**Australian Lawyers' Experience of Exposure to Traumatic Material:
A Qualitative Study.**

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Ethical standards

Declaration of conflicts of interest

Author A Patricia Weir has declared no conflicts of interest Author B Liz Jones has declared no conflicts of interest Author C Nicola Sheeran has declared no conflicts of interest

Ethical approval

All procedures performed in studies involving human participants were in accordance with the ethical standards of the Griffith University Human Research Ethics Committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

Informed consent

Informed consent was obtained from all individual participants included in the study

Abstract

Lawyers experience significant levels of psychological distress. We argue one reason for this, that has received insufficient attention from researchers, is their exposure to traumatic material. Our study examined the lived experience of lawyers who are exposed to traumatic material, including the role that their organisation and profession play in shaping their experiences. Thirty-five lawyers or barristers, from both the public and the private sector, participated in in-depth interviews about how their exposure to traumatic material affected them, and how their organisation shaped their experiences. Our analysis identified six themes: When material becomes traumatic, fear of stigma, everyday recovery, boundaries through denial and distancing, using social support normatively, and making meaning. Our findings identify lawyers can experience strong emotional reactions to traumatic material, and their experience is influenced by the professional norms and training in law. Moreover, their organisation has an important role in either ameliorating or exacerbating their responses.

Keywords: traumatic material, lawyers, interviews, social support, coping, norms.

Introduction

There is ever growing evidence that lawyers experience levels of psychological distress higher than the general population (Kelk, Medlow & Hickie, 2010; Medlow, Kelk, & Hickie, 2011). While several explanations have been suggested for their higher levels of distress, we argue that one factor given insufficient attention is their exposure to traumatic material through their work. While not all areas of law are exposed to traumatic material, multiple areas involve ongoing and significant exposure to such material (Maguire & Byrne, 2017, Morgillo, 2015; Vrklevski & Franklin, 2008). Our study aims to examine, through an in-depth qualitative study, how lawyers experience exposure to traumatic material, including the way in which their organisational and professional context influences their experiences.

Over the last ten years research across multiple countries, including Australia (Kelk, et al., 2010), the United Kingdom (Leonie, 2019), France (Leignel, Schuster, Hoertel, Poulain, & Limosin, 2014), the United States (Buchannan & Coyle, 2017; Krill, Johnson, and Albert, 2016), and Canada (Leclerc, Wemmers & Brunet, 2020) has found that lawyers experience significant psychological distress. For example, Kelk et al's (2010) Australian study found that both solicitors and barristers self-reported having depression at 4 times the rate of a population study by Beyond Blue, and their scores on the K10 (a measure of psychological distress; Kessler, et al., 2002) showed more than twice as many solicitors were experiencing high distress and very high distress compared to the general population. Krill et al's (2016) US study similarly found higher rates of depression and anxiety in lawyers. Other research has identified further indicators of negative psychological wellbeing for lawyers, including elevated rates of alcohol use (Krill et al, 2016; Leignel et al 2014), and, relevant to the current study, vicarious trauma (Levin & Griesberg, 2003; Vrklevski & Franklin, 2008) and secondary traumatic stress (STS: Piwowarczyk, et al., 2009).

Research into the predictors of lawyers' negative wellbeing has examined both work factors and individual differences in lawyers. In terms of work factors, there is evidence long working hours with significant caseloads affect lawyers' wellbeing (Piwowarczyk, et al., 2009; Bergin & Jimmieson, 2014). Other research has examined individual differences, with Krill et al (2016) finding that younger/more junior lawyers drink more and had higher rates of depression and anxiety. There is also evidence that those with extrinsic values/money motive have more negative affect, engage in more frequent and more intense drinking, and have lower wellbeing (Sheldon & Krieger, 2014).

We (see also James, 2020; Murray & Royer 2008) argue that one under-researched factor that may affect lawyers' psychological wellbeing is the high rates of exposure to traumatic material in some areas of law. We use the term traumatic material to describe the breadth of ways lawyers may be exposed to trauma, including interactions with clients, witnesses, and other professionals, as well as written, audio, photographic, and video material. Many lawyers work in areas where clients experience intense personal distress or trauma, such as criminal and family law (Levin & Griesberg, 2003; Murray & Royer, 2008; Vrkleviski & Franklin 2008, McGuire & Byrne, 2016), immigration (Aschenbrenner, 2013; Piwoworczyk, et al., 2009), and coronial inquiries (Trabsky & Baron, 2016). For example, Murray and Royer (2008) argue that in their work lawyers may be exposed to clients in domestic violence and sexual abuse cases, murder and rape, child abuse, divorce, custody claims and mental illness. As part of preparing for and representing clients at trials, lawyers are exposed to victim impact statements, victim testimony in court, graphic medical evidence, distressing audio and video evidence, all of which may be of a psychologically distressing nature (Murray & Royer, 2008). Lawyers' relationships with clients may well be lengthy, and involve witnessing the extensive long-term impact of distress, such as life changing

events in the client's family and work life (Murray & Royer, 2008; Levin & Greisberg, 2003).

While lawyers share many work characteristics with other social and health service providers working with clients, they do not have the same training for this work (James, 2020; Maguire & Byrne, 2017). Lawyers are taught that to offer the best service they must remain emotionally detached from the cases they manage, allowing them to provide independent and impartial advice, with their professional duty to the court and their client (James, 2008).

