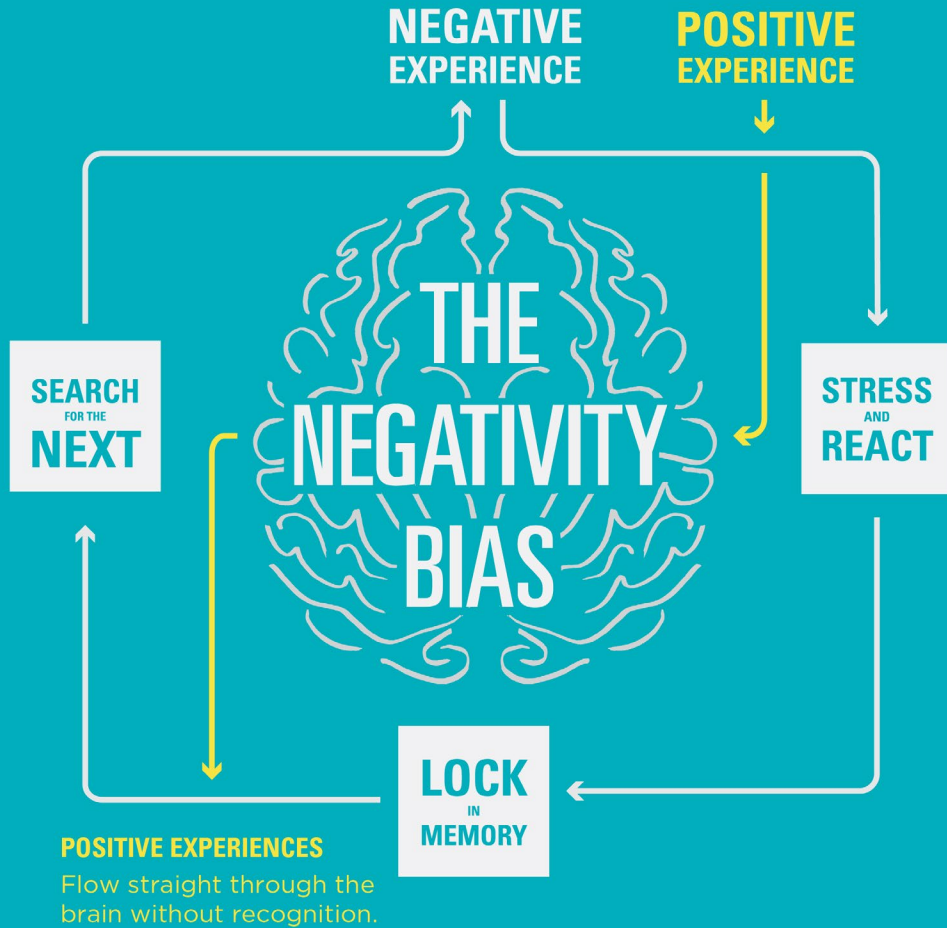
“Compassion fatigue” is a term well-being experts are working to stop using because it is an inaccurate description of what helping professionals experience, including judges in the courtroom.

Wired for Survival

Negative emotions
like anger and fear
motivate us to stay
safe and solve
problems

When an event is
traumatic in
intensity and/or
duration, our
resources are
depleted





Things of a more negative nature (e.g. unpleasant thoughts, emotions, or social interactions, traumatic events) have a greater effect on one's psychological state and processes than do neutral or positive things

Prevent and Cope w/ Secondary Trauma

What can you do?

Exercise

Walk more, hit the gym or join a dance class.

Rest and relax

Get enough sleep, use mindful intention and meditate.

Spend time in nature

Find places to appreciate the outdoors and maintain perspective.

Connect with others and ask for help

Talk about your feelings with people you trust, such as loved ones, friends, and support groups, or see a mental health professional.

Use your creative expression

Paint, cook, start a journal or do woodworking.

Assertiveness yourself and manage your time

Learn to say “no” and set limits.

Celebrate your work

Identify how you have helped others and be proud of positive outcomes you facilitated.

Plan for coping

Identify the skills and strategies that work best for you when signs of secondhand trauma appear.

