

**A-Z Resource Guide for
Sustaining Well Being in Public Defense
Compiled by Jenny P. Andrews**

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by Jenny P. Andrews¹

Notes about this Resource

This is an exploration, not a destination—it is not meant to “have all the answers.” This is an ongoing work in progress that will be continually updated and improved. Humbling as it is to put evolving work out into the world, it feels more important to get information to public defenders if it might help us stay well and stay in this work. To the extent that opinions are expressed, they are mine and not those of any employer. These resources have been written and compiled during off hours from multiple jobs for multiple employers. Please send feedback, corrections, additions, wisecracks, links that have gone dead, and creative improvement ideas to besustained@gmail.com. This compilation of ideas related to sustaining well-being in public defense has two parts: a chapter on Sustaining Well-Being in Public Defense and an A-Z Resource Guide for Sustaining Well-Being in Public Defense. Some topics are more

¹ A child of counterculture, raised off the grid by back-to-the-land hippies on the Lost Coast in Northern California, Jenny Andrews is a graduate of Cornell University and Harvard Law School. She started her career as a public defender in Oakland, California in 1996, but left after seven years, after experiencing burnout and moral injury, and didn't practice law for three years. She returned to public defense work in 2007, and continued working as a public defender in Sonoma County and Santa Barbara County until 2022, in a wide variety of positions, including: Forensic Resource Counsel, Felony Team Leader, Director of Training and Senior Deputy. For 23 years, she worked on the front lines of criminal trial courts and has consistently litigated cases, including misdemeanor, felony, juvenile, civil commitment (mentally disordered offender and sexually violent predator), mental competency, homicide, and multi-jurisdiction (and multi-jury) trials. She has carried specialized caseloads of complex, forensic and capital litigation. In 2022, she became the Director of Training at the Indigent Defense Improvement Division of the Office of the State Public Defender, a new statewide effort to support and train indigent defenders in California. She teaches on the faculty of Gideon's Promise, the National Association for Public Defense, the National Legal Aid and Defender Association, the National Criminal Defense College, the Trial Advocacy Workshop at Harvard Law School, and the California Public Defenders Association. She has taught in public defense training programs in Alabama, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nevada, New Jersey, New York, Oregon, South Carolina, Tennessee, and in public defense offices throughout California, and for organizations including the ACLU and the Innocence Project. She has designed and presented training for public defenders working at all levels, from intern to leadership and from basic trial skills to capital litigation, as well as in specialized areas such as challenging forensic evidence and sustaining well-being. She has conceptualized and launched a Felony Team Unit, a Pre-Arrestment Unit, and Be Well Wednesday, a weekly wellness meet-up with experiential practices for public defenders. In 2018, she launched BeSustained.org, a training and resource hub to support the well-being of public defenders. She has been a certified yoga teacher since 2004 and is a longtime student of yoga and mindfulness practices. She believes in advocating for systemic support of public defenders, building spaces for public defenders to support each other, and prioritizing personal practices that support our well-being. Her personal wellness practices include sailing, hiking, yoga, and tending a rural apple farm. Her systemic wellness practices include Be Well Wednesdays, creating and teaching the online course Sustaining and Supporting Well-Being in Public Defense, and speaking, engaging, and writing often on the topic of supporting well-being for public defenders.

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fully developed than others, and the project will progress irregularly. Updates will be posted to besustained.org. The A-Z categories are a bit idiosyncratic. There are questions and worksheets that invite introspection and reflection; be sensitive to your own triggers, concerns and comfort in everything you choose to do and not to do. I'm not a doctor or mental health provider, and you should consult one with any questions you have about breathing exercises or yoga practice--or taking up trapeze, ax throwing, or parachuting as your third thing-- or anything at all, and let your own judgement guide anything you do to support your well-being. I just want you to take care of yourself and be a kick ass public defender.

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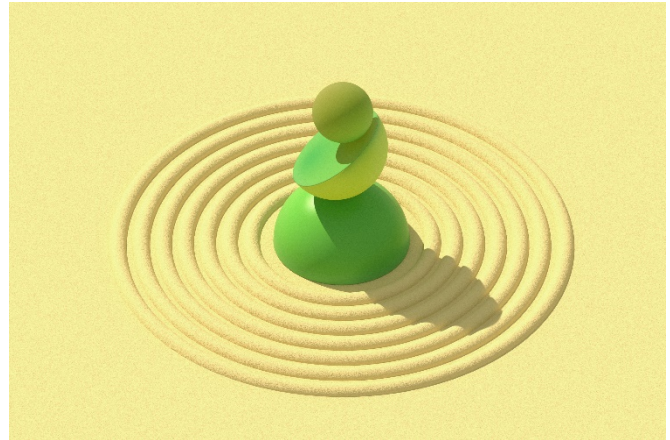
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3 Spheres of Public Defense Well-Being: A Framework for Understanding Impacts and Obstacles, and for Responding with Appropriate Tools and Strategies

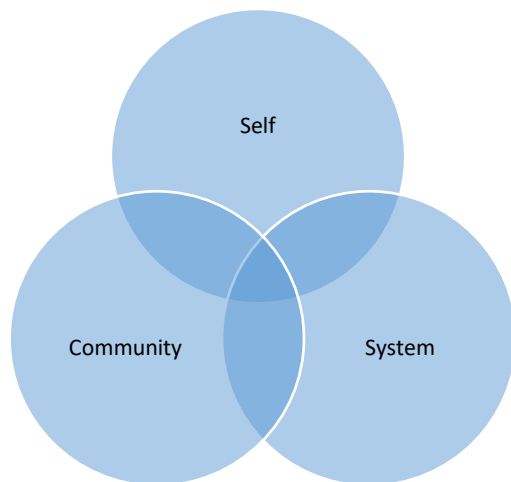
My friend [Stacy Sims](#), through her work at [the Well](#) introduced me to approaching well-being work in three interconnected areas, which she described as:

- (1) Personal work: taking time each day to reflect, restore and replenish.
- (2) Relational work: learning to sit together, listen, connect, play and learn.
- (3) Public work: building capacity for community reconciliation and equitably distributed wellness



Laura van Dernoot Lipsky also talks about trauma stewardship as occurring at the individual, organizational and societal levels.²

This framework translates helpfully to many areas of wellness work, including public defense. There are three spheres relevant to our well-being in public defense work: self, community, and system. These three spheres provide a useful framework for understanding impacts, obstacles and challenges to sustaining well-being, and also guide us in responding with appropriate tools and strategies



SPHERE ONE: the Self Sphere refers to the personal experiences we bring to this work and the personal self-care practices we rely on to sustain ourselves. This sphere also includes the ways we approach our work, like struggles with boundaries, overworking, or use of substances. It includes the ways we individually manage stress and mitigate trauma, and the ways we care for our own mental and physical health.

² [Trauma Stewardship](#), by [Laura van Dernoot Lipsky](#), at p. 19.

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SPHERE TWO: The Community Sphere contains the work to be done within our indigent defense community. Public defense work has undeniable traumatic impacts that we must mitigate and process in order to stay in this work. Strategies in this sphere include the ways all participants in public defense culture—leaders, trainers, individuals—can build a culture that is supportive of well-being, and can reduce obstacles that wear us down when they get in the way of us providing the high quality and client centered representation that motivated us to do this work in the first place.

SPHERE THREE: The System Sphere contains the public work that can be done to transform systems, from media campaigns to budget advocacy to caseload/workload advocacy. The reality is that the criminal legal system frequently forces public defenders to be ineffective, and to feel complicity with larger systems that perpetuate oppression and cause harm, and this reality takes a toll on us. System obstacles are things like high caseloads, racist systems, under resourced offices, and hostility toward the defense function from other system actors. Systemic strategies to support well-being are efforts to transform these systems.

What public defenders need to sustain well-being are strategies in all three spheres:

(1) Individual strategies and practices to promote wellness and to mitigate inevitable impacts of trauma.

(2) Community and organizational strategies to build a culture that supports well-being.

