



Crash and burn

There has been much research on the impact of child-care proceedings on social workers – but very little has been carried out on the health and well-being of lawyers in this field. **Elaine O’Callaghan, Kenneth Burns and Conor O’Mahony** light the touch-paper

DR ELAINE O’CALLAGHAN, DR KENNETH BURNS AND DR CONOR O’MAHONY LEAD UCC’S [IDEA PROJECT](#), A TRAINING PROJECT FOR CHILD PROTECTION PROFESSIONALS



Solicitors and barristers practising in the area of child-care proceedings are exposed to emotionally demanding cases dealing with child abuse, as well as stories of personal and family trauma.

From conversations with lawyers, there appears to be a lack of recognition of the impact of this work on legal practitioners – and few support structures in place to assist those who routinely work in this area. (This may be particularly problematic when the facts of a case overlap with a practitioner’s own history, which may have involved child abuse and/or parental alcohol dependence or domestic violence.) Without sufficient training and support systems in place, working on these cases can lead to secondary traumatic stress, or even burnout.

It is important that legal practitioners are aware of the impact that stress and burnout can have on

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their work representing children or parents. A comprehensive international literature search located very few studies examining this issue. This raises questions about just how visible this problem is among those practising in the field and those providing legal training in child-care law.

Of the available studies, research has shown, for example, that stress and burnout can affect legal practitioners’ ability to perform. Levin and Gresiberg (2003), in a US study, examined lawyers’ secondary trauma responses and symptoms of burnout in domestic violence and criminal cases. Their study

showed that attorneys demonstrated “significantly higher levels of secondary traumatic stress and burnout than mental-health providers and social services workers”.

The Wisconsin State Public Defender’s Office focused on the effect of compassion fatigue on attorneys and administrative support staff. It showed that attorneys demonstrated significantly higher levels of “post-traumatic stress disorder symptoms, depression, secondary traumatic stress, burnout and functional impairment compared with the administrative support staff” (Levin et al, 2011). Longer working

AT A GLANCE

- Child-care proceedings can take a huge emotional toll on legal practitioners
- There’s a lack of recognition of the impact of such work on legal practitioners – and few support structures in place to assist them
- In a US study in 2003, attorneys demonstrated “significantly higher levels of secondary traumatic stress and burnout than mental-health providers and social services workers”



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hours and greater contact with clients affected by trauma were the major factors for attorneys.

The Irish perspective

As part of the IDEA Project, practitioners in five countries were surveyed in 2017 as part of a scoping exercise. In total, 66 practitioners working in child-care proceedings in Ireland participated – 30 barristers, 17 solicitors, 12 guardians *ad litem* and seven social workers. Of these, 79% had no training, support or guidance on how to manage the negative impact of participating in child-care cases.

Irish practitioners were asked how participating in these cases affected their

health, welfare, and sense of well-being. The replies indicated that some solicitors found these cases challenging to work on. For example, solicitors commented that “working on child-care cases is stressful, draining [and] very hard to juggle”, that the work “takes an emotional toll”, while another commented that “as a [parent] myself ... I sometimes can’t help but imagine my own [children] in such a situation”.

Solicitors noted that they had feelings of guilt having been involved in child-care proceedings. One solicitor described “a sense of responsibility for families who are no longer together”.

Another solicitor said: “I didn’t understand the difficulties that so many children face.

I felt naive in the beginning. Over time, I have started to feel some guilt. Particularly in cases where I’m acting for a parent – and that parent poses a genuine threat to the well-being of the child.”

Over time, however, solicitors can become accustomed to dealing with these cases: “I’m probably quite good at this stage in managing the stress and trying to process some of the more traumatic information,” one solicitor told us.

Follow-up research is required to explore how some practitioners have developed resilience over time.

Equally, barristers stated that these cases can have a negative impact on their health, welfare, and sense of well-being. One

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Q FOCAL POINT

BRIGHT SPARK

Practitioners working in the area of child protection and care proceedings can experience a rewarding career supporting children, young people and their families at difficult times in their lives. They can also feel undervalued and overworked, with their practice sometimes misrepresented in the public sphere and media.

To ensure that practitioners provide the best care, decisions and interventions, it is essential that they pause to reflect and are proactive in addressing their personal welfare. Being exposed to stressful workplaces and trauma in child protection cases can have a cumulative negative impact on practitioners' well-being.

Developing and implementing a plan

can help to express and process feelings, recover, re-energise, promote physical and mental health, develop a worker's resilience and ultimately improve practitioners' work.

SPARK is a self-reflective evaluation tool for practitioners working in child protection, supporting them to develop a tailored self-care plan. It aims to prevent excessive stress and burnout by encouraging practitioners to reflect on distinct areas in their personal and professional lives.