The small number of studies conducted to date on secondary traumatic stress (STS) found that lawyers' exposure to traumatic material can have a significant negative impact on lawyers. Levin and Greisberg (2003) found that attorneys in family and criminal law demonstrated significantly higher levels of STS and burnout compared to mental health professionals and social services workers. They argued this was the result of higher caseloads and lack of supervision around the effects of trauma. These negative outcomes for lawyers are demonstrated across a range of areas of practice. Jaffe, Crooks, Dunford-Jackson and Town's (2003) study of judges in family, criminal, and juvenile courts found 63% exhibited significant symptoms of vicarious trauma and Schrever, Hulbert and Sourdin's (2019) study of judges and magistrates found elevated levels of psychological distress, including STS. Vrkleviski and Franklin (2008) found that criminal attorneys experienced more depression and stress, vicarious trauma, and changes in sense of safety and intimacy than civil attorneys, and Piwowarczyk et al (2009) found significant levels of secondary trauma in refugee lawyers. Sagy (2006) identified that the lack of training and emotional support given to lawyers working with traumatised clients is an associated factor leading to STS and burnout.

However, research conducted to date on lawyers' responses to traumatic material has several limitations. Baillot, Cowan and Munro (2013) and Parker (2014) have criticised studies of lawyers for using self-reports of psychological distress and vicarious trauma scales rather than clinical assessments, and for using (often small) non-representative populations. We argue that the emphasis on structured surveys also means there has been no qualitative examination of the lived experience of lawyers who are exposed to traumatic material, to identify in-depth the ways in which they experience exposure and how they respond to that exposure, as well as the role of contextual factors. James (2020) has similarly argued for more qualitative research on lawyers.

We also argue that critical to their experience of traumatic material is the organisational and professional context within which lawyers work. While workplace stress research more generally has demonstrated the important role that both may have on how employees respond to stressors (Brough, 2004) there has been limited research on the legal profession. Murray and Royer (2008) and Levin (2008) argue we need to consider how the hostile court environment, conflict, heavy caseloads, and the adversarial nature of criminal law influence lawyers' experiences. Other studies have demonstrated how work hours predict STS in lawyers (Levin, et al, 2011; Piwowarczyk et al, 2009). Furthermore, the rhetoric around the legal culture in Australia suggests that lawyers are trained to be "aggressive and to be emotionally detached... They intellectualize, rationalise and ...tend to have fairly elaborate denial mechanisms" (Weiss, 2009, para. 5). They also operate in an adversarial system, which is inherently stressful and can have intense negative effects on both its practitioners and clients (Seligman, Verkuil & Kang, 2005). We argue a qualitative study enables us to examine how lawyers' responses to exposure to traumatic material are shaped by the organisational and professional context within which they work. The current study posed the following research questions:

Research Questions

1. How do lawyers experience exposure to traumatic material in their work?
2. How does their organisation and profession shape lawyers' experience of exposure to traumatic material in their work?

Materials and methods

Participants

Participants were lawyers and barristers working in legal areas where exposure to traumatic material related to clients or cases occurred on a regular basis. Thirty-five lawyers participated; 28 females and 7 males. Twenty-seven worked in public sector legal practice, and eight in private practice. All had completed a minimum of a Bachelor of Law degree, and several had dual degrees or postgraduate qualifications; two males, and three females were barristers. The sample ranged in age from 28 to 64 years ($M = 40.48$, $SD = 1.69$). The range for years in their current area of legal practice was two months to forty years ($M = 15.26$, $SD = 3.32$).

The participants were from the Australian states of Queensland, New South Wales, Victoria, and Western Australia. All had experienced significant exposure to traumatic material as legal practitioners. One participant had retired on medical grounds. However, this participant had recent and relevant experience, and on this basis was included in the data analysis.

Procedure

Ethical approval was obtained from Griffith University Human Research Ethics Committee and all participants provided written consent prior to their interviews. Participants were recruited from organisations where lawyers had frequent exposure to traumatic material, including legal aid, coronial services, and a Royal Commission inquiry

into historic institutionalised child sexual abuse, as well as lawyers in private practice in criminal and personal injury law. Each organisation distributed an email and information sheet advertising the study and asking for interested participants to contact the research team.

All interviews were conducted by the first author. Interviews were conducted face-to-face in the lawyer's organisation or at the university for participants in Queensland, or via Skype or telephone for participants living outside of Queensland. Interviews averaged 60 minutes in duration with a range of 40-70 minutes. We used a semi-structured interview protocol with 10 questions (see Table 1). Interviews were either transcribed professionally or by the first author.

INSERT TABLE 1 ABOUT HERE

Analysis

Thematic analysis was conducted to identify the key descriptive themes in the interview data, (Braun & Clarke, 2006; Morse, 2008). Descriptive themes were generated inductively rather than imposed a priori. The first author initially analysed the data by reading the transcripts several times to become immersed in the data, before assigning initial codes. Like codes or concepts were then clustered together to form tentative themes. The analysis was assisted by the second and third author, who read a selection of transcripts, and engaged in a process of critical discussion to provide a continual check on specific interpretations (Cho & Trent, 2006). Through reviewing the transcripts and discussion among the research team there was then a process of refining to produce the final themes that addressed the research questions. NVivo 11 software was used initially to code the transcripts and was followed up with manual coding to refine the codes to complete the analysis.

