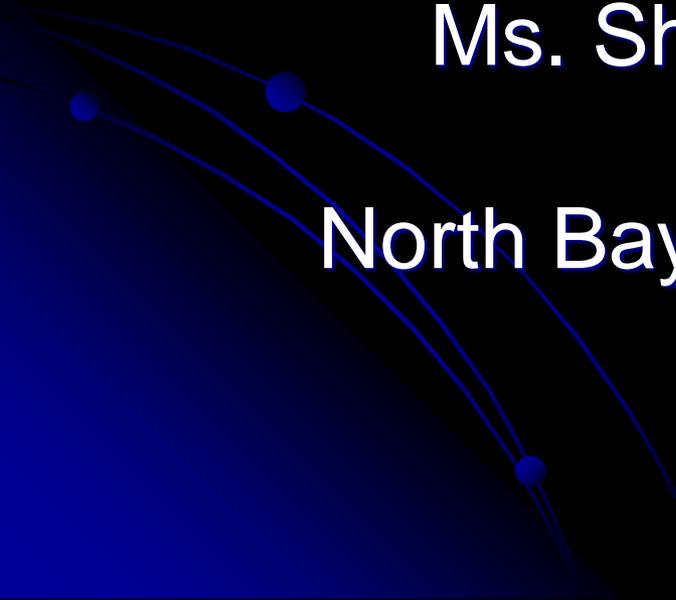


Keeping Sane in an Insane World

Trauma, Compassion Fatigue and Burnout.
Can we learn from JS v PS

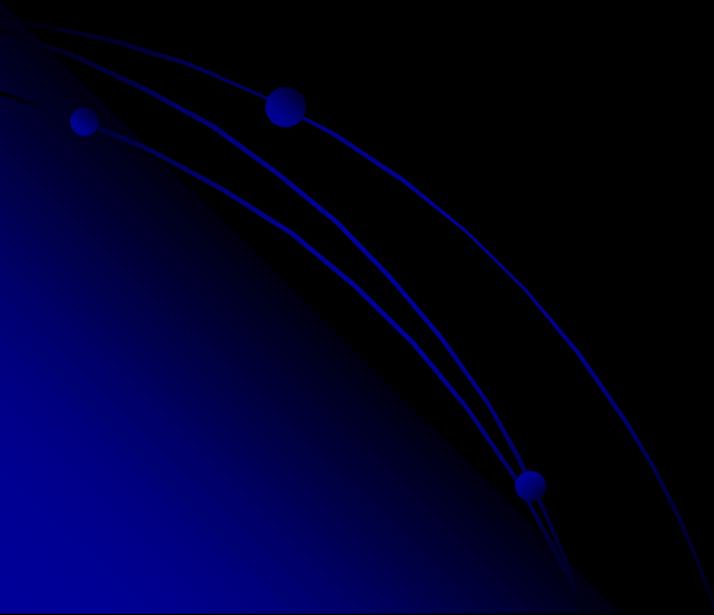
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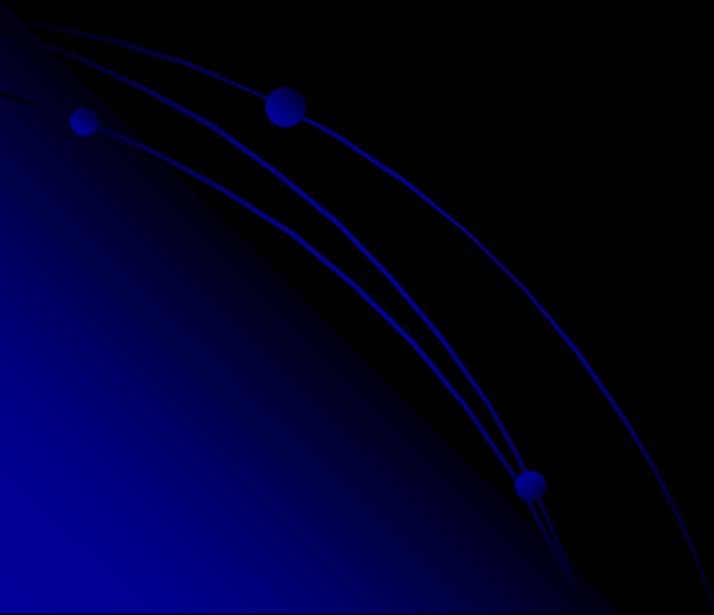
Disclaimer

- This presentation was not funded and no conflict of interests are at stake.