A **checklist** for planning ahead for potential international litigation can be found at <https://ideachildrights.ucc.ie/resources/tools/IDEA-Checklist-Ireland.pdf>.

barrister described his reaction to child-care proceedings as "distressing ... I find child removal cases personally quite difficult".

Another said: "It is hard not to be affected. I have cried over cases. I have been upset. These are sad, traumatic cases."

Yet another added: "[Cases] can play on your mind for quite some time. Also, the nature and intensity of the proceedings and hours required crosses over into other aspects of life."

Research from the field of social work has identified a number of practical solutions that can help to promote better health and welfare, including:

- Training,
- Peer support,
- Developing personal resilience,
- Using adaptive coping mechanisms,
- Professional supervision,
- Debriefing, and
- Developing a sense of meaning in their work.

Traumatic cases

The need for training and support for social workers in preventing and managing stress and burnout in child protection and welfare removal cases has been well documented in the literature. While very little research

has focused on lawyers, a larger body of literature has examined lawyers' emotional intelligence generally and the important role it plays in daily practice. The literature observes that law schools should provide training to adequately prepare lawyers to deal with traumatic cases and, in turn, to recognise and process their own emotions.

As part of our survey, practitioners were asked about the type of professional health and self-care training that could be helpful. A number of solicitors and barristers commented that counselling should be available. The importance of training in 'debriefing' and 'detaching' was also noted. One solicitor commented that "some structured debriefing sessions, through work, for dealing with difficult cases" would be useful. It was also commented that "any [training] to help with not taking issues home, resilience, debriefing as part of [the] daily work day" would be helpful.

Two barristers and solicitors also commented on the need for training in "how to debrief from an upsetting case". Three solicitors and barristers commented on the need for training in stress management, while three solicitors and barristers also separately commented that mindfulness should be taught.

Training in developing resilience and personal coping mechanisms has been identified as critical in preventing and managing stress and burnout for professionals in the child protection and welfare removals area.

Research shows that professionals using active and engaged coping methods, such as expressing emotions, cognitive restructuring, social supports, and problem-solving coped better than those who used "avoidant or disengaged methods such as problem avoidance, wishful thinking, social withdrawal or self-criticism". Anderson (2000) found that "workers who use the avoidant coping strategies are more likely to suffer emotional exhaustion, feelings of depersonalisation, and a diminished sense of personal accomplishment".

The importance of developing supportive relationships with supervisors and co-workers in child protection and welfare removal cases has been well documented in research focusing on social workers.

Building relationships

This can be more challenging for lawyers, many of whom are sole practitioners, without a team or supervisor to share their experiences with. To this end, legal practitioners would benefit from building relationships with their peers: research indicates that peer-relationships can ameliorate the impact of these cases. One solicitor commented that a "supervision structure would be helpful ... the support of colleagues in my office is essential". Another solicitor, meanwhile, suggested that mentoring would be useful, which also reflects the research about social workers. A barrister reiterated this point, stating that "a greater degree of understanding could be achieved between professionals if there was education across the board on this issue of the personal impact of working in this area".

Professional motivation for working in the area of child protection and welfare removals is an important factor when considering how to prevent or manage stress and burnout. By its nature, this work attracts 'helping professionals' who are intent on using their knowledge to assist children and families in crisis.

"The term 'compassion satisfaction'



SOLICITORS AND BARRISTERS WORKING IN THE AREA OF CHILD PROTECTION AND WELFARE REMOVALS SHOULD HAVE THE CLEAR TRAINING AND SUPPORTS NEEDED TO MANAGE THE EMOTIONALLY CHARGED AND TRAUMATIC CONTENT OF THESE CASES

refers to the level of satisfaction ‘helping professionals’ find in their job, and the degree to which they feel successful in their jobs” (Conrad and Kellar-Guenther, 2006). It also measures the degree to which professionals feel supported by their colleagues. Research has shown that compassion satisfaction can help mitigate burnout and compassion fatigue.

It is evident that solicitors and barristers working in the area of child protection and welfare removals should have the clear training and supports needed to manage the emotionally charged and traumatic content of these cases. Support structures, including interdisciplinary structures, should be established that can enable legal practitioners to discuss these issues in a safe and confidential manner with their peers and/or supervisors.

Additionally, training in building resilience, coping mechanisms and

debriefing or processing traumatic content at the end of a case is required to manage stress and avoid burnout. This is something

that the IDEA project will be addressing in three interdisciplinary training sessions in Ireland during 2018. [E](#)

LOOK IT UP

LITERATURE:

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- UCC IDEA Project Resources: <http://ideachildrights.ucc.ie/>

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