To maintain participant confidentiality pseudonyms were chosen by the participants and all details in quotes that could identify an organisation have been removed.

Results

The participants provided a detailed picture of how they experienced exposure to traumatic material, and how their organisational context and professional identity shaped their responses, particularly their coping strategies. Participants were exposed regularly to a wide range of traumatic material in the different professional contexts in which they worked. In general, exposure to traumatic material did not impact them significantly, unless it met certain criteria, including how the exposure occurred and its content. In addition, they dealt with the effects of traumatic material exposure in different ways, mostly in ways that were organisationally and professionally normalised. Thematic analysis identified six themes: When material becomes traumatic, Fear of stigma, Everyday recovery, Boundaries through denial and distancing, Using social support normatively, and Making meaning.

Theme 1: When material becomes traumatic

While lawyers had exposure to a variety of material that could be regarded as traumatic, our participants spoke about materials that provoked a strong emotional response. Traumatic material identified as emotionally challenging included a variety of modalities, such as stories told in person, on the telephone, or via video, audio evidence, and written statements and medical records. Some participants noted that the increase in audio and audio-visual evidence, for example, police body cameras, had increased their direct exposure to client trauma or made it more vivid. Graphic descriptions meant participants could visualise the trauma and the vulnerability of their client and themselves.

Some clients want to tell us graphically what happened to them... I've had a client tell me that I've never had a gun placed up my vagina and I wouldn't know what the impact was. So, there'd be very graphic descriptions...you know "I've been tied to a bed and raped" ... I can tell you the two clients that said that. They do stay with you... I go straight to a picture and I can see it...Rose.

For some participants the experience of material being traumatic was the cumulative effect of constant exposure over time. For these participants, where client contact was constant, such as in a legal advice telephone line, this increased the experience of the material as traumatic, as there was no reprieve.

...it's 10,000 sad stories, and you know...I could count on one hand the amount of people who wanted to talk to me for good things. No one wants a family lawyer for anything good. So, it does, it is starting to weigh on me a little. Trish

The effects of cumulative exposure were exacerbated for lawyers who had higher workloads and a lack of control over their caseloads. This was in comparison to lawyers who worked in organisations where they could transfer difficult cases or clients to other lawyers if the client triggered strong negative emotions.

For other participants, the material that affected them were those moments when they were caught unawares by a connection with the material, which made the material memorable, and affecting.

I think sometimes you can feel like I guess you're coping quite well with the work and that you're not necessarily being negatively impacted by it and then all of a sudden you might hear a particular client's story and it really affects you in a way that you weren't anticipating. Adrian.

Identifying with the client's story led to lawyers experiencing an unexpected empathy, that undermined their ability to contain their emotions, and disrupted "normal" professional boundaries. Here abstract legal issues were transformed into something real that was happening to a person. Our participants could recognise their own vulnerability and/or common humanity with their client.

Traumatic material that involved a child's death or murder or sexual abuse was especially distressing for participants.

I only ever saw pictures of them bloated and purple from the carbon monoxide poisoning. The father, of course gave me photos of them as beautiful kids. You can't do that to me. Gabby

Participants who were parents reported being particularly affected, as they related the traumatic material to their own life and their children. For example, if the traumatic material involved a child, and if the child was the same age as the participant's child, or they could relate or compare the circumstances to their own family life, the distancing normally used to maintain a legal professional stance would not work. It was harder to suppress their emotions.

Something that I keep coming back to and keep thinking about time after time involved a two-year old boy ...the main problem, it probably seems obvious, is that I had at that time a two-year old boy as I was doing it...I think it's the only time I've ever cried reading a file...I deal with most of the actual violent traumatic [material] ... but I don't seem to be affected by that at all, mostly perhaps, because they don't involve children. Rodney.

For some participants the event became an enduring bad memory that continued to impact their career. For example, Estelle describes having a "traumatic stress response" to a case that concerned children, sexual abuse, death, and child protection matters which had a lasting negative impact on her.

...there's only been one case where I would say that the facts of the case have upset me to the point where I've had nightmares and what I would describe as post-traumatic stress responses...so I had all this incredibly graphic material [from statements] ...even talking about it now makes me feel ill.

When describing the traumatic material that elicited from them an emotional response, participants reported experiencing a range of emotions, including sadness, distress,

frustration, anger, cynicism, and impatience. For a few, the emotional response was only in the moment. For others, the effects of legal practice intruded into their emotional life outside of work in the form of trauma related symptoms, such as intrusive thoughts and sleep disturbance, including nightmares. A few participants talked about the need to contain their emotions while in a professional mode but then the emotional effect would become evident in unguarded times.

You try to ensure its all-fine, that your emotions are completely appropriate for the moment. But there's many a time at home, or in the car, or in your dreams where you are thinking about the reality of it. Robbie

Theme 2: Fear of Stigma

A crucial challenge in managing their responses to traumatic material for many participants was a fear of stigma associated with disclosing an emotional response; a fear of being viewed as unprofessional.