The Spectrum of Trauma

- Stress to PTSD to Complex Trauma
- Compassion Fatigue to Burnout



- Stress

- When coping mechanisms are taxed by exposure to an external event or an accumulation of events.
- Leads to physical and psychological responses that impact on the person and those around.

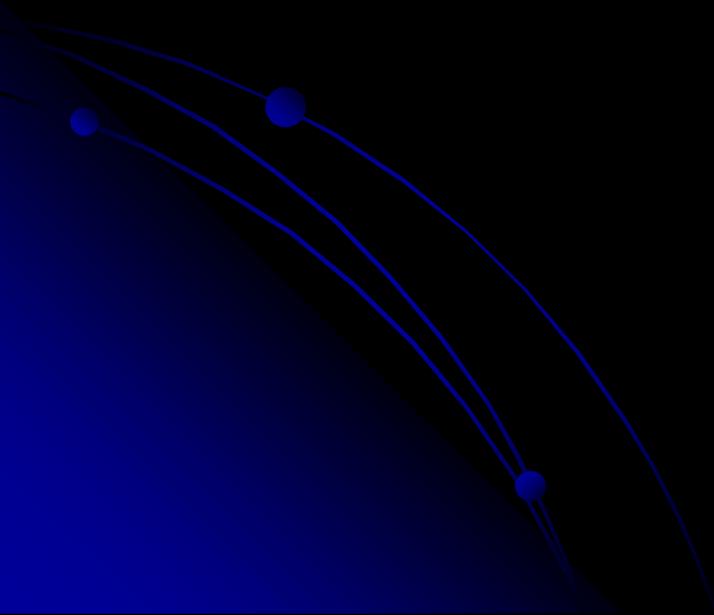
- Trauma

- A defined response to exceptional events.
- It can be experienced directly or indirectly.
- It can be vicariously experienced
- experienced across generations-transgenerational
- DSM 5, Complex Trauma, Secondary Trauma, Vicarious Trauma

Compassion Fatigue-A form of emotional exhaustion that occurs after repeated exposure to the suffering of others while in a caring role. Also known as vicarious trauma, secondary trauma, etc. Baranowsky

Burnout- A state reached in a person where one's coping mechanisms have been overwhelmed by repeated exposure to demanding situations resulting in physical, emotional and mental exhaustion. The person does not get any pleasure from work, wishes to avoid work, feels devalued and develops a sense of being incompetent. Baranowsky 2013

- Compassion Satisfaction
- Emotional Dissonance



- Compassion fatigue Burnout are more often seen in health care workers who are exposed to the trauma of their clients.
- This also includes workers in disciplines like psychology, social work, and other allied specialities.
- Court officials, police officers, lawyers and judges are no exception.

Forensic Psychiatrists experience compassion fatigue and burnout?

- Relevant stress
 - Testifying in court
 - Fear of personal issues being expose
 - Excessive demands and deadlines
 - Pressure from lawyers to alter opinions
 - Viewing horrific materials
 - Reading horrific disclosure

Stress and Lawyering

- Higher rates of divorce seen in female lawyers
- 1/3 of lawyers surveyed would chose a different profession and are dissatisfied with their jobs
- Depression is 4 times more common in lawyers than the general population- John Hopkins study
- High rates of depression and suicide in lawyers
- Lawyers in Family and Criminal law had the highest rates of secondary trauma as compared to other professions
- 51 % of lawyers in a sample studied showed stress higher than the general population.
- An important number of them have substance use issues

- A 2010 study conducted of the lawyers and support staff of the Wisconsin State Public Defender Office showed that attorneys working with clients experiencing trauma and who worked long hours were at high risk of developing significant secondary trauma and burnout symptoms.

- Andrew P. Levin, MD, Linda Albert, LCSW, Avi Besser, PhD, Deborah Smith, JD, Alex Zelenski, MBA, Stacey Rosenkranz, PhD, and Yuval Neria, PhD, *Secondary Traumatic Stress in Attorneys* (The Journal of Nervous and Mental Disease, December 2011)

- Many studies on nurses suffering burnout
- Social workers and in particular CAS workers have a higher risk
- Police officers and Paramedics especially first responders are at risk
- Judges tend to be isolated and have deadlines to meet, complex cases to deal with, struggle with availability of court rooms, put up with difficult attorneys, and are pressuref to project a sense of neutrality and remain stoic, are vulnerable.