Contemplative- Based Resilience (CBR)

How it Benefits You

Through participating in a CBR Training, you will:

- Develop a set of inner resources to protect you from burn-out
- Enhance your well-being through self-care and self-compassion
- Learn how to serve others without losing yourself in the process

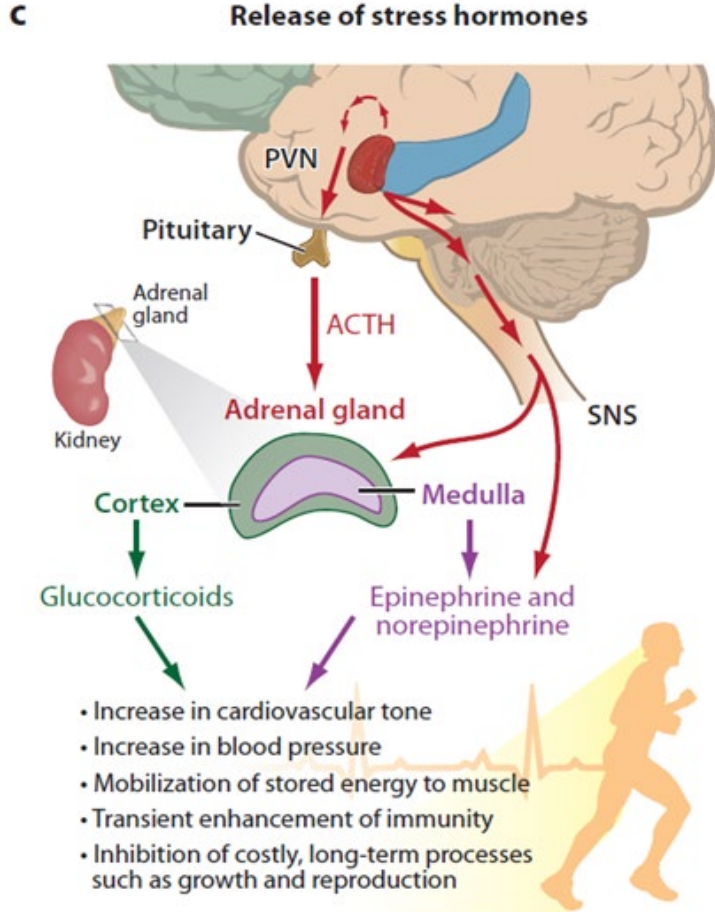
CBR is highly portable. When resilience skills are practiced on a regular basis they become healthy habits. And when leaders support their staff in practicing habits of well-being at work, everyone benefits.



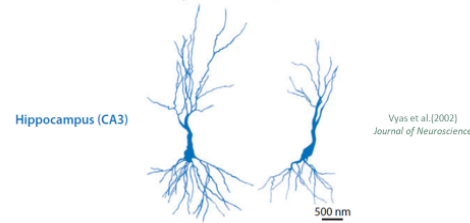
As a result of participating in CBR, 100% strongly agree or agree that they are better able to:

- Detect sources of stress
- Monitor their reactions to stress regulate emotions
- Apply compassion meditation and body-based techniques to manage stress

Neurobiology of Emotions: Stress and Trauma

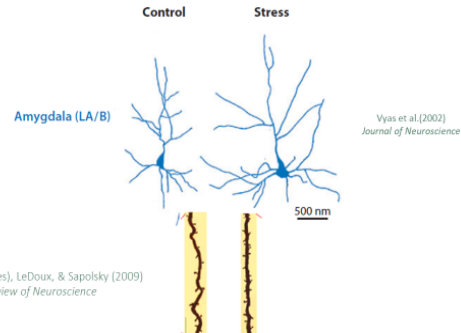


Influence of Severe Stress on Neurons in the Hippocampus



Saturn (née Rodrigues), LeDoux, & Sapolsky (2009)
Annual Review of Neuroscience

Influence of Severe Stress on Neurons in the Amygdala



Saturn (née Rodrigues), LeDoux, & Sapolsky (2009)
Annual Review of Neuroscience

Saturn(Rodrigues),
LeDoux, & Sapolsky
(2009)
*Annual Review of
Neuroscience*

Sacred Pause

When we pause, we can notice the actual experience, the pain or pleasure, fear or excitement. In the stillness before our habits arise, we become free to act wisely.



Post-Traumatic Growth

Factors Leading to Post-Traumatic Growth



THERAPY

A trauma-informed therapist can help you understand, process, and cope with trauma.



LEARNING ABOUT TRAUMA

Learning how trauma impacts your brain, emotions, and relationships can help you understand your symptoms.



COMMUNITY SUPPORT

Support from people who understand can help you grow.

Outcomes of Post-Traumatic Growth



A GREATER APPRECIATION OF LIFE

appreciating the value of each day in a way you didn't before



IMPROVED RELATIONSHIPS

a sense of closeness, compassion, and knowing you can count on others



NEW POSSIBILITIES

new interests, a new life path, or a willingness to make positive changes



PERSONAL STRENGTH

knowing you can handle difficult things and rely on yourself



SPIRITUAL CHANGE

a deeper understanding of spirituality, or stronger faith than before

The Prosocial Nervous System

Keltner, Kogan, Piff, & Saturn (2014)