(3) Public strategies to transform unjust systems.

It is essential to match the appropriate response and strategy to the obstacle or impact. It is common to shift the responsibility to the individual to fix everything with self-care. But systemic obstacles need systemic responses. People are understandably frustrated if their caseloads balloon and they're expected to "tough it out" and withstand whatever is thrown at them because there's a yoga flyer on the bulletin board. No amount of yoga is going to fix the problem of unsupportive management, or high caseloads that wear people down until they leave public defense. Individual resilience may help us survive for a while, but it doesn't address culture and system obstacles.

Self Care	Community Care	System Transformation
Individual Well Being Tools/Strategies	Public Defense Culture Tools/Strategies	Criminal Legal System Tools/Strategies
Maintain sleep, nutrition, exercise Engage in self-assessment Engage in goal setting or self-care planning Set and maintain boundaries Manage stress Engage in beneficial practices	Unify around purpose of client centered representation Engage in organizational assessments Engage in strategic planning Increase trauma informed practice	Advocacy for sufficient resources to reduce caseload, workload Dismantle and transform oppressive and unjust systems Effective media advocacy about the role and importance of public defense

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Connect to community Moderation of substance use Access mental health care Access physical health care	Provide supportive training, sufficient to feel equipped and supported to complete assigned work Reduce moral injury by reducing obstacles to high quality and client centered representation Manage caseload and workload Provide sufficient and effective coverage to support time off Support autonomy Provide and support mental health care access Provide and support substance use treatment Create spaces to process pain, trauma, difficulty Support and model boundaries Reduce 24/7 work expectations and actively encourage reset time and vacation Support caregiving and meeting responsibilities outside work Create practices of celebration, appreciation, gratitude and recognition	Unite with community power through collaboration, media, participatory defense, and outreach
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It is essential to match the appropriate response and strategy to the obstacle or impact. It is common to shift the responsibility to the individual to fix everything with self-care. But systemic obstacles need systemic responses.

The three spheres of public defense well-being also correspond with spheres of control. As we move out from the self, we tend to have less control and influence. Our impact on other spheres is likely to vary in different offices or assignments, or with more experience. This is not intended to suggest people in all positions don't have power to impact the well-being of themselves and others. For example, an applicant asking in a job interview "What are you doing to support staff well-being?" can have an impact on leadership decisions before even joining an office.

Resources:

Sustaining Well-Being in Public Defense, [Video of presentation](#) by Jenny Andrews, Spring 2021 (28 min)

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Abolitionism

“The purpose of abolition is to expose and defeat all the relationships and policies that make the United States the world’s top cop warmonger, and jailer...Abolition is a movement to end systemic violence, including the interpersonal vulnerabilities and displacements that keep the system going. In other words, the goal is to change how we interact with each other and the planet by putting people before profits, welfare before warfare, and life over death.” –Ruth Wilson Gilmore³

Prison Industrial Complex Abolition Definition by Critical Resistance⁴

Prison Industrial Complex (PIC) abolition is a political vision with the goal of eliminating imprisonment, policing and surveillance, and creating lasting alternatives to punishment and imprisonment.

Abolition isn’t just about getting rid of buildings full of cages. It’s also about undoing the society we live in, because the PIC both feeds on and maintains oppression and inequities through punishment, violence, and controls millions of people. Because the PIC is not an isolated system, abolition is a broad strategy. An abolitionist vision means that we must build models today that can represent how we want to live in the future. It means developing practical strategies for taking small steps that move us toward making our dreams real, and that lead us all to believe that things really could be different. It means living this vision in our daily lives. Abolition is both a practical organizing tool and a long-term goal.

Resources:

Are Prisons Obsolete? Angela Davis, 2003

[Prison Abolition Resource Guide](#), by Micah Herskind

³ As quoted in Fumbling Towards Repair: A Workbook for Community Accountability Facilitators, by Mariame Kaba and Shira Hasson, 2019, at p. 17.

⁴ As quoted in Fumbling Towards Repair: A Workbook for Community Accountability Facilitators, by Mariame Kaba and Shira Hasson, 2019, at p. 13.

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Adverse Childhood Experiences (ACE)

The ACE study and framework provides a particular lens for viewing childhood experience, risk and resilience. It is invaluable for some stories of mitigation and contextualization of public defense narratives.

The ACE framework can be a useful lens to turn on ourselves to developing awareness about adverse experiences, and risk and resilience within our own lives. While NOT its clinical application, the questionnaires can be useful tools for reflecting on the types of historical trauma we each bring into the work of public defense. No one enters this work without prior life history, and the history we each have shapes how we approach work (boundaries, relationships within hierarchical management structures, stress management), how we respond to the content of certain cases, and how we develop trusting relationships for mentorship, training and support.

Adverse Childhood Experiences (ACE)
The Adverse Childhood Experiences (ACE) Study is one of the largest investigations ever conducted to assess associations between childhood maltreatment and later-life health and well-being. The study is a collaboration between the Centers for Disease Control and Prevention and Kaiser Permanente's Health Appraisal Clinic in San Diego.
As your ACE score increases, so does the risk of disease, social and emotional problems. The ACE Study uncovered a stunning link between childhood trauma and the chronic diseases people develop as adults, as well as social and emotional problems. This includes heart disease, lung cancer, diabetes and many autoimmune diseases, as well as depression, violence, being a victim of violence, and suicide.
ACE Study results: <ul style="list-style-type: none">-childhood trauma was very common.-people usually experience more than one type of trauma.-two thirds of the 17,000 people in the ACE Study had an ACE score of at least one.-87 percent of those had more than one.
What ACE captures: There are 10 types of childhood trauma measured in the ACE Study. Five are personal — physical abuse, verbal abuse, sexual abuse, physical neglect, and emotional neglect. Five are related to other family members: a parent who's an alcoholic, a mother who's a victim of domestic violence, a family member in jail, a family member diagnosed with a mental illness, and the disappearance of a parent through divorce, death or abandonment. Each type of trauma counts as one.
What ACE does not capture: There are, of course, many other types of childhood trauma — watching a sibling being abused, losing a caregiver, homelessness, surviving and recovering from a severe accident, witnessing a father being abused by a mother, witnessing a grandmother abusing a father,

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etc. The ACE Study included only those 10 childhood traumas because those were mentioned as most common by a group of about 300 Kaiser members; those traumas were also well studied individually in the research literature. If you experienced other types of toxic stress over months or years, then those would likely increase your risk of health consequences.

What's Your Resilience Score?⁵

This questionnaire was developed by the early childhood service providers, pediatricians, psychologists, and health advocates of Southern Kennebec Healthy Start, Augusta, Maine, in 2006, and updated in February 2013. Two psychologists in the group, Mark Rains and Kate McClinn, came up with the 14 statements with editing suggestions by the other members of the group. The scoring system was modeled after the ACE Study questions. The content of the questions was based on a number of research studies from the literature over the past 40 years including that of Dr. Emmy Werner and others.

Its purpose is limited to parenting education. It was not developed for research.

The resilience questions are only meant to prompt reflection and conversation on experiences that may help protect most people (about three out of four) with four or more ACEs from developing negative outcomes. A secure early childhood is helpful, but not necessary. A higher number of positive experiences is not necessarily more protective.

Resources:

Nadine Burke Harris M.D., [The Deepest Well: Healing the Long-Term Effects of Childhood Adversity](#) Hardcover, January 23, 2018.

Nadine Burke Harris M.D., [How childhood trauma affects health across a lifetime](#), TED talk, 2014.

⁵ [Got Your ACE, Resilience Scores?](#) By Jane Stevens, 1/1/17

Adverse Childhood Experiences (ACE) Questionnaire: What is Your ACE Score?

Prior to your 18th birthday:

Did a parent or other adult in the household often or very often... Swear at you, insult you, put you down, or humiliate you? or Act in a way that made you afraid that you might be physically hurt?