- I wish to share with you a case that impacted on me deeply but also significantly impacted all court individuals involved.
 - The case evoked multiple competing emotions and thoughts in the different parties involved. Can you examine your emotions as this story unfolds?
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JS v PS, 2016 5436

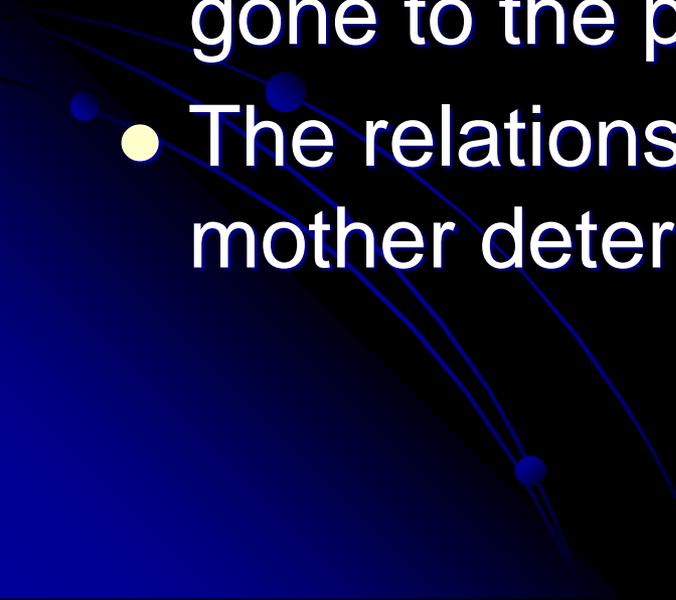
Oshawa Superior Court-29th
August 2016

- JS was referred for a psychiatric assessment.
- He was in his forties and had been separated from his wife for about a year.
- He had met his wife on a plane when travelling from Vancouver to Toronto and a quick friendship resulted in a marriage
- The couple were not able to have a child.

- While on a trip to her country of origin, the mother found a family who had a daughter they wanted to give up for adoption.
- She arranged for local authorities to create documents indicating that she had delivered the child in the country visited, and brought the child back to Canada as her child and named the father as JS.

- Over time the marriage deteriorated.
- Though the parents' relationship deteriorated, they were both close to the young girl and competed for her affection.
- The child was intelligent, effervescent and loved both parents.
- The child was about 5 years old when the mother began to talk about a potential separation.

- The father was opposed to the marriage unit breaking up and preferred to ride things out for the sake of the daughter.
- He was shocked one day when he was called by the police for an interview.
- He was told that his daughter made an allegation of him sexually abusing her.
- He refuted the allegations.

- The police investigation did not go far and no charges were laid.
 - He learned that it was the mother who had gone to the police with the allegation.
 - The relationship between father and mother deteriorated significantly after that.
- 

- In the months that followed, the mother approached several community agencies that included the police, shelters, family doctors and the CAS with further allegations of sexual abuse of the child.
- No charges were laid but the CAS began to investigate and eventually the father was not permitted access to the child.

- Many family court hearings were held and over a period of a year, the father gradually managed to obtain supervised access to his daughter.
- The mother pursued full custody of the child and was supported by legal aid in her endeavors
- The father retained counsel and argued for full custody alleging that the mother was manipulating everyone through false claims of childhood sexual abuse of his daughter

- The father's pitch to the court was that he should have full custody of the child, and that the mother could have supervised access, and equal and shared parenting only after she recanted the allegations and had a psychiatric evaluation and counseling.
- The Office of the Children's Lawyer (OCL) also became involved.
- The OCL recommended that the father have a full sexological examination
- JS stated that he was prepared to do anything to prove the allegations wrong.

- The father was assessed by me towards the end of 2015.
- The forensic evaluation included detailed documentary reviews, interviewing of him, his family of origin, friends and collateral sources.
- It also included phallometric testing, which did not reveal any anomalous sexual interests.