Annual Review of Psychology

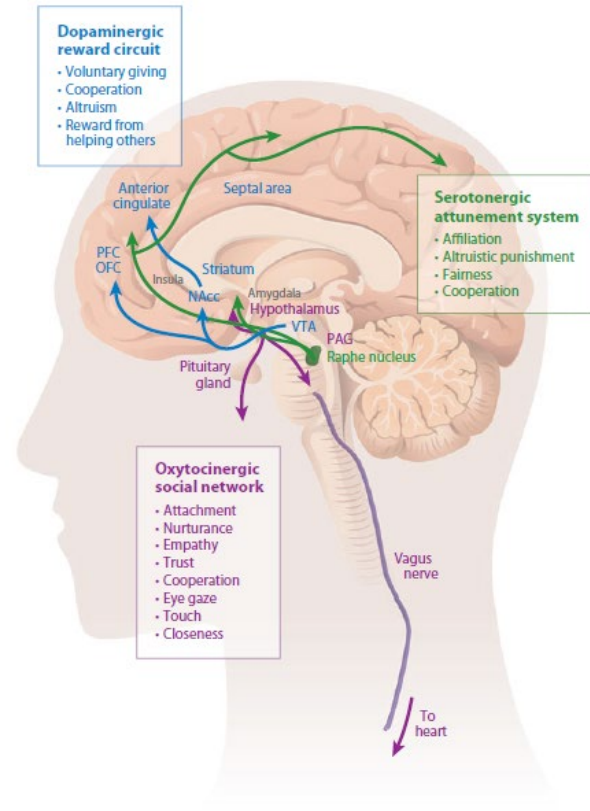


Figure 1

The circuitry underlying the prosocial nervous system. PFC, prefrontal cortex; OFC, orbitofrontal cortex; NAcc, nucleus accumbens; VTA, ventral tegmental area; PAG, periaqueductal gray.

Evidence of the Effectiveness of Mindfulness

Mindfulness and compassion meditation help with mind wandering and emotion regulation. (Saturn, 2021)

Mindfulness training benefits judges in their resilience, physical health, well-being, and cognitive functioning. (Rogers, et al., 2018)

Mindfulness helps direct our attention, flexibility to interpret clues more accurately, and detect honesty and falsehoods. (Freshman, 2018)

For judges, whose judgments can have profound effects on others, it can be both an enormously effective decision-making tool and a key to a more satisfying professional life. (Fogel & Center, 2016)



Mindful Release

Resources

1. [The Institute for Well-being in Law](#): A 501(c)(3) nonprofit organization focused on advocacy, research, education, and technical and resource support for the legal profession.
2. The Office of Justice Programs: [Vicarious Trauma Toolkit](#)
3. National Center for State Courts: [Secondary Trauma and The Courts](#)
4. Judicial Wellness:
https://www.ncsc.org/__data/assets/pdf_file/0040/79699/Judicial-Wellness.pdf
5. Contemplative-Based Resilience Program:
<https://www.garrisoninstitute.org/initiatives/programs/contemplative-based-resilience/>

References

- Anker, J., & Krill, P. R. (2021). **Stress, drink, leave: An examination of gender-specific risk factors for mental health problems and attrition among licensed attorneys.** *PLoS one*, 16(5), e0250563. <https://doi.org/10.1371/journal.pone.0250563>
- Freshman, C. (2018). **Judging and mindfulness: How to use mindfulness to improve judging and reduce bias.** *The Judges' Book*, 2(1), 14.
- Fogel, J., & Center, F. J. (2016). **Mindfulness and Judging.** Washington DC: Federal Judicial Center.
- Jacobowitz, J. L. (2013). **The benefits of mindfulness for litigators.** *Litig.*, 39, 27.
- Krill, P. R., Johnson, R., & Albert, L. (2016). **The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys.** *Journal of addiction medicine*, 10(1), 46–52. <https://doi.org/10.1097/ADM.0000000000000182>
- Lobel, A. (2014). **Practicing society: Practices of self, society, and time on the way to personal and societal transformation.** *The Arrow: A Journal of Wakeful Society, Culture, and Politics*, 1, 1-45.
- Maroney, T. A., Swenson, D. X., Bibelhausen, J., & Marc, D. (2023). **The State of Judges' Well-Being.** *Judicature*, 107(1), 22-33.
- Rogers, S. L., McAliley, C., & Jha, A. P. (2018). **Mindfulness training for judges: Mind wandering and the development of cognitive resilience.** *Court Review*, 54, 80.
- Seamone, E. R. (2001). **Judicial mindfulness.** *U. Cin. L. Rev.*, 70, 1023.

CONTACT US

Dr. Sarina Saturn

- sarina.saturn@gmail.com or sarina.saturn@oregonstate.edu

Dr. Taylor Geyton

- tgeyton@sdsu.edu

Honorable Judge Joan Weber

- Joan.Weber@sdcourt.ca.gov