

## Focus PERSONAL INJURY

# Distressed clients pose health risks for law firms



**Marian De Souza**

The phone rings. Dana the receptionist answers. She's alerted to the voice of someone in distress. She doesn't even realize she is holding her breath as she listens to a daughter describe a tragic car accident. The scene was horrific: vehicles crunched beyond recognition, enduring agonizing injuries while waiting to be rescued, and recent news that her mother did not survive her injuries; the daughter was driving. The caller does not get to the injuries caused to others before asking to speak to a lawyer. The receptionist refers the call.

In time, the firm takes on the file and the lawyer's assistant transcribes tapes of gruesome details for affidavits. There is no time to reflect on the impact it has had on Dana, who hears of these cases regularly and is not involved with the outcome, or on the legal assistant or the lawyer who hears and reads account upon account of details and photographs.

The matter has not reached questioning and the lawyer handling the matter for several months did not fully process her own response to the tragedy, immediately jumping into problem-solving mode, displaying a professional image of calm and composure throughout. For the lawyer and her staff, it is one of several hundred files being handled simultaneously.

Whether as in-house counsel managing a merger and mass layoffs, a family lawyer helping children find their way through the separation of their parents, a criminal lawyer sifting through disclosure of a violent crime, or a personal injury lawyer helping pick up the pieces from a tragic car accident, we are there to deal with the toughest of society's problems. This makes it difficult to accept that we, too, can be affected by stress. There are phrases like "working well under pressure," and "there's nothing like a deadline to drive performance." People say the profession attracts type-A personalities who thrive under pressure, leading to the oxymoron "good stress" and making it even more difficult to recognize when we need help ourselves. Even the medical community took time to recognize stress disorders.

Lawyers and their staff who are in the position of reliving the trauma of their clients can be susceptible to a condition called compassion fatigue, or vicarious trauma. Physical signs may include exhaustion, insomnia, headaches,



HONG LI / ISTOCKPHOTO.COM

weak immune system, or hypochondria. Resulting feelings of anxiety, guilt, sadness, loss of hope, and depression can be debilitating, and can lead to drug and alcohol abuse, absenteeism, anger, irritability, impaired ability to make decisions, and distancing oneself, to name a few.

From a Canadian survey on lawyer health and wellness, we know that lawyers are aware of compassion fatigue: 24 per cent of respondents said they know a lawyer who has experienced compassion fatigue and 19 per cent indicated that they had personally confronted compassion fatigue from a list of identified issues. Still, these figures are likely under-reported due to the stigma of professionals acknowledging weakness.

Anecdotal evidence shows that compassion fatigue can interfere with the effectiveness of counsel, making its prevalence even more difficult to assess.

As lawyers, judges, or legal staff, how do we maintain close bonds of trust, our desire to do the best for our clients and a civil and supportive work environment? Essentially, how do we build resiliency so that we do not suffer the effects of the trauma of our clients, and sustain our careers for the long term? Research tells us that peer support and the ability to debrief is the most effective way.

If your organization does not have a built-in confidential peer support network, a local lawyer assistance program is available. Most programs offer peer-to-peer help, and free, confidential professional counseling at no cost to you and your family; some programs extend this help to law firm staff. Compassion fatigue can set in at any time, possibly long after dealing with a difficult case or client, and when we least expect it.

Organizations may consider instituting a peer support program or time for debriefing, and ensure workloads are appropri-

“

Lawyers and their staff who are in the position of reliving the trauma of their clients can be susceptible to a condition called compassion fatigue, or vicarious trauma. Physical signs may include exhaustion, insomnia, headaches, weak immune system, or hypochondria.

**Marian De Souza**  
Alberta Lawyers' Assistance Society

ate (high caseloads are another contributing factor).

If it is possible, we can take steps ourselves: consider a bal-

anced work diet, perhaps including a practice area that is more positive. Seek volunteer or pro bono work that offers alternate fulfilment. Of course, during holiday season it is easy to be reminded of the importance of taking a break. If time does not permit, indulge in a spa visit, meet a friend at your favorite coffee shop, or take time to enjoy a hobby.

If you or your organization would like information on how to prevent burnout or need help dealing with compassion fatigue, your lawyer assistance program is there to help. Join the discussion spawned at the Canadian Bar Association's national legal conference, where panel representatives offered their perspective as in-house counsel, a small regional practice, and the judiciary.

*Marian De Souza is executive director for Alberta Lawyers' Assistance Society and is a past president of the Canadian Bar Association's Alberta branch. She has worked in private practice and in-house.*



## This is the face of our law firm.

WE SPECIALIZE IN MEDICAL MALPRACTICE, BIRTH TRAUMA AND PERSONAL INJURY LAW, NO MATTER HOW TOUGH THE CASE.

*Refer your clients with confidence.*

**LEGATE**  
& ASSOCIATES LLP

PERSONAL  
INJURY  
LAWYERS

1.888.221.3043  
blegate@legate.ca  
jjobson@legate.ca

150 DUFFERIN AVENUE, LONDON, ON N6A 5N6