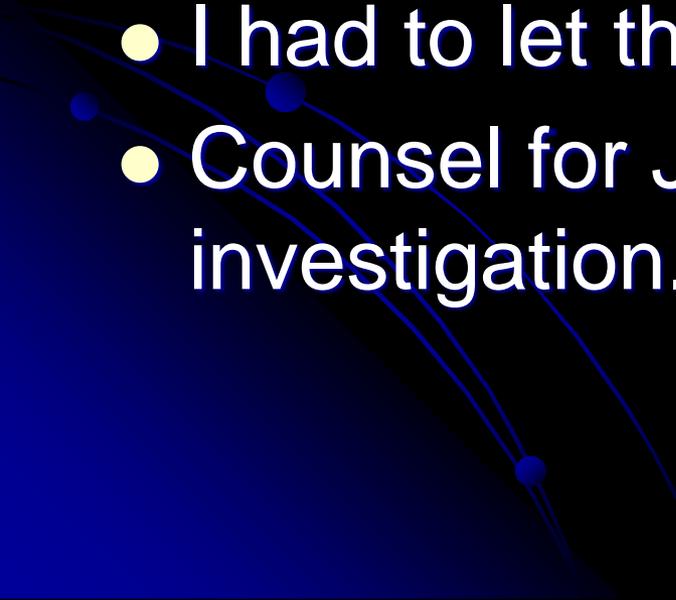
- A report was tendered and filed with the court.
- I was told that the matter was proceeding to trial in late spring of 2016.
- The respondent's wife, PS had many questions about my report and requested numerous clarifications.
- Answers were provided by myself

- PS had a falling out with her lawyer over how her case should be handled. He withdrew and she became self represented.
- She made numerous attacks of a personal nature about JS's counsel extending beyond the case and about his practice and how he conducted himself.
- She also reported him to the Law Society and an investigation was initiated by the LSUC.

- J.S's counsel talked to me about the considerable stress he had in dealing with the relentless personal attacks made by PS, his stress dealing with the case itself and the now ongoing LSUC investigation into his conduct.
- In the report I prepared for him, I had suggested that it would be prudent for Ms. P to have a psychiatric evaluation.

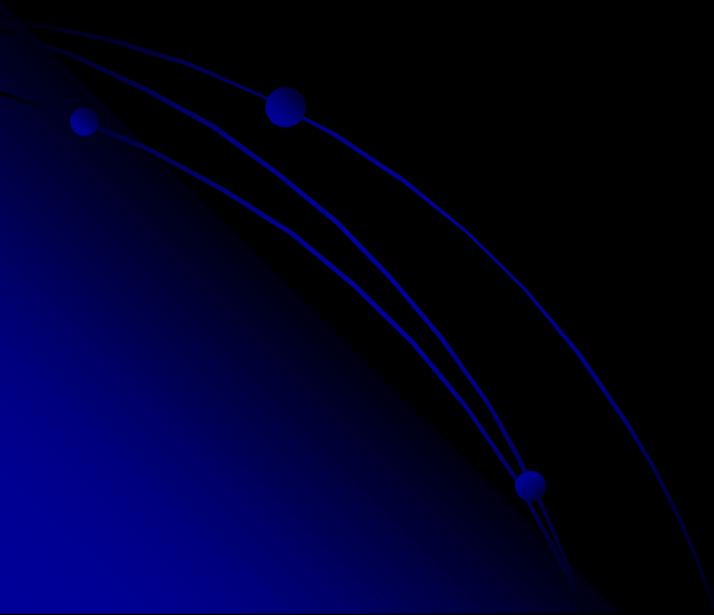
- I was shocked but not surprised when I received a letter in the mail, that College of Physicians and Surgeons were investigating a complaint from P about my practice, my assessment of her ex spouse and also alleged bias on my part.
- I called the college investigator and advised of how my assessment was done but was told that they were still proceeding with the investigation.
- I had to seek legal assistance

- I was told that I had to testify on the matter in May 2016.
- By this time P had fired her lawyer and was handling her case on her own.
- Testifying in court is always stressful and being cross examined by a lay person was not easy as many questions of irrelevance were asked of me.
- I realised that the presiding judge was attempting to balance different issues at stake and was doing her best to have a fair trial.