No___ If Yes, enter 1 ___

Did a parent or other adult in the household often or very often... Push, grab, slap, or throw something at you? or Ever hit you so hard that you had marks or were injured?

No___ If Yes, enter 1 ___

Did an adult or person at least 5 years older than you ever... Touch or fondle you or have you touch their body in a sexual way? or Attempt or actually have oral, anal, or vaginal intercourse with you?

No___ If Yes, enter 1 ___

Did you often or very often feel that ... No one in your family loved you or thought you were important or special? or Your family didn't look out for each other, feel close to each other, or support each other?

No___ If Yes, enter 1 ___

Did you often or very often feel that ... You didn't have enough to eat, had to wear dirty clothes, and had no one to protect you? or Your parents were too drunk or high to take care of you or take you to the doctor if you needed it?

No___ If Yes, enter 1 ___

Was a biological parent ever lost to you through divorce, abandonment, or other reason?

No___ If Yes, enter 1 ___

Was your mother or stepmother: Often or very often pushed, grabbed, slapped, or had something thrown at her? or Sometimes, often, or very often kicked, bitten, hit with a fist, or hit with something hard? or Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?

No___ If Yes, enter 1 ___

Did you live with anyone who was a problem drinker or alcoholic, or who used street drugs?

No___ If Yes, enter 1 ___

Was a household member depressed or mentally ill, or did a household member attempt suicide?

No___ If Yes, enter 1 ___

Did a household member go to prison?

No___ If Yes, enter 1 ___

Now add up your "Yes" answers: ___ This is your ACE Score.

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Resilience Questionnaire

Please circle the most accurate answer under each statement:

1. I believe that my mother loved me when I was little.

Definitely true Probably true Not sure Probably Not True Definitely Not True

2. I believe that my father loved me when I was little.

Definitely true Probably true Not sure Probably Not True Definitely Not True

3. When I was little, other people helped my mother and father take care of me and they seemed to love me.

Definitely true Probably true Not sure Probably Not True Definitely Not True

4. I've heard that when I was an infant someone in my family enjoyed playing with me, and I enjoyed it, too.

Definitely true Probably true Not sure Probably Not True Definitely Not True

5. When I was a child, there were relatives in my family who made me feel better if I was sad or worried.

Definitely true Probably true Not sure Probably Not True Definitely Not True

6. When I was a child, neighbors or my friends' parents seemed to like me.

Definitely true Probably true Not sure Probably Not True Definitely Not True

7. When I was a child, teachers, coaches, youth leaders or ministers were there to help me.

Definitely true Probably true Not sure Probably Not True Definitely Not True

8. Someone in my family cared about how I was doing in school.

Definitely true Probably true Not sure Probably Not True Definitely Not True

9. My family, neighbors and friends talked often about making our lives better.

Definitely true Probably true Not sure Probably Not True Definitely Not True

10. We had rules in our house and were expected to keep them.

Definitely true Probably true Not sure Probably Not True Definitely Not True

11. When I felt really bad, I could almost always find someone I trusted to talk to.

Definitely true Probably true Not sure Probably Not True Definitely Not True

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12. As a youth, people noticed that I was capable and could get things done.

Definitely true Probably true Not sure Probably Not True Definitely Not True

13. I was independent and a go-getter.

Definitely true Probably true Not sure Probably Not True Definitely Not True

14. I believed that life is what you make it.

Definitely true Probably true Not sure Probably Not True Definitely Not True

How many of these 14 protective factors did I have as a child and youth? (How many of the 14 were circled "Definitely True" or "Probably True"?) _____

Of these circled, how many are still true for me? _____

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Affirmations

Affirmations are meant to be repeated to increase purposeful living, challenge or interrupt negative or unhelpful thoughts, motivate positive changes, or boost self-esteem.

Affirmations can make great passwords—change the way you feel about typing your password over and over!

Benefits of Daily Affirmations ⁶
Studies on benefits show: Decrease health deteriorating stress. Lower stress and rumination. Improve intention (to eat more fruits and vegetables). Mitigate GPA decline in students who felt left out in college. Respond in less defensive and resistant way. More resilience to difficulties. Encourage optimistic mindset.
To have any kind of impact on your self-esteem, your self-affirmations should be positively focused and targeted at actions you can take to reinforce your sense of self-identity. Use your real strengths, or strengths that you consider important, to guide your affirmations.
Examples: I believe in myself, and trust my own wisdom I am confident and capable at what I do I am resilient, strong, and brave, and I can't be destroyed I opt to rise above negative feelings When I lie down to sleep, everything is as it should be, and I rest content I am cool, calm, and collected I am resilient and can handle problems with expertise

⁶ [Positive Daily Affirmations: Is There Science Behind It?](#) By Catherine Moore, [positivepsychology.com](#), Dec. 16, 2020.

Affirmations make great passwords, especially if you're required to change them frequently, which can be frustrating and annoying.

Instead, choose an affirmation. Add the year, or an exclamation point if needed for emphasis (or to satisfy password rules).

Affirmations as passwords
IamClientCentered PurposeFreedom InhaleExhale CultivateJoy2023! GrowingAbundance UsingMyOneWildandPreciousLife IamMovingForward ILearnGrowImprove IHaveCourageOverDoubt GrowthMindset ShowingUpFully FreeThemAll

Affirmation lists:

[20 Calming & Positive Affirmations For When An Anxiety Attack Strikes](#), By Alexa Erickson November 12, 2016.

[30 Short Daily Affirmations for Living Your Best Life](#), by Jennifer Williamson, healingbrave.com, Jan. 15, 2015.

[102 Positive Affirmations for Depression and Anxiety](#)

[119 Of The Most Positive, Uplifting Affirmations For Women](#), by Barrie Davenport. September 11, 2020

Apps for Affirmations:

[ThinkUp](#)

[Shine](#) Receive daily text affirmations.

[Unique Daily Affirmations](#) record your own or add your own photos.

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Articles:

[Positive Daily Affirmations: Is There Science Behind It?](#) By Catherine Moore, positivepsychology.com, Dec. 16, 2020.

Books:

[Affirmations: The Power of Affirmations](#) & The Secret to Their Success - Plus 1,000 Positive Affirmations to Transform Any Area of Your Life, by Louise Stapely

[You Can Do All Things](#): Drawings, Affirmations and Mindfulness to Help with Anxiety and Depression, by Kate Allan.

[You Can Heal Your Life](#), Louise Hay.

Alcohol and Substance Use

“High rates of substance abuse and addiction among lawyers are the symptoms of deeper problems, precipitated by long hours, tight deadlines, and devastating consequences for failure. The statistics on substance abuse by lawyers are grim.”

--[Addiction in the Legal Profession](#), by H Scott Leviant, Dec. 28, 2014



Particular Challenges of Alcohol and Substance Use in Public Defense

- People who work more than 50 hours per week are three times more likely to abuse alcohol.⁷
- Legal associations have a reputation for hosting alcohol-fueled events in a “work-hard, play-hard” culture.⁸
- 70% of addicted lawyers think they can manage their problem on their own (the ultimate “Type A” personality at work),⁹ and have the skill to remain high functioning and hide their addictions.
- Our work requires communication, together with persuasion, creativity and consistency; we learn to exhibit a professional demeanor and to hide our own alarm, fear, disgust, and abhorrence, as we conduct our professional lives. We develop a tough exterior and we repress our own weaknesses.¹⁰
- 40% of lawyers fear that seeking treatment for an abuse problem would hurt their reputation in the legal profession.¹¹

⁷ [Addiction in the Legal Profession](#), by H Scott Leviant, Dec. 28, 2014.

⁸ [Combatting Substance Abuse in the Legal Profession, Part One](#), by Alex Cook, Thompson Reuters.

⁹ [Addiction in the Legal Profession](#), by H Scott Leviant, Dec. 28, 2014.

¹⁰ [Drug and Alcohol Abuse & Addiction in the Legal Profession](#), Legal Profession Assistance Conference

¹¹ [Addiction in the Legal Profession](#), by H Scott Leviant, Dec. 28, 2014.