I think for me personally, it wouldn't necessarily be something that I would raise with my managing solicitor ...but it's probably not something that I would want to be known necessarily - that I wasn't coping because I guess the inference is that then you might not be doing your job as good as you can - you should be...I know that's[sic] a really big stigma as well about all of this stuff... Kirby

If participants did experience significant psychological distress (not only in response to traumatic material), they generally did not want their mental health problems known to colleagues and the legal profession.

But most people just cover it up. You know even if you suspect that someone else is suffering and not travelling too well - I know there's this "RUOK campaign" but people don't do it, not in the law. You'd never admit that you had mental health problems. Jenny

A part of this stigma was the fear of the potential repercussions for their livelihood and/or that their professional reputation would be compromised.

A friend who is a QC [Queen's Counsel], he said to me, I never want anyone to find out about my depression because if you were a solicitor and you had to choose a barrister to appear in a case, would you choose the one you knew had depression? I said, well, no, I suppose not. So, I can't afford to let anyone ever know that I have depression. Jenny

Another part of the stigma was the embarrassment that would ensue if others knew that they were seeking help for mental health issues.

I'd be embarrassed that I was taking time out [for counselling] I wouldn't want anyone to know ...That's just how I feel; I feel like it is a weakness almost Peter

The fear of stigma, in turn, meant they perceived that the options they had for dealing with traumatic material were limited to those that were normalised or socially accepted, and for many this precluded the use of coping strategies that required self-disclosure. This will be explored further in later themes.

Theme 3: Everyday Recovery

Several participants spoke about everyday recovery strategies that they used, including taking time out, getting outdoors, physical activity, and social outings. Miranda described how “*I like to get out at lunch, I like to get some fresh air...I think being outdoors really helps me*” and Theo talked about doing a lot of “*physical creative things as an outlet. I garden. I cook a lot*”.

Recovery activities particularly helped lawyers to avoid thinking or ruminating about traumatic material.

I do a lot of yoga which is really helpful for me because it gets me out of my head and back in my body... because practising as a lawyer you're in your head a lot of the time. Adrian

So, I didn't want to go home and just sit and think. I actually thought, no, I've got my usual dance class, I'm going to go to dancing." Sidney

Theme 4: Boundaries through denial and distancing

Many participants spoke about an active denial or suppression of their emotions, which was professionally normalised. This denial was both about preventing an emotional response to traumatic material, and also managing when they did have an emotional response to traumatic material. There were three key reasons participants expressed for denying or suppressing their emotions: self-protection, emotions not being professional, and fear of transmitting emotions to family and friends.

Self-protection. Many participants stated that they coped with traumatic material by denying it affected them emotionally. Denial for these participants was about self-protection.

...every day of the week we'll hear about allegations of child abuse; that may be physically, [sic] they may be sexual... I don't – I can't, because if I took home and thought deeply about every case I had, I would never be able to work again. Louise.

For many it was also important to draw boundaries about what was their role as a lawyer was and was not, allowing them to maintain detached from the material. The experience of being a person to whom clients disclose traumatic life events was overwhelming for some, and they rejected the role outright.

We can't fix people's lives... we know that if we get too deeply into this, it's soul destroying. Jane.

I'm not a social worker; I'm not a psychologist, I haven't been trained in any of these areas and it's just trying to deal with the [legal] issues that are raised. Kirby

Not all lawyers rejected the non-legal aspect of their work, but they were in the minority in this study.

Emotions not being professional. Many participants spoke about denial as an acceptable and normal practice for survival in the job,” *I think lawyers are very good at denial*” (Sara). The heavy workload of legal practice assisted in this process of denial, *‘Because we’re so busy, pushing on to the next thing. We talk about – we talk about that’s what we do. Push it down, push it down, push it down...’* Gabby.

For many this denial of emotions was about it being unprofessional to have emotions. In trying to distance the emotional content of their work from their professional role, participants spoke of a mindset that shut out feelings and operated in the legal rational mode.

I think it’s just how your brain kicks in because it’s just your job to do that. It’s your job to go to court and tender that photo, and have the jury look at it. You just kick into work mode and you put your robe on and you’re a different persona and you’re in court... Gabby.

Indeed, some expressed a pride in being detached from traumatic material and being professional about it.

I’ve always been proud of the fact that I’d never gotten involved in a case. I’ve always been able to keep a professional distance... I had a few murders which had horrible photographs, but at the time I didn’t think that upset me. I just took it in my stride and just did it and got on with it. Jenny

The outcome for a few participants, particularly where exposure was cumulative over a career, was that they would actively avoid such cases either by leaving the area of law that exposed them to this material, or by requesting to not have that work allocated to them. For example, Christy had worked in a government department as a lawyer and reflected on one of

the reasons she decided to leave and enter private practice. The latter offered her more control over the material she would be dealing with over time.

“So, I think I got really sick of dealing with sex offenders and particularly child sex offenders because you just keep reading this awful stuff over and over again....

Other participants also spoke about how those lawyers who were not able to professionally distance themselves from clients' traumatic material, were destined to leave the job.

There are a few people who are the bleeding hearts people and they don't last, because you can't take on everybody's problem in this job, because you will just drown, because they all have so many. Cassandra

Fear of transmitting emotions to family and friends. For some participants there was also a concern that emotion could be transmitted to family and friends. These participants expressed a concern about the potential effects of the traumatic material and/or their response to that material on their family and friends. For example, when talking about not sharing with family and friends how their work has affected them Alex stated, *“I don't want to spread the trauma further”*. This comment implies that trauma can be contagious, with the lawyer responsible for containing the spread.