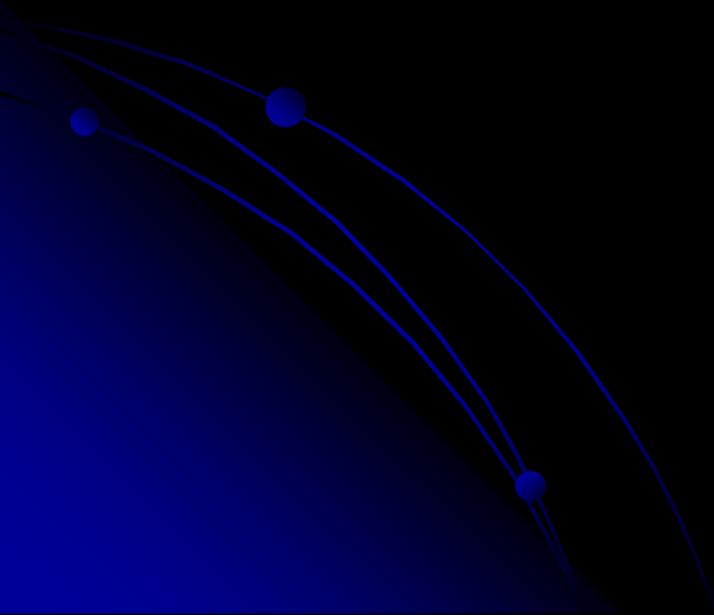
- The hearings concluded on the 16th of June 2016.
 - I was in suspense what the college was doing with my investigation
 - I had to let the college follow its process.
 - Counsel for JS also left the LSUC to do its investigation.
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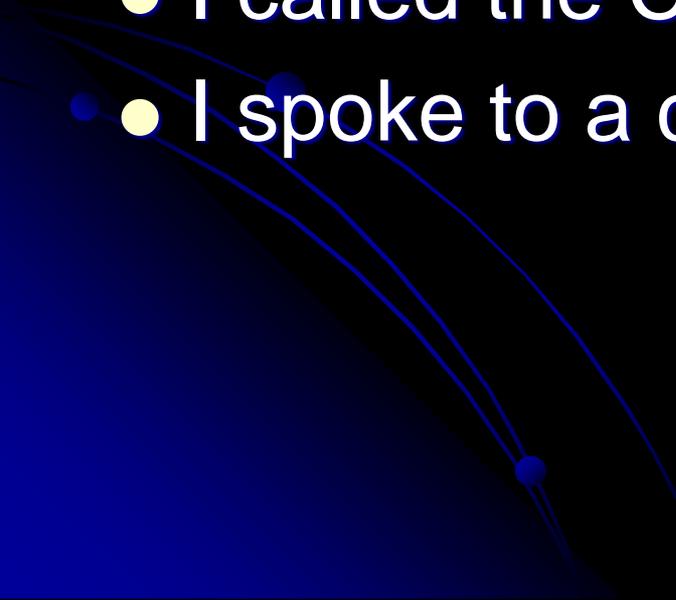
- A written decision was rendered on the 29th of August 2016.
- PS was ordered to give the child back to JS and was barred from having access to her child.
- The decision was emailed to me by counsel

- 4 days later, counsel for JS sent me an email advising that P had absconded with the child.



- The police found her and the child dead in a hotel room in Durham region.
- It appeared that she had killed the child and then had taken her life.



- I called counsel and spent time talking about the events.
 - I called JS who was devastated and who felt that the system had let his daughter down and had let him down.
 - I called the CMPA for further directions.
 - I spoke to a couple of colleagues.
- 

- The events were very painful to me and all involved.
- I wanted to meet with all parties involved but was unable to.
- I wanted to grieve the loss with the father who did not want to talk to any mental health professional.
- I knew counsel was deeply disturbed by the events but stated he was too busy and devastated and did not want to talk.

- I dealt with the aftermath at my pace, privately, with no pressures, and with friends.
- My friends are, like me, all over worked.
- I did not want to burden family contaminating them with my unpleasant feelings.
- I am a proud psychiatrist and think twice about seeing a colleague.
- I think about my new job and questions in the application form about seeking help.

- After all I am a psychiatrist.
- I chose this job.
- I can cope.
- I can do it all.
- Doctor heal thy self.
- I cant be weak.
- I have to be there for JS who lost his child, the lawyer who keeps things in and the judge who must be hurting too.
- I have to be there for others.
- I have an image to live up to.

- I recognized how flawed my reasoning could be.
- I recognize the importance of talking things out
- I recognized that what I was experiencing was not unusual.
- I recognized that in times like that, work can lose its meaning.
- I recognize “Winning Cases” for lawyers is important but are we losing our mind in the process.

- We all know of and some have experienced PTSD. No doubt experiencing it will significantly impact on your functioning. My mentor Dr. Bradford has given us plenty to think about.
- Have you thought about anxiety and depression that can be more subtle and destructive as layers of cases dove tailing, demanding of your time and preventing you from processing the aftermath of a previous case, slowly taking it toll?