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- Celebration of successes, regardless of cost to mental health and well-being, can perpetuate the illusion there is no problem.¹²
- Many jurisdictions have discovered that there is a correlation between alcoholism and drug addiction and malpractice and discipline.¹³

In 2016 the Hazelden Betty Ford Foundation and the American Bar Association conducted a study, [“The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,”](#) and the results were alarming:

- 36 percent of responding attorneys were deemed hazardous drinkers (in comparison, only 15 percent of doctors could be characterized this way).
- 85 percent reported alcohol use in the past year, while the rate among the population is 65 percent.
- 6 percent used cocaine, crack, stimulants and opioids.
- 2 percent used marijuana and hash.
- 16 percent used sedatives.

Alcoholism

Alcoholism is a chronic progressive incurable disease characterized by the loss of control over alcohol.

Drug dependence and abuse ([ABA Definitions](#))

Drug dependence, also known as addiction, is a chronic disease. It is progressive, and occurs when the body becomes physically dependent upon a drug. Drug addiction in any form – from cocaine to methamphetamine to prescription pain relievers and stimulants -changes the brain. Individuals who are dependent upon drugs may not be able to control how much they use and continue to use drugs despite serious consequences.

Drug abuse occurs when a person is not physically dependent upon a drug, but does exhibit problems with a particular drug. Someone who abuses drugs may use too frequently and experience problems due to drug use.

¹² [Combating Substance Abuse in the Legal Profession, Part One](#), by Alex Cook, Thompson Reuters.

¹³ [Drug and Alcohol Abuse & Addiction in the Legal Profession](#), Legal Profession Assistance Conference

Treatment resources:

[American Bar Association Lawyer Assistance Programs](#) The ABA's Commission on Lawyer Assistance Programs (CoLAP) provides support to people in the legal profession who are confronting alcoholism, substance use disorders, or mental health issues.

[In the Rooms](#): Global online recovery community.

[Lionrock](#): online aa meetings and drug and alcohol support groups.

[The Other Bar](#): network of recovering lawyers, law students and judges throughout the state, dedicated to assisting others within the legal profession who are suffering from alcohol and substance abuse problems.

[The Recovery Village](#): online recovery meetings.

[Substance Abuse and Mental Health Services Administration](#) National Helpline: 1-800-662-HELP (4357)

Reference resources:

[Addiction in the Legal Profession](#), by H Scott Leviant, Dec. 28, 2014

[The Addicted Lawyer: Tales of the Bar, Booze, Blow and Redemption](#), by Brian Cuban. With a famous last name and a successful career as a lawyer, Brian was able to hide his clinical depression and alcohol and cocaine addictions—for a while. Brian also takes an in-depth look at why there is such a high percentage of problematic alcohol use and other mental health issues in the legal profession.

[Combatting Substance Abuse in the Legal Profession, Part One](#), Thompson Reuters.

[Drug and Alcohol Abuse & Addiction in the Legal Profession](#), Legal Profession Assistance Conference

[Investigative Report: Mental Health and Substance Abuse threaten the Legal Profession](#), by Kristin Johnson, March 12, 2018.

[Midyear 2018: Panel to examine lawyer substance abuse, mental health – and solutions](#), ABA, February 1, 2018.

[The Lawyer, the Addict](#), by Eilene Zimmerman, New York Times, July 15, 2017. A harrowing story, written by the ex-wife of a lawyer who overdosed.

[Uncovering Addiction in the Legal Profession](#) Includes signs to watch for if you suspect that an attorney you know may be suffering from addiction.

[When it Comes to Mental Health and Substance Abuse Support in Legal, What About the Staff](#), by Erin Hichman, law.com, Oct. 11, 2018.

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Antiracist Public Defense

Race and Racial Identity ¹⁴
Although race has no genetic or scientific basis, the concept of race is important and consequential. Societies use race to establish and justify systems of power, privilege, disenfranchisement, and oppression.
The notion of race is a social construct designed to divide people into groups ranked as superior and inferior. The scientific consensus is that race, in this sense, has no biological basis – we are all one race, the human race. Racial identity, however, is very real. And, in a racialized society like the United States, everyone is assigned a racial identity whether they are aware of it or not.

Critical race and education scholars recommend that adult educators hoping to confront racism: (i) acknowledge racism, (ii) engage in self-reflection, (iii) commit to addressing it in the learning environment, and (iv) reflect cultures and histories of nonwhite groups in the pedagogy. (Collin III & Preciphs, 1991; Ross-Gordon, 2010).

The six key tenets to critical race theory: ¹⁵
1. Racism is a normalized and commonplace part of society. It is not just reflected in individual actions but embedded in our cultural and political practices and systems.
2. Consequently, whiteness is a “property” – something with tangible value – that offers white people unearned privileges and opportunities not afforded to people of color at the same level, like access to wealth, safety from law enforcement, opportunities for academic success, etc.
3. Because of this, the notion that all are treated equally, and have the same rights and opportunities, is a myth, challenging concepts like colorblindness and meritocracy.
4. Since racism benefits those with power and privilege, there is little incentive to solve it – unless it benefits both people of color and dominant members of society. This is also referred to as “interest convergence.”
5. Intersectionality is critical for understanding racism. Everyone has intersecting identities based on their racial/ethnic background, socioeconomic status, gender identity, etc., which means that each person experiences racism in unique ways.
6. The personal experiences of people of color are worthy and legitimate forms of discourse in the conversations on racism, especially when countering the default narrative.

¹⁴ Excerpted from Talking About Race, Tools and Guidance from the Smithsonian National Museum for African American History and Culture, at <https://nmaahc.si.edu/learn/talking-about-race/topics/race-and-racial-identity>.

¹⁵ As summarized by Nicole Cardoza in 5/7/21 Anti-Racism daily, crediting: Critical Race Theory: An Annotated Bibliography, by Richard Delgado and Jean Stefancic, Virginia Law Review. Vol. 79, No. 2 (Mar., 1993), pp. 461-516. <https://doi.org/10.2307/1073418>

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Resource List:

[A Conversation on Race](#): Videos from the New York Times.

[Implicit Bias and Structural Racialization](#), By Kathleen Osta & Hugh Vasquez, National Equity Project.

[Inclusive Teaching Resources](#), from The Harriet W. Sheridan Center for Teaching and Learning at Brown University.

[Project Implicit](#), Implicit Association Tests.

[#RaceAnd: Kay Ulanday Barrett](#). YouTube video (3:42 min)

[Social Identity Wheel](#), University of Michigan

[Talking About Race](#), Tools and Guidance from the Smithsonian National Museum for African American History and Culture

[The urgency of intersectionality](#), Kimberlé Crenshaw TED Talk, 12/7/16.

[When you say you 'don't see race', you're ignoring racism, not helping to solve it](#), Zach Stafford, The Guardian, 3/26/15.

Shannon Cumberbatch, ["When Your Identity Is Inherently "Unprofessional": Navigating Rules of Professional Appearance Rooted in Cisheteronormative Whiteness as Black Women and Gender Non-Conforming Professionals."](#) *34/2 Journal of Civil Rights and Economic Development*. 81-123.

Aaron Gottlieb, ["Making Gideon Count? Public Defender Resources and Felony Case Outcomes for Black, White, and Latinx Individuals."](#) *Race and Justice*.

A (Very Partial) Book List

How to Be an Antiracist, Ibram X. Kendi, 2019

White Fragility, Robin J. Diangelo, June 26, 2018

Between the World and Me, Ta-Nehisi Coates, 2015

The New Jim Crow: Mass Incarceration in the Age of Colorblindness/Michelle Alexander/2010

So You Want to Talk About Race, Ijeoma Oluo, 2018

Women, Race, and Class, Angela Davis, 1981

The Inner Work of Racial Justice, Rhonda Magee, 2019

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Assessments and Surveys

Benefits of self-assessment
-increases empowerment and autonomy -clarifies intentions -increases growth mindset -builds problem solving skills and strategies -increases self-awareness

Support for Assessments
Research-based suggestions for increasing life satisfaction and mitigating Compassion Fatigue ¹⁶ Work on self-awareness every day Take an inventory of how balanced your life is--be intentional about balancing it out
Management practices impacting well-being ¹⁷ Assessment of Well-Being: Is there a regular practice established to assess work engagement, burnout, job satisfaction, turnover intentions, psychological well-being, or other indicators of well-being and to take action on the results?

