

Judges Must Guard Against Their Own PTSD

By

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PTSD, or Post Traumatic Stress Disorder, can be direct, secondary or vicarious. All players in the justice system can experience it, and our work in the legal system makes us even more susceptible to it. Perhaps the constant stress we must deal with in our work, or the high caseloads which further tax our coping mechanisms contribute to this problem, but the research and studies confirm that PTSD plagues our profession.

Symptoms of PTSD or vicarious trauma are: hypervigilance, hopelessness, inability to embrace complexity, inability to listen and avoidance, anger and cynicism, sleeplessness, fear, chronic exhaustion, physical ailments, minimizing, and guilt.

To illustrate how my own life has been impacted by trauma or vicarious trauma, I share my experiences.

In 1988 or 1989, when I was a certified legal intern for Sacramento County's District Attorney's Office, handling preliminary hearings during law school, I was assigned a domestic violence prelim where the victim's brother was the perpetrator who beat her up. While waiting with the young female victim for a courtroom all morning, we chatted and bonded. She confided in me how scared she was of her brother, and she proceeded to tell me about how her brother came home covered in blood one early morning, and the following days, clipped news articles from the paper about the murder of a prostitute. The woman was robbed of \$5, stabbed with a screwdriver, and thrown into the Sacramento River where her body was

recovered. This revelation was taken to my supervising attorney, and resulted in the investigation, trial, and conviction of the brother. Thereafter I had bloody nightmares of the brother coming after me with a knife, and I woke up terrified. I had a generalized fear for many months thereafter, which I couldn't explain.

Then around 1994 as a deputy district attorney in San Joaquin County's Child Abuse and Sexual Assault (CASA) Unit, I handled my first shaken baby death case. When I saw the 8-month old victim's picture, I immediately realized that he looked a lot like my nephew. As I tried to review the photos of the baby both from before the murder to the autopsy pictures, I sobbed in my office. I had to wait until well after everyone left to leave for the evening, as I was an emotional wreck. I had trouble getting myself put back together. To this day I will still tear up when I talk about that case, but I eventually desensitized myself to be able to both look at and speak about the photos and death without showing any emotion. Because that's what trial lawyers do.

On December 7, 2004, my mother, who was also my best friend, died of a massive heart attack in my home, and I discovered her. Within 24-hours, I was pretty sure I was having a heart attack myself; I felt pressure and tightness and something weird in my chest. Even though I knew it was rare for 39-year old's to die of heart attacks, I've heard of it happening. My doctor did an EKG, examined me, and told me without hesitation that I was displaying classic "PTSD" symptoms from the death of my mother. I have very little memory of the next 6 months after that traumatic event. Despite continuing to care for my infant daughter and toddler son, the 6 months following the death of my mother are missing from my memory.

Judge Norman Tarle, recently retired from the Los Angeles Superior Court, has been impacted by vicarious trauma and PTSD from his work on the Court. He shares his own experience in his words, here.

There is an unrelenting sense of pain, depravity and callousness in the criminal cases tried on the 9th floor of the Criminal Justice Center in the City of Los Angeles. Security is high and vigilance is constant through the corridors and courtrooms. The defendants tried there are the worst of the worst. One evening, in the winter of 2004, as I stepped out of the judge's elevator into the underground parking lot, a feeling of weakness washed over me which convinced me that I was not safe to drive home. Returning to the courtroom, I told my bailiff, who began the process that quickly delivered me into the emergency room at Good Samaritan Hospital. My blood pressure had spiked to astronomical numbers. It was the last day I presided over a criminal trial.