- If you are sensitive, caring and identify with your client's pain, you run the risk of experiencing "Compassion Fatigue" an essential ingredient of "Burnout".
- Are you feeling nothing but still talk to people as if you care: "emotional dissonance" also an ingredient of burnout.
- Have you become so desensitized that you are simply dealing with cases and not persons?

- Have you lost empathy to the extent that all that matters is the paycheck?
- Does all that matter is your economic survival?
- Have you lost your identity and are you hiding behind the mask of being a mental health worker, forensic psychiatrist, judge, a lawyer or a crown?
- Who are you?

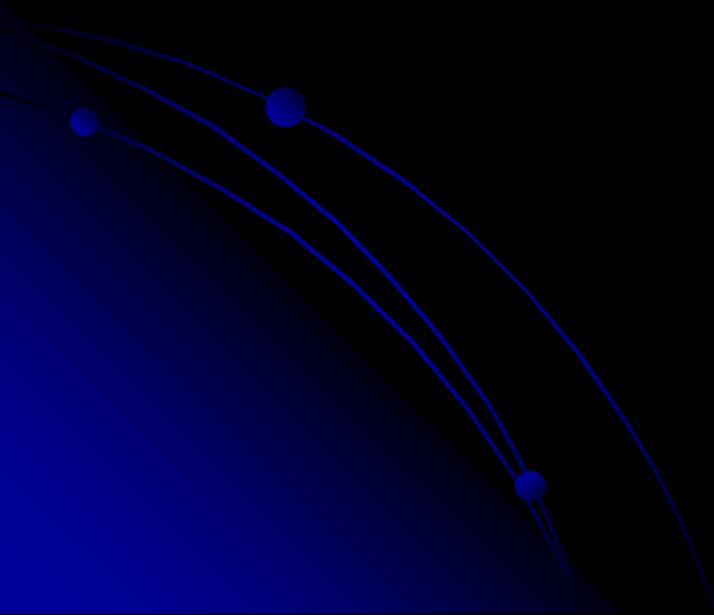
Can you recognize how your physical and mental health is a product of the construct of how you see yourself and your relationship to your profession?

Are you hiding behind a façade of ultra competence and need a drink or more for emotional strength?

Are you a master of emotional avoidance?

Who and where are you today?

- A few months later I received a letter from the college to say that the investigation was closed. No explanations were given!



Some underlying Mechanisms-Prose 2006

- Denial
 - Identifying with the aggressor and downplaying the victim's suffering
- Rationalization
 - Dealing with client in a matter of fact manner and being superficially caring.
- Overidentification with the victim
 - Satisfying one's own narcissistic and omnipotent needs
- Controlled identification
 - Open and receptive to the trauma story
 - Feels empathy, but observes self critically and aware of reactions to client and paces the session or interviews.

Personality Types and Burnout

Hawkins and Shoet-2000

- The Wounded Helper
 - Identifying with the client and making the person a project to be fought for vigorously
- The Martyr
 - Takes on too many cases, complains, refuses help, and tries to satisfy one's own neediness.
- The Narcissist
 - To use the client for self aggrandizement
- The Sublimated Helper
 - Using the client to work thru one's own negative attitudes to life

Risk Factors for Burnout- internal

- Highly dedicated individual
- Perfectionists
- Expectations of feedback and praise
- Low self compassion
- Tolerates exhaustion for results
- Personal trauma
- Over-identifying with the client
- Poor social supports

Risk factors for burnout-external

- Complex case load/excessive case load
- Lack of training
- Lack of support at work place
- Micromanagement
- Litigious clients
- First disclosure clients
- Working in real time with trauma clients
- Viewing graphic evidence
- Counterproductive legal system

Burnout protective factors- internal

- High emotional intelligence
 - Reflective self awareness
 - Ability to accept constructive criticism
 - Appropriate empathy/emotional boundary
 - Social competence
 - Optimism and humor
 - Good coping and problem solving skills
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Burnout protective factors- external

- Good social supports
- Peer reviews
- Work-life balance
- Commitment to professional values
- Supervisor support/supportive work setting
- Reasonable case loads
- Continuing education and professional development

Balance and Harmony

- Lastly, its time we all accept our limitations, that we need others and it is not shameful to seek help, be it from family, friends, or professionals.
- Those in supervisory roles may want to think of staff and their emotional needs when factoring into the equation of budgets, staffing, and workload.

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