Theme 5: Using social support normatively

Participants talked about the importance of both professional and peer support in supporting them to cope with their exposure to traumatic material. Organisational and professional norms influenced whether and how they would access such support, including their fear of the organisational and professional stigma of mental health problems described earlier. In addition, the policies and procedures to support employees differed across the organisations in which our participants worked.

Organisational and professional support. All participants were aware of the availability of professional support, as well as training and resources, to assist with managing their wellbeing, including in response to traumatic material. Some participants worked in organisations where this was available inhouse.

That's the only reason I've been able to last this long in this sort of work I think is having them[colleagues] to bounce from. In this job, they're particularly good.

They've got an in-house social worker, which is good. Sarah.

For others such support was only available externally.

Participants differed in whether they believed it was acceptable or normative to access such support. Some participants worked in organisations where the use of professional services or resources was actively encouraged. Others described being provided with training and professional contact information but considered that it would not be acceptable to use this support. There was also some discussion about the value of different types of professional support.

They've got support systems within my current employment, like to access counsellors and the like- but I don't think they ever really prepare you for some of the information that you're going to read, see or hear. Kirby

I usually find vicarious trauma training unhelpful...because the solutions they offer...is to read a book or listen to some music or do things that relaxes you. I don't find that helpful because if you've got something sitting on your mind like that, reading a book doesn't make it go away. It's still there. Lyn

Some participants spoke about trauma specialists providing more support than Employee Assistance Programme providers or counsellors, and others talked about lawyers preferring a service that wasn't labelled as counselling.

Lawyers don't like it being called ... having counselling sessions.... Either debriefing or support but they don't like the term counselling. Rose

A further way in which participants used professional support was in supporting their clients, particularly those with mental health issues. This in turn assisted lawyers in coping, and at times educated them about working with such clients.

If a client rings up quite traumatised, you can ask a counsellor to take the rest of the call and then they can offer the client ongoing counselling. It takes the stress out of the job so much. And you're also spending less time trying to do non-legal issues and talk them through an episode, which we're not trained to do. Laura.

...we are lucky here in that we have social worker and counsellor in the support team so that is actually great, we learn a lot from them. Lisa.

A further way in which some participants' organisations provided support was through policies and procedures (and the acceptability of using these) that provided training and formal induction around dealing with traumatic material, and/or enabled participants to manage their workload, take time off work, or ask for work to be reallocated. As a part of this, some participants spoke about working in organisations where their supervisor not only actively provided support but also encouraged a culture of accessing all forms of support in the organisation.

But as soon as something horrible happens...suddenly the Director is taking you out for lunch and your team leaders are taking you out for coffee...the Director is particularly very empathic and all the Assistant Directors as well. They all come a running...so if I have someone's who's a bit wobbly in my team, my Assistant Director, twice a week and say how's so and so...Fred

However, many participants did not mention supervisor support at all.

Peer support from lawyers. Participants also spoke extensively about the ways in which they used other lawyers as peer support. For some, colleagues were a key part of managing their workplace emotions, allowing them to express their feelings in a collegiate safe zone. Francis, for example, states '*The best support mechanism that we've had in this office has been each other, the lawyers'...*' These participants described a camaraderie, where they valued that peers could understand their experience and feelings.

I think it's definitely the nature of the work and the understanding of we're all in it together... In some way, we probably - and I feel like this. I probably feel like no one else could really understand. Louise.

For a small number of participants, the use of peer support was a formal process in the organisation, and people were encouraged, indeed expected, to access peer support.

Some participants spoke about a culture of support that then developed '*where it's okay to say you are not coping*' (Rose). In turn, such a culture provided both professional development opportunities and improved mental health. More commonly, participants spoke about informal debriefing, which could also be supportive and developmental, where peers became highly attuned to one another's needs.

We don't really have any formal debriefing processes, but a lot of us, I'd say most of us, would debrief on a regular basis. Trisha.

However, for a few participants peer support was superficial or used carefully to protect either their peers or themselves. In talking about debriefing in the office to other solicitors or social workers Kirby commented why debriefing might occur and to what extent it was comfortable to share.

They're dealing with the same things as well, so I think that it's good to discuss matters ... - but not overly about necessarily the details, it's more just having a talk about the matter which just lessens the burden of it sitting with you...like I probably

wouldn't explain if it's emotions - I might say oh look, I'm really drained from today because of these clients or this matter or this was really full on, but that was probably where I would leave it. I wouldn't go into any more detail because I think everyone is dealing with a similar sort of situation, so you don't want to sit around and necessarily dump everything on everyone else Kirby

A key socially appropriate coping mechanism was the sharing of traumatic material with their peers through "black humour". Black humour was deployed in a variety of ways across all areas of practice to release pent up emotion and distance the practitioner from any emotional response to the traumatic material.