My crisis had been building for a long time but was so slow and incremental that I did not understand where it was taking me. I assumed it was just a process of aging; that I was just getting older. I was experiencing an increasing pressure in my chest. I was more distracted and emotionally distant from my family. I re-lived the cases continually, seeing myself at times as the victim, or defendant or family members who sat in the audience. For many years I thought I had been taking care of myself. I ate a healthy diet, took all my vacation time each year and exercised religiously. I even completed two triathlons. I felt strong and loved the work that I did. I had started my career in January 1985 in the municipal court as a Commissioner in a division handling arraignments and master calendar, where calendars of 200 cases a session were not unusual and court days that lasted until 6:00 PM were normal. I was later hired as a Superior Court Commissioner and sent to a direct calendar felony court. But commissioners are not full judges, and in a nontraditional setting for commissioners, fighting for control of the courtroom was constant and debilitating. In addition, I handled all of the sexually violent predator cases at that branch court and most of the child rape and molest cases. I was good at it. Upon being appointed as a judge, I was transferred to the 9th floor.

Looking back, it was clear that for 19 years the pressure had been building. My family doctor, who was a personal friend, suggested that I was suffering from a form of PTSD. A close friend on the bench sent me material from an out-of-state judge who lectured on the related condition of compassion fatigue. A number of friends and colleagues on the bench contacted me shortly after the incident, while I was taking time off at home, to discuss their own experiences. Many were on medication and receiving counseling.

My experience prompted my transfer to a civil assignment. While the work was hard, especially for someone who had never practiced civil law, there was far less angst and emotional investment than the criminal cases. Within 6 months of the new assignment the pains I thought were due to aging had disappeared and my blood pressure dropped without the use of medication.

So what do we do about it? We need to develop resilience, by being aware of the symptoms of vicarious trauma and seeking training on techniques for building resilience. Judges must take care of themselves, by separating their work from their home life, with the creation of boundaries and balance. Make and keep appointments with friends; guard your exercise and religious time; maintain your time for just yourself. Try to maintain a healthy sleep pattern, and limit alcohol. It may also help to change assignments periodically.

Finally, judges need to break the isolation of judging by collaborating with colleagues and talking through their difficult cases. That's a healthy stress-release. Additionally, consider speaking with a therapist or religious leader, who is bound by confidentiality rules, to be able to "unload" some of the stressors from work.

No one wants to get to the point of thinking they are having a heart attack from their job. We owe it to our families and our colleagues to take care of ourselves, which includes protecting ourselves from the vicarious traumas of the job.

Resources

P. G. Jaffe et al., “[Vicarious Trauma in Judges: The Personal Challenge of Dispensing Justice](#),” *Juvenile and Family Court Journal* (Fall 2003): 1. (purchase required)

J. Chamberlain and M. K. Miller, “[Evidence of Secondary Traumatic Stress, Safety Concerns, and Burnout Among a Homogeneous Group of Judges in a Single Jurisdiction](#),” *Journal of the American Academy of Psychiatry and the Law* 37, no. 2 (2009): 214-24.

A. Chambers, “[Judges and Compassion Fatigue: What Is It and What to Do About It](#),” Missouri Lawyers’ Assistance Program, 2017, www.tmcec.com

American Bar Association. (2014, July 14). *Compassion Fatigue*. Retrieved July 30, 2014, from http://www.americanbar.org/groups/lawyer_assistance/resources/compassion_fatigue.html

[Secondary or Vicarious Trauma Among Judges and Court Personnel](#); National Center for State Courts, 2017

Is compassion fatigue an issue for judges? | Judge Mike Town, www.judgemiketown.com

Additional resources include:

- ABA Nat. Help Line for Judges Helping Judges: 1-800-219-6474
- [Living Above the Bar’s Mental Health Resource Page](#) on burnout and secondary trauma for lawyers, curated by the Attorney Wellness Task Force of the South Carolina Bar; www.proskauer.com, 2/5/19.
- [The American Bar Association Guide for Lawyers Working with Child Victims](#), which includes applicable self-help recommendations and firm best practices for lawyers experiencing secondary traumatic stress; www.americanbar.org, 9/1/15.
- [The Trauma Informed Law Resource Page](#), which includes self-care tips for lawyers as well as information on trauma-informed legal practice; www.natlawreview.com, 2/6/19.
- [How to Identify and Address Secondary Trauma](#), by William Silverman; published in *The National Law Review*, <http://www.natlawreview.com>, 2/6/9.