Potential Well Being Survey Questions:

Survey Questions Regarding Well-Being

What are some things in this workplace that contribute to your personal well-being?
What general supports do you have in your office now?
What additional office supports would you request?
What are some things in this workplace that are obstacles to maintaining your personal well-being?
What is the single biggest issue that is negatively impacting your well-being at work?
What is one low or no-cost thing that could be done immediately that would improve morale in your office?
List your recommendations for our wellness program.
Do you feel you have sufficient access to medical health care?
Do you feel you have sufficient access to mental health care?
Do you know what is expected of you at work?
Do you have the tools you need to do your work effectively?
Do you have the time you need to do your work effectively?
Do you feel supported by your colleagues? Your immediate supervisor? The leadership team?

¹⁶ [Keeping Legal Minds Intact](#): Mitigating Compassion Fatigue Among Legal Professionals, ABA 2014

¹⁷ ABA 2018 [Well Being Toolkit](#) for Lawyers and Legal Employers

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Why did you choose to work in a public defender office?
Have you thought about leaving the office in the last year?
Why were you thinking about leaving the public defender office?
What would have to change to make you want to stay?
Do you think conducting wellness programs during office hours is helpful?
Have you participated in wellness programs? Which have benefited you?
What would you like to see included in wellness offerings? (stress management, health screenings, experimental practices such as yoga or mindfulness, information about trauma and secondary trauma)
How can we better support your well-being?

Scaled Questions

On a scale of 1 to 5, do you feel like part of a team or as if you are working on your own? (1 = on my own, 5 = part of a team)
On a scale of 1 to 10, how affected are you with workplace stress in your personal life?
On a scale of 1 to 10, how much do you worry about job related problems after leaving work?
On a scale of 1 to 10, do you find it difficult to unwind at the end of the work day?

Potential questions/topic for a weekly check in:

We also do a weekly written check-in with our director where we go over what we did for the week and what cases/projects we are working on our “achievement of the week”, goals for the next week and any other issues/concerns we have.¹⁸

We have a self-care check-in with a visual scale “sad face to small happy face to big happy face” and where we can list what is working well, what is not working well and what actions can help improve/when/by whom those actions be taken.

Potential questions for an annual review or development plan:

Describe the goals you had set out to accomplish for 2020:
Which goals did you accomplish?
Which goals did you not accomplish, and why not?
What other objectives did you meet, beyond your stated goals?
Which achievement(s) are you most proud of?
What kinds of risks did you take during the time span for this evaluation?
Were the risks worthwhile? Why or why not?
What can your manager do to help you achieve your future goals?
What are your goals for 2021?
What are your expectations for 2021?

¹⁸ From Leigh Ann Carroll,

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Self-Assessment Tools:

[Burnout Self-Test](#)

[Perfectionism assessment](#)

[Professional Qualify of Life Measure](#) (ProQOL)

[Satisfaction With Life Scale](#) (SWLS)

[Secondary Traumatic Stress Scale](#)

[Stress and Burnout Questionnaire](#)

[Stress assessments](#)

[Work and Meaning Inventory](#) (WAMI)

[ABA Well-Being Toolkit](#) at pages 26-28 has links to many assessment tools and lengthy research articles.

[National Wellness Institute](#) provides a [downloadable NWI's Six Dimensions Tool](#) that goes in depth on each of the six dimensions, as well as downloadable worksheets and self-assessment tools. It is free (and very worthwhile IMHO) to register to access these materials.

Additional resources about self-assessment:

Teresa Amabile (2012). [Track Your Small Wins to Motivate Big Accomplishments](#). TEDx Talk, 21:09 mins. Amabile shares key insights from her research about staying motivated at work, including the importance of measuring progress, documenting challenges, and taking time to reflect. Amabile is the author of the book [The Progress Principle](#) and Harvard Business Review article [The Power of Small Wins](#). Her website offers a helpful checklist: [Progress Principle Daily Progress Checklist](#).

Resources about performance assessment:

[Pygmalion in Management](#). By J Sterling Linvingston, Harvard Business Review, 2003. The power of a leaders' expectation for followers' performance and well-being.

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Public Defender Well Being Self Assessment
GENERAL WELL BEING ¹⁹
Average hours of sleep each night
Average hours of exercise each week
Typical nutrition is __Excellent__ Very good __Good__ Fair __Poor__ Don't know/not sure
Overall physical health is __Excellent__ Very good __Good__ Fair __Poor__ Don't know/not sure
Approximate number of alcoholic drinks per week
Largest number of drinks on one occasion in past 30 days
Number of times fast food eaten in last 30 days
Number of times fruit eaten in last week
Number of times vegetables eaten in last week
Over the last two weeks, number of times with trouble falling or staying asleep
Number of times per week of getting enough sleep to function well in job and personal life
Number of times per week with stress at work that exceeds ability to cope
How often do you get the emotional and social support that you need?
In the last two weeks, how many days have you felt down, depressed or hopeless?
Number of minutes during your typical work day that you are able to dedicate to wellness activities
Number of days you have energy for leisure activities after work
On balance, do you speak of your work in a positive way or a negative way?
In the past 30 days, number of days you've had a hard time doing your work because of your health
In the past 30 days, number of times missed part or all of a work day due to physical or mental health
WORK ENGAGEMENT ²⁰
Place a check next to each statement you agree with more than half the time: <input type="checkbox"/> At my work, I feel bursting with energy. <input type="checkbox"/> At my job, I feel strong and vigorous. <input type="checkbox"/> I am enthusiastic about my job. <input type="checkbox"/> My job inspires me and gives me a sense of meaning and purpose. <input type="checkbox"/> When I get up in the morning, I feel like going to work. <input type="checkbox"/> I feel happy when I am working intensely. <input type="checkbox"/> I am proud on the work that I do.
BURNOUT ²¹
Choose the one that is most accurate right now: <input type="checkbox"/> I enjoy my work. I have no symptoms of burnout. <input type="checkbox"/> I am under stress, and I don't always have as much energy as I once did, but I don't feel burned out. <input type="checkbox"/> I am definitely burning out and have symptoms of burnout, such as physical and emotional exhaustion. <input type="checkbox"/> The symptoms of burnout that I'm experiencing won't go away. I think about frustration at work a lot. <input type="checkbox"/> I feel completely burned out and often wonder if I can go on. I am at the point where I may need some changes or may need to seek some sort of help.

¹⁹ Drawn largely from: <https://www.cdc.gov/workplacehealthpromotion/tools-resources/pdfs/nhwp-capture-health-assessment-update.pdf>

²⁰ Based on Utrecht Work Engagement Scale (UWES).

²¹ Based on Non-Proprietary Single-Item Burnout Measure.

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Public Defense Strength Based Growth Assessment

Think of a recent work event (trial, hearing, sentencing, bail argument, client meeting).

1. First, write at least 2 things you did well.
2. Write at least 2 skills you have gained.
3. Write something you didn't do as well as you hoped, or something you will do differently next time.
4. Only add in this order, positive must be added first, and must outnumber improvement.

Things I did well:	Things I didn't do as well as I hoped to do:
1.	1.
2.	2.
3.	3.
4.	
5.	

What I will do differently next time:	Skills I have gained:
1.	1.
2.	2.
3.	3.
	4.
	5.

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Be Well Wednesdays



Everyone working in public defense is invited to Be Well Wednesdays.

WHEN: Wednesdays at 12:10-1:00 pm Pacific/3:10-4:00 pm Eastern.
Drop in for any session. Stay for all or part of the session. Always free.

WHERE: On zoom.