I think we all cope by not dealing with it, if that makes sense... We talk about it in a safe environment where we can be blunt about things. We develop really dark senses of humour about things and I think that whole dark sense of humour is on the stupid things people say, or the funny court stories out of darkness. Gabby

...we also have a little bit of the black humour sometimes. When we read something – to some people it might seem incredibly awful and distressing – some of us will just sit there and go – oh my goodness and have this slightly weird giggle about how ridiculously difficult somebody's life and circumstances are. That I think is just that kind of ability to see where the boundary is, because if you dived into the abyss, it could be quite personal and difficult. Jane.

It was recognised that this form of humour would not be appropriate to use with anyone apart from peers.

I mean there will be sometimes puns that will be used- not in a professional environment; it would never be used in court or discussions [with non-lawyers]. But just through discussions in your immediate team, that can happen ... it's just small

jokes about things which come up. Which sounds terrible when you say it like that

Chris

While for some informal peer support occurred in the workplace, many participants stated a core coping strategy was going to the pub/drinking with colleagues, which often occurred in conjunction with the use of humour.

Theme 6: Meaning making

Many participants spoke about ways of appraising traumatic material and their responses to traumatic material that enabled them to cope and make sense of their experiences. For some this was about drawing on the beliefs and values that brought them into law and/or their area of law.

Look what we do is such meaningful work. It's a contribution to the greater community and it is, it's real service. Oscar

Some participants talked about it being a career choice to be a salaried lawyer, in the public sector, not driven by a profit motive.

I was always going to be a particular type of lawyer; I wasn't going to be out there to make money. The law was a means to an end for me, not for money but for obviously...to achieve some things that I wanted to achieve. Jim

...so, when I imagined doing law, I didn't really think of working to make corporations more profitable, I really ever only saw myself working with individuals"

Miranda.

Several participants believed they were able to make a valuable contribution to society, assisting vulnerable people with their skills, even though this increased their exposure to traumatic material.

The particular jobs that I've done are because I wanted to work with people who are vulnerable...I think I like people and I think that maybe a sense of justice for people who, an acknowledgement that I've lived a life, a fairly privileged life, I think. Kate ...give people a voice who've never had a voice... It feels like home to me. It's the sort of work I feel comfortable with. It feels like you're making a contribution. Deb

Others described the value they saw in their practice going beyond simply providing legal advice.

It's easily the best job I've had. I see what we do as not just a job really. And this sounds a little bit fluffy, but I really cherish and value this service and value this service for what it's doing for people in the bigger picture. Nadia

For some participants finding their purpose was a process that unfolded through their career as a lawyer. Recognition of such a work-values fit was a significant incentive for Jane to stay with her organisation.

I think there was an element ..., of wanting to use my skills to help people. I think that I've grown over the years to recognise the social justice values of [organisation], and I personally now identify with those sorts of things, and as a result that's probably what's kept me where I am. Jane.

A few participants reported that exposure to client traumatic material increased their sensitivity towards their clients and others in similar circumstances.

I think I'm a much better advocate than I used to be, because I'm much more human. I'm a much better advocate than I used to be because I recognise the position of victims in those cases that have victims. Robbie

Participants also described how exposure to traumatic material had a positive effect on them as lawyers and people, whereby they drew strength and motivation from their clients' experiences.

I've worked with a lot of clients who've had children die and things like that. Like really awful experiences who've still managed to see a lot of good and positive in the world despite everything that's happened to them. I think that can be really positive motivating force in I guess in my own life and when I talk to other people who do this sort of work as well. Lyn

...as part of what I see as a real positive for doing this work, is that I just – I don't float through life being upset about small things. Alex

Knowing traumatised clients who used their experience positively provided a way for participants to process the negative aspects of their work.

I guess you sometimes get strength from the resilience of your clients. People that have gone on to do remarkable things despite the terrible things that were done to them... from a personal perspective as almost maybe a coping mechanism, I think sometimes you latch hold of those clients and you draw strength from it. James

I've got a client recently who I've been working with who is managing a domestic violence service. She is running a refuge. She's helping women get to court... And if people knew her trauma... So, I see them as remarkable people ...to want to get up and go to work every day. Or just to be a carer for somebody else. That's how I process the sadness. Nadia

Discussion

Our study examined the experience of lawyers exposed to traumatic material. While our participants all reported being exposed to high levels of difficult and traumatic material almost daily, not all such material affected them. Mainly they reported being able to enact a range of coping strategies that enabled them to avoid or deal with their emotional responses, at least in the short-term. This included both everyday recovery strategies and denial or distancing, as well as ways of making meaning from their experiences. We also found that

their experience of traumatic material was heavily influenced by professional and organisational norms, including the perceived stigmatisation of mental health problems. These norms affected whether they experienced or could acknowledge experiencing emotion, and how they responded when they did experience emotion, including how they accessed and used social support.

Our participants reported that they were mostly able to deal with the traumatic material they were exposed to. However, all participants described situations when they experienced strong emotional reactions and times when they found coping challenging. Similar to research with other non-health professionals such as police (Burns, Morley, Bradshaw & Domene, 2008; Parkes, Graham-Kevan, & Bryce, 2019), our participants described experiencing a range of emotional and physical responses, and intrusive images as a result of their exposure. For some this was rare, whereas for other participants it was quite frequent. Similar to Campbell and Bishop's (2019) study on corrective services employees, increased exposure increased their risk of experiencing trauma.