WHAT:

BWW is an ongoing series of drop in sessions to support your well-being. Each session includes an experiential practice (meditation, mindfulness, gratitude, journaling, etc.) and/or facilitated discussion about sustaining well-being in public defense. Sometimes there is an introductory overview but these sessions focus more on participatory experience and less on presentation.

BWW is brought to you by this planning team: Jenny Andrews, Gina Pruski, Justin Heim, Tatiana Kline, John Lopez, Marilena David and Jeff Sherr. Please email besustained@gmail.com with any questions or feedback, or to propose a session.

UPDATES:

The BWW schedule is at BeSustained.org

Thank you NAPD for creating a list for BWW so you can decide when to opt in and opt out. Please join by sending a blank email to BeWellWednesdays+subscribe@NAPD.groups.io to receive zoom link updates, schedule updates, announcements, and shared materials. The list will not send abundant emails, just a weekly link/reminder and occasionally session materials.

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Boundaries

Almost everything will work again if you unplug it for a few minutes, including you.

--Anne Lamott

Lawyers in each corner of the profession—prosecutors and public defenders, in-house counsel, government lawyers, solo practitioners, and lawyers at firms large, medium and small—all face some of the same universal pressures.

“It’s kind of like an endurance contest or something. This big reservoir of resentment ... fills up with rage,” said William Meyerhofer, a psychotherapist and former Sullivan & Cromwell lawyer. “It leaks out in all these behaviors where you scream at your girlfriend, or go home and get stoned every night, or spend the whole night playing video games.

--[Constantly On Call, Lawyers Risk Exhaustion](#), By Lizzy McLellan, American Lawyer, May 27, 2019

Maintaining boundaries around work is a constant challenge for many public defenders.

The ABA’s Well-Being Toolkit²² includes in its definition of a healthy workplace that tasks and responsibilities can be accomplished successfully within the time available. In most public defense assignments, this is laughable. We are continually triaging essential tasks like communicating with the people we represent, completing investigation and legal research for their cases, consulting with experts on everything from complex DNA analysis to immigration consequences of a charge or conviction, coordinating with advocates and other county agencies to address housing, mental health and substance use treatment needs. We work long hours into the evening and weekends and still don’t complete important tasks. There is never enough time.

Public defenders do not have “spare time.” When a task is added, something else must give. Two frequent responses are: (1) sacrifice non-work hours in the evening and weekend, instead of spending that time with loved ones and/or engaging in activities of rest, recreation and resilience building; or (2) displace other tasks, which then fill lists to be completed later or not completed at all— such as client communications, motions and investigation. This is a major source of stress, anxiety and feeling inadequate at work. It causes many public defenders to work long hours without sufficient rest, regular time off (like weekends) or vacation.

Boundary: a line that marks the limits of an area.²³

²² Well-Being Toolkit For Lawyers and Legal Employers, by Anne Brafford for the American Bar Association, August 2018, at p. 9.

²³ Definition from a wonderful presentation by Marilena David-Martin, Deputy Director of the State Appellate Defender Office in Detroit, Michigan.

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Boundary Strategies for Public Defenders
Commit to off hours. Don't remain available 24/7. Don't check messages during your off hours. Create an emergency notification for true emergencies only.
Set work goals around time not task. Set a goal to leave at a designated time—such at 6 pm-- not to complete the entire to do list before leaving. It will never be completed. You will build habits of working more efficiently and being realistic in estimating turnaround time for tasks.
Set routines and rituals to end the work day. Clear your desk, update your prioritized task list and leave.
Set transition markers. Create a transition marker along the way home—an intersection you drive though or train/bus station you pass—to transition from work thoughts to home thoughts. <i>How was my partner's meeting? My child's day at school?</i>
Take vacations. The 2017 ABA Well Being Report lists this as the strongest predictor of wellness.
Give honest timeframes. To managers for projects, to clients for motions. Be honest about your available time and what you are capable of completing, while maintaining your rest time. You can work around the clock for a project or a trial, but not for decades.
Accept structural limitations as structural. One of the hardest parts of public defense is the stress of feeling not doing enough and knowing reality is that some things are not getting done, and that most of us will never reach end of the task list—and the “task list” is urgent needs of people who are suffering. This can be very demoralizing. Recognize that this is structural under resourcing of public defense, not a personal defect or shortcoming.

I cannot say yes to anything else.
 I cannot say yes to anything else.
 I cannot say yes to anything else.
 I cannot say yes to anything else.
 I cannot say yes to anything else.
 I cannot say yes to anything else.
 I cannot say yes to anything else.

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Tweet

Stefanie Mundhenk and 6 others liked



i keep the wolf from the door but he calls me up
 @3rdchancelife

Me letting a client know I'll be out for most of next week:
 Me: I won't have cell phone service, internet, or anything like that so I won't be reachable
 Client:
 Me: What?
 C: Holy shit, you're going to jail???
 Me: ...
 Me: Um... I'm going to a cabin in the mountains...

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17 Likes

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Strategies for Leaders: Building Reasonable Work Expectations and Respecting Boundaries	
Supportive of well-being.	Not supportive of well-being.
Prioritize giving all employees time for sufficient rejuvenation during non-work and vacation hours. Actively discouraging work-related calls and emails during evenings, weekends, and vacations.	Intrude upon non-work hours with work assignments and communications.
Only sending email, text or other communications during non-work hours in urgent situations, in which immediate notification to or action of the recipient is required.	Sending non-urgent messages during non-work hours.
Building in systems with sufficient time for reasonable response-time expectations.	Sending “drop everything and respond right now” or “drop everything and do this task right now” communications and assignments, particularly if they reflect poor planning or organization on the part of the sender and unnecessarily shift last-minute work to others.
Giving sufficient time for assignments to be completed during work hours.	Giving assignments with insufficient time to complete during work hours, such as late afternoon case assignments for court appearance the following morning, forcing the message receiver to choose between being unprepared and giving up evening time to work.
Supporting flexible time use for everyone, especially to support well being activities (time for gym, yoga, recreation, therapy, medical appointments, etc.).	Inequitable availability of flex time, such as making it available to some employees while others are restricted by court schedules, office hours or other expectations. This is exacerbated if those flexing their time create expectations of responsiveness during times they elect to work in off hours, as it expands the expected workday of others into those hours.
Have robust coverage systems so that people can take leave and vacation.	Require staff to find their own coverage and only to schedule time off if they can “get everything covered.”
Pause new assignments during leave.	Continue to assigned cases and tasks while away—created constantly interrupting emails, returning to feeling behind and legitimately frustrated client who haven’t been seen.

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Resources:

Technology: Mindful phone use: Try [this mindfulness practice with your phone](#) in hand to explore exactly what kind of relationship you have with your tech

[Constantly On Call, Lawyers Risk Exhaustion](#), By Lizzy McLellan, American Lawyer, May 27, 2019

Boundary Self-Assessment

Boundaries around work/non work time:²⁴

How often do you have a day when you do nothing associated with work? Several in a row?
How often do you turn your work computer off at the end of the day or week? Leave your laptop at the office without bringing it home?
Do you take vacations?
Do you bring your work laptop with you on vacation?
Do you have designated non-work hours?
Do you check your email and voicemail regularly outside work hours?
Do you feel you have to respond to people immediately?
Do you turn off notifications during non-work hours?
How often do you cancel exercise, social plans, family time or other non-work activities due to work demands?

Boundaries at work:

Have you communicated your communication preferences to your colleagues?
Do you close your door when you need to focus?
Do you turn off notifications for uninterrupted work time?
Do you feel you have to go above and beyond for every single client every time?

Boundaries around taking on projects and priorities:

Do you participate when/because you actually want to?
Do you consider whether there will be professional growth?
Will the benefit outweigh the burden?
Do you have the time and capacity?
Will something else get neglected if you add the project?
Can and will someone else do it? Benefit/grow from doing it? Can someone be mentored into taking on the role?

²⁴Many of the questions added to this self-assessment are from a wonderful 2020 Boundaries presentation by Marilena David-Martin, Deputy Director of the State Appellate Defender Office in Detroit, Michigan.

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Burnout

See **Moral Injury**, below, and [this argument for adopting the term moral injury](#) in many circumstances in which we often say “burnout.”

Burnout
World Health Organization definition of burnout: "a syndrome conceptualized as resulting from chronic workplace stress that has not been successfully managed."
WHO Symptoms of burnout: 1. Feelings of energy depletion or exhaustion 2. Increased mental distance from one's job, or feelings of negativism or cynicism related to one's job 3. Reduced professional efficacy

Resources:

May of 2019, the [World Health Organization added burnout](#) as an occupational phenomenon. WHO's definition of burnout: "a syndrome conceptualized as resulting from chronic workplace stress that has not been successfully managed." This definition places all the responsibility on the individual and frames the questions in terms of individual strength or weakness.

[Burnout: The Secret to Unlocking the Stress Cycle](#), by Emily Nagoski PhD and Amelia Nagoski DMA. Useful strategies to end the cycle of feeling overwhelmed and exhausted. Instead of asking us to ignore the very real obstacles and societal pressures that stand between women and well-being. Includes: what you can do to complete the biological stress cycle—and return your body to a state of relaxation; why rest, human connection, and befriending your inner critic are keys to recovering and preventing burnout.

[Burnout Is About Your Workplace, Not Your People](#), by Jennifer Moss, Harvard Business Review, Dec. 11, 2019. While this article doesn't mention moral injury, it's all about shifting responsibility for managing and preventing burnout from the individual to the organization. it lists the top 5 reasons for “burnout” as: Unfair treatment at work, Unmanageable workload, Lack of role clarity, Lack of communication and support from their manager, and Unreasonable time pressure.

[Burnout Isn't Just in Your Head. It's in Your Circumstances](#), by Adam Grant, NY Times, 3/19/20.

[To Prevent Burnout, Hire Better Bosses](#). By Tomas Chamorro-Premuzic, Harvard Business Review, 2019.

Jill Lepore, [Burnout: Modern Affliction or Human Condition?](#) The New Yorker, 5/17/21.

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Caregiving

But there is always another client to defend, story to write or struggling student who just can't wait. Here are things I have missed: my daughter's seventh birthday, my son's 10th birthday party, two family vacations, three Halloweens, every school camping trip. I have never chaperoned, coached or organized a school event.

Sometimes my choices make me sad. My daughter's seventh birthday was the worst. She cried, and I did everything I could not to. I felt sick to my stomach. But I had a trial starting the next day, six hours away. I had picked the date, not the judge, because I knew that the other side wasn't ready. Delaying even a few days would have meant losing a crucial advantage. I wasn't going to risk it knowing what was on the line for my client.

--Lara Bazelon²⁵



Resources:

[Confessions of a Part-Time Mom](#): Divorce and shared custody suits me, and it suits my kids, too, by Lara Bazelon, Slate, June 13, 2017.

[I've Picked My Job Over My Kids](#), by Lara Bazelon, NY Times, June 29, 2019

²⁵ [I've Picked My Job Over My Kids](#), by Lara Bazelon, NY Times, June 29, 2019

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Caseload and Workload

[NEW ABA/SCLAID PUBLIC DEFENDER WORKLOAD STUDIES REPORT](#), June 3, 2021

Malia Brink, [ABA SCLAID Public Defense Workload Studies Reveal Systems in Crisis](#), 37 *Criminal Justice*, 45-47. In early 2022, the American Bar Association Standing Committee on Legal Aid and Indigent Defense (ABA SCLAID), together with consulting firm Moss Adams LLP, released two reports on public defender workloads—one on Oregon, the other on New Mexico. The reports reflect over two years of study of the jurisdictions' current caseloads and staffing, as well as a Delphi study in each state, which is used to arrive at standards reflecting the average amount of time an attorney should spend to meet the constitutional threshold of effective assistance of counsel, i.e., provide reasonably effective assistance of counsel pursuant to professional norms.

Caseload and Racial Disparity

In July 2021, the [Indigent Defense Research Association](#) presented the session “[Making Gideon Count? Public Defender Resources and Felony Case Outcomes for Black, White, and Latinx Individuals](#),” with Professor Aaron Gottlieb.

The session looked at research and data regarding caseloads of both public defenders and support staff, and whether reducing caseloads is a promising reform approach to (1) reduce rates of incarceration, and (2) reduce racial/ethnic disparities.

Abstract: Although *Gideon v. Wainwright* has provided indigent defendants potentially facing prison time the right to counsel, commentators and scholars have documented that the public defense system is vastly underfunded and currently in crisis. However, research has rarely examined how public defender resources impact case outcomes, and the research that does exist has yet, to my knowledge, examine how these resources impact racial disparities in case outcomes. By merging data from the Census of Public Defender Offices to data from the State Court Processing Statistics, I begin to fill this gap. Results from multivariate regression analyses with state-year fixed effects provide mixed evidence. Regardless of race, higher public defender and support staff caseloads tend to be associated with worse case outcomes. In the case of pretrial detention, I find that high public defender and support staff caseloads exacerbate Black-White disparities. With respect to sentence length, I find evidence that high public defender caseloads exacerbate Latinx-White disparities and some evidence that they mitigate Black-White disparities. In sum, these results provide strong support for the view that the public defender funding crisis harms indigent defendants regardless of race and mixed evidence regarding its impact on racial disparities in the criminal justice system.

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Check Ins

Check ins can be invaluable communication tools.

Some sample formats that people have been kind enough to share are below.

Potential questions/topic for a weekly check in:

We also do a weekly written check-in with our director where we go over what we did for the week and what cases/projects we are working on our “achievement of the week”, goals for the next week and any other issues/concerns we have.²⁶

We have a self-care check-in with a visual scale “sad face to small happy face to big happy face” and where we can list what is working well, what is not working well and what actions can help improve/when/by whom those actions be taken.

Resources:

[7 Tips for Making the Most of Your Check-ins](#) –The Management Center

[Probing Questions to Get Beneath the Surface](#) –The Management Center

[How to Receive Feedback \(Part 1\)](#)-- The Management Center

[How to Receive Feedback About Power, Difference and Inequity \(Part 2\)](#)--The Management Center

²⁶ From Leigh Ann Carroll,

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Sample weekly check in from Midwest Innocence Project

Weekly Check-In²⁷

Name:

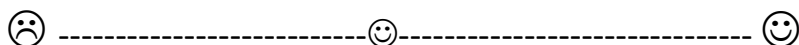
Date:

Position:

Supervisor:

Self-Care Check In

How am I doing on self-care this week?



What's working well?

What's not working?

What actions can improve this?

When and by whom will those actions be taken?

Achievement of the week:

Goals for next week:

Current Projects/Cases:

- Total # of projects/cases on docket:
- # active this week:

²⁷ This sample form was shared by Leigh Ann Carroll and is used at the Midwest Innocence Project.

Please List All Projects, With Updates/Questions/Progress

Meetings/Conferences/Trainings

Recent Meetings Attended (Internal and External):

Recent Trainings/Conferences Attended:

Recent Presentations Provided:

Other (vacation, flex time, issues/concerns)

Updates/Questions/Progress:

Summary of meeting (for use by supervisor)

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Sample Staff Self Review from Midwest Innocence Project

Staff Self Review²⁸

Name _____

Date _____

Describe the goals you had set out to accomplish for 2020:

Which goals did you accomplish?

Which goals did you not accomplish, and why not?

What other objectives did you meet, beyond your stated goals?

Which achievement(s) are you most proud of?

What kinds of risks did you take during the time span for this evaluation?

Were the risks worthwhile? Why or why not?

²⁸ This sample form was shared by Leigh Ann Carroll and is used at the Midwest Innocence Project.

What are your expectations for 2021?

What can your manager do to help you achieve your future goals?

What are your goals for 2021?

Additional Comments/Thoughts?