Our findings suggest that participants made extensive use of avoidance-based coping. To prevent themselves having an emotional response participants used detachment strategies, whereby they did not engage deeply, which typically meant emotionally, with the material they were exposed to. Instead they viewed the material through a lens of legality and their role as lawyers. Our participants also engaged in cognitive avoidance where they tried not to reflect on material. Similar strategies were found in Parkes et al (2019) study of how police coped with exposure to sexual offending material. In their study, Parkes et al found that police put on their 'police head'. We found lawyers use a similar process of focussing on their role as a lawyer. Our participants seemed somewhat resentful when their clients tried to reduce their detachment by personalising interactions, and were appreciative of

organisational structures that allowed them to maintain their role as lawyers (i.e., having counsellors on staff).

Lawyers in our study regarded it as self-protective to deny experiencing emotion. Many subscribed to the belief that using distraction, suppressing, ignoring, or denying emotions is the only way to deal with their emotions. Two key factors seemed to underly the frequent use of denial and avoidant coping by lawyers. First, lawyers in our study strongly identified as professionals, who should focus on evidence, and remain analytical and detached. These were core aspects of training in law programs that were then reflected in their practice. Second, the use of these strategies was encouraged by their beliefs about the stigma around mental health, with evidence of both public and self-stigma. Krill et al (2016) also found that lawyers reported not seeking help for mental health and alcohol use due to concerns regarding privacy and confidentiality, whereby they did not want others to find out they needed help. This problem is not confined to lawyers, with doctors also reporting a reluctance to seek help for the same reasons (Hu et al, 2012). However, previous research has found that the use of denial-based coping is associated with a greater risk of developing secondary traumatic stress (Bourke & Craun, 2014; Gil & Weinberg, 2015), suggesting that ongoing use of this strategy may have negative consequences for lawyers.

While participants regularly used avoidant coping, they all described situations when denial or avoidance did not work. Some of the participants spoke about the cumulative effect of exposure to traumatic material, but for most it was identifying or connecting with clients that most interfered with their ability to use denial or avoidance-based coping. Similar effects have been reported in Parkes et al's (2019) study, where participants spoke about child victims and victims whom they knew or with whom they identified interfering with their ability to enact detachment-based coping. Conrad (2011) also found that identifying with the person was a risk factor for developing secondary trauma in therapists.

Consistent with research with other professionals (e.g., McFadden, Campbell & Taylor, 2015), a key protective factor lawyers in our study reported was valuing social support, particularly when embedded in a supportive organisational culture. Some participants worked in organisations that explicitly formalised the use of professional and peer support, or where it was part of the culture to access informal support from one another. Good support enables professionals to be more resilient to vicarious trauma (Bell, Kulkarni & Dalton, 2003), due to opportunities that arise to debrief trauma files (Finklestein, Stein, Greene, Bronstein, & Solomon, 2015) and is positively associated with vicarious post traumatic growth (VPTG) (Manning-Jones, de Terte, & Stephens, 2017). Participants in our study who worked in organisations that encouraged the use of support were more comfortable accessing support and less concerned about mental health stigma. Many contrasted this to previous organisations in which they had worked. However, our participants reported variability in the level of support from supervisors. Vrkleviski and Franklin (2008) similarly found only half of the solicitors in their study reported considering discussing work stress with a supervisor, instead using peer support.

While for some participants peer support involved a process of debriefing traumatic files, for others peer support was about using humour and alcohol for tension release. These further forms of emotional and avoidant coping were professionally normalised and were used to cope with all demands of the job, not just traumatic material. This is consistent with research on police. Evans, Pistrang and Billings (2013) found that police officers were ambivalent about talking about the impact of distressing events, however humour was used in interactions with colleagues as a normative form of coping. Such strategies are associated with higher rates of secondary trauma in social workers (Gil & Weinberg, 2015), although humour has been associated with lower levels of stress and higher levels of vicarious post-traumatic growth in other studies (Manning-Jones et al, 2017)

What has been overlooked in the literature on lawyers to date, is the potential for positive outcomes from exposure to traumatised clients and traumatic material more generally, which has been found to be a protective factor in other professions (see, for example, McFadden et al's 2015 review). Several lawyers in our study made use of cognitive reappraisal (Gross, 2015) to enable a more positive framing of their exposure to traumatic material, to emphasise opportunities for personal growth and/or to derive a sense of meaning and purpose from their work. For some participants these positive outcomes emerged over time through their exposure to their clients' trauma. However, a number of our participants had chosen to work in areas of law that were more intrinsically rewarding (Sheldon & Krieger, 2014), with these participants describing being conscience-driven, having social justice values, and explicitly stating they were not motivated solely by money. Sheldon and Krieger found that lawyers in such jobs have more positive outcomes on wellbeing, affect, life satisfaction, and alcohol use. Longitudinal research is needed to disentangle any reciprocal relationships between pre-existing differences in how people appraise situations and the benefits that particular jobs provide.

Practical implications

Lawyers in our study reported experiencing a significant impact from their exposure to traumatic material. However, the ways in which they responded were influenced by contextual factors, including their beliefs about professional norms, and the policies and practices in their organisation. Several participants reported that they would not seek peer or particularly professional support, because it was too risky or because it was unprofessional. Instead, they were using more avoidant forms of coping that are associated with more negative outcomes in the long-term. To address these issues, we argue that there is a need for changes both in the training and practice of law, as well as organisational policies and

practices, to ensure the wellbeing of lawyers who work with traumatic material (see also James, 2020).

A first step is training both during their studies and in professional development activities to prepare people for working with traumatic material. Lawyers need training in skills to prevent them making connections between a victim and people they know (see Burns, et al., 2008). This is particularly important given our participants reported being increasingly exposed to graphic traumatic material. Such training can help them to identify both which material may be personally distressing to them and when they may connect with the material. Training can also assist them to use appraisals that identify opportunities for personal growth through exposure.

Both the profession and individual organisations need to recognise and address the evidence of both public and self-stigma. Stigma is a risk factor, which has been shown to significantly influence help seeking behaviour (Corrigan, 2004), with internalised (or self-stigma) most closely related to reduced help-seeking (Clement, et al., 2015). Other risk factors highlighted in our study were the level of exposure to traumatic material, the effects of which can be exacerbated where people are experiencing stress more generally and an excessive workload (Campbell & Bishop, 2019).

There is also an important role for organisations to play through building a supportive culture, with visible commitment from leadership, that provides and normalises the use of professional, supervisor, and peer support. Previous research has found such support to be a core protective factor that is a strong negative predictor of secondary trauma (Bourke & Craun, 2014; McFadden, et al, 2015). The organisations that participants in our study described as most supportive were those that normalised that people would have emotional reactions at times, that had induction and training around trauma, and that communicated the organisational support that is available. These organisations also normalised accessing

professional support and peer support and had policies and procedures that managed lawyers' workloads and level of exposure to traumatic material. Such policies and procedures enhanced autonomy and control, including flexibility around transferring cases and managing caseload and the use of flexitime, which in turn enabled recovery.

Limitations and future research

Our interview protocol did not probe for information about participants' personal backgrounds and how this may have affected their experiences. Future research should specifically examine whether previous trauma does influence lawyers' experiences when exposed to traumatic material in their work, given previous research has found this to be a predictor for other professionals (e.g., Baird & Kracen, 2006; Gil & Weinberg, 2015; MacRitchie & Leibowitz, 2010). We note, however, that this was not an issue raised in our interviews. Indeed, more generally, there is a need to better understand the relationship between lawyers' individual characteristics and their work environment and the development of secondary or vicarious trauma.

Our study gathered retrospective accounts, where participants spoke about their careers overall in legal practice. It would be useful for future research to use a longitudinal design to understand more how the impact of exposure to traumatic material unfolds over time. The themes identified in our research could also inform a more quantitative study, that examines the predictors of vicarious or secondary trauma, to identify which are the most important factors to target in interventions. Moreover, to date there has been little consideration given to what skills, in addition to generic skills as a lawyer, are needed to practice in different areas of law. The developing area of law and emotion, which seeks to incorporate a multidisciplinary approach from the social sciences and humanities to inform legal processes and practice (Bandes & Blumenthal, 2012), could help to address this gap.

There was also an over-representation of women in our sample relative to the population of lawyers. This may have affected our findings, although we could not find strong evidence of gender differences in research on secondary trauma.

Conclusion

Our study examined the lived experience of lawyers exposed to traumatic material. We identified the ways in which that exposure affects lawyers, the ways in which they respond when affected, and how both the way they are affected and their responses are shaped by professional and organisational factors. In line with the previous studies, we confirmed that lawyers are affected by traumatic material and use various strategies to insulate themselves against psychological distress to maintain their professional efficacy. Primarily lawyers use their professional identity and role to detach from the material they are exposed to and this is mostly protective for them. However, the material can and does break through, and when this occurs, lawyers often do not have the skills or training to manage the ensuing emotions and distress, and they over-rely on denial and avoidant coping. At an individual level, avoidant coping appears to be maintained by the fallacy that suppressing, ignoring, distracting and denying emotions is the only way to deal with their impact. Contrarily, distress is mitigated through everyday recovery activities, meaning making processes, and accessing support. However, norms and values associated with the legal profession appear to perpetuate personal beliefs and promote avoidant coping through stigmatisation of mental health issues and subsequent help-seeking and promotion of emotional detachment. Organisations impacted on the process through their policies and procedures related to accessing formal and informal support, managing workload and training and resources. It is recommended that the legal profession introduce emotional and social intelligence programmes into law training and organisational practices to upskill members of

their profession on how to manage distress. Work is also needed to decrease the stigma around help-seeking and mental health issues.

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The authors declare no conflicts of interest related to the study.

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Table 1. **Interview protocol.**

What helped you decide on a career in law?

What influenced you to work in your current area of law?

Are there clients you remember more than others? If so, why do you think this is?

In what ways has working with traumatised clients affected your work life?

In what ways has working with traumatised clients affected your personal life?

What do you see if any, are the positives to hearing traumatised client's stories?

I'm now going to focus on your organisation and ask you some questions in relation to your workplace.

In what ways does your organisation acknowledge that your clients may present difficult material for you?

In what ways do you think as an organisation, your current workplace, deals with working with difficult client material?

What, if anything, do you do with your colleagues in talking about your clients' stories?

What, if anything, would be the outcome to you personally of accessing assistance in dealing with the effects of working with difficult client material?