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90 Day Check-in Report from Tulare County, CA

90 Day Check-in Report²⁹

On _____, 2021, _____ and
_____ met for a 90 Day Check-in.

How are you doing?

What can we do for you?

What do you want to do in the next 90 days? What do you have coming up in the next 90 days (personal or work)?

How can we help?

My next 90 day check-in: _____

²⁹ Created in Tulare County, California PD office.

Check in Template for IDID Training Team

IDID TRAINING DIVISION CHECK IN³⁰

[date of check in]

please send this to me 2 days ahead so we can both prepare for productive check ins

PERSONAL CHECK IN³¹: *What's going on this week?*

TOP 3 PRIORITIES THIS WEEK: *This week will be successful if these tasks are completed/moved forward.*

- 1.
- 2.
- 3.

KEY UPDATES/FYI: *Include tasks/projects completed since our last check in, slices of ongoing projects. Move completed tasks/projects to completed project list after check in.*

- [update]
- [update]
- Update]

PRIORITIZING, CAPACITY and WORKLOAD: *Please keep this current to match the IDID training project list, and use time when needed at check ins to re-prioritize or back burner projects as needed.*

Priorities this month	Priorities this quarter	Backburner
<ul style="list-style-type: none">•••	<ul style="list-style-type: none">•••	

QUESTIONS COMING UP AND OTHER DISCUSSION

MANAGER'S LIST: (Questions, New Delegations, Feedback)

³⁰ This borrows heavily from a Management Center template that is found and further explained [here](#). Please share your ideas and suggestions about this format at our check ins and training team meetings.

³¹ Sections in blue should be filled out for every check in, other sections as stated or as needed.

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FEEDBACK AND LEARNING *Please complete for first check in of each month, reflecting on the prior month. If you completed it for additional weeks, I'll offer responsive feedback. The top four sections are for you (training team member) to complete, then the bottom four sections are for me (supervisor) to complete. The goal is create a supportive two-way feedback loop, in which we can continually improve our work processes and communication.*

	One success	One area for improvement
Training team member self-reflection		
Training team member feedback for supervisor		
Supervisor self-reflection		
Supervisor feedback for training team member		

GROWTH OPPORTUNITIES: *are there new projects you would like to initiate, areas you would like to explore, training you believe would benefit you, or other opportunities to develop your skills?*

NEXT STEPS and **ACTION ITEMS TO DO:**

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Community Care

Moving Beyond Self-Care to Community Care

"Self-care alone can't solve systemic issues. For that, you need community care."³² Toronto based community organizer Nakita Valerio defines community care as "People committed to leveraging their privilege to be there for one another in various ways."³³

In the context of public defense, community care can be building practices and rituals to support each other. Part of this may be incorporating practices like debriefings or regular check-ins for everyone.

But true support is very individual and people's preferences may be widely varying. A more individual approach could include: reflecting on the question of what we individually need/prefer to feel supported at work generally or after a significant event; communicating to others the support we need; offering people the support that they communicate is useful and valuable to them. Leaders and experienced staff members can build cohesion within an office by modeling vulnerability and communicating to people how they can be emotionally supported.

Shouting "self-care" at people who actually need "community care" is how we fail people.

--Nakita Valerio

³² [Self-care isn't enough. We need community care to thrive](#), by Heather Dockray, Mashable, May 24, 2019.

³³ [Self-care isn't enough. We need community care to thrive](#), by Heather Dockray, Mashable, May 24, 2019.

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Assessing Your Culture of Community Care

Assessing Your Culture of Community Care
Mission/Values How is well-being included in the mission and value statement of the agency? How is it communicated that defenders who maintain their health and well-being, and who support each other, provide the highest level of care and representation to the people we defend?
Leadership How is leadership continually advocating for sufficient resources for staff to complete work within the scheduled work day? Are leaders modeling boundaries by taking vacation, having off hours during each day, week and month? ³⁴ Do leaders model vulnerability by sharing difficult experiences and communicating how they can be supported?
Training Do all new staff receive education about trauma and stress management within the first six months? Is there ongoing education about trauma and stress management? Is there training prior to entering a new assignment such that each person feels informed and prepared? Is mentorship provided for those in the early years of practice?
Supervision Are evaluators trained to give performance evaluations that are timely, fair and empathetic? Are efforts made to highlight positive accomplishments and skills gained? What steps are taken to promote autonomy of staff to manage their own schedules and workflow? ³⁵ How are staff members encouraged to take time off each day, week, month and year by having undisturbed rest times? How are non-emergency communications discouraged during non-work hours?
Human Resources Does initial onboarding include: how to take time off for illness, vacation, emergency and other circumstances; how to confidentially access support and assistance for mental health, substance use, or other impairment? Is each person's work station ergonomically evaluated and fitted within the first month, and options for any specialized office equipment explained? Do the available health plans include coverage for mental health and substance use treatment?

³⁴ "Leader behavior has a substantial impact on followers' well-being. Additionally, people monitor leaders closely for indicators of cultural norms. If leaders don't walk the talk of lawyer well-being, followers are not likely to either--and are likely to become cynical." Well-Being Toolkit for Lawyers and Legal Employers, ABA, 2018, p. 14

³⁵ "[R]esearch reflects that, much more than individual employee traits and qualities, situational factors like workload, a sense of control and autonomy, adequate rewards, a sense of community, fairness, and alignment of values with our organizations influence whether people experience burnout or work engagement." Well-Being Toolkit for Lawyers and Legal Employers, ABA, 2018, p. 4

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Is it regularly communicated that confidential support and assistance is available for mental health, substance use or other impairment?

Is there a clear vacation policy, including encouragement of taking vacation, ease of requesting vacation time, ease of securing case coverage, and discouragement of work-related communication during vacation?³⁶

Have all work flexibility options been clearly explained so that people understand when they are expected to be physically in the office?

Have communications been clearly explained so that people understand when they are expected to be available by phone, text, email or other communication method?

Culture of Support

How has the office created supportive spaces to talk about difficulty or loss?

How has the office created rituals, events and spaces for celebration, recognition, appreciation and gratitude?

How are people encouraged to share how they can best be supported?

³⁶ “[T]he number of vacation days taken was a significant predictor of lawyer wellbeing-- and was stronger even than income level in predicting well-being.” Well-Being Toolkit for Lawyers and Legal Employers, ABA, 2018, p. 13

Competence as Wellness

Attorney Rules of Competence and Diligence
ABA Model Rule of Professional Conduct 1.1 : A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
ABA Model Rule of Professional Conduct 1.3 : A lawyer shall act with reasonable diligence and promptness in representing a client.

ABA Includes Wellness in Duty of Competence ³⁷
Lawyer health is not solely by absence of illness, but by a positive state of wellness.
We define lawyer well-being as a continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others. Lawyer well-being is part of a lawyer's ethical duty of competence. It includes lawyers' ability to make healthy, positive work/life choices to assure not only a quality of life within their families and communities, but also to help them make responsible decisions for their clients. ³⁸
Well-being is a continuous process toward thriving across all life dimensions. ³⁹

Paralegal Standard of Integrity and Competence ⁴⁰
Canon 6 - A paralegal must strive to maintain integrity and a high degree of competency through education and training with respect to professional responsibility, local rules and practice, and through continuing education in substantive areas of law to better assist the legal profession in fulfilling its duty to provide legal service.

Social Worker Ethical Standard of Judgment and Performance and Impairment ⁴¹

³⁷ The [Path to Lawyer Well-Being: Practical Recommendations for Positive Change](#), from the National Task Force on Lawyer Well-Being of the American Bar Association, August 14, 2017 [hereinafter "2017 ABA Lawyer Well-Being Report of Recommendations"].

³⁸ 2017 ABA Lawyer Well-Being Report of Recommendations at p. 9

³⁹ 2017 ABA Lawyer Well-Being Report of Recommendations at p. 9

⁴⁰ [National Association of Legal Assistants, Inc.](#) "Each NALA member agrees to follow the canons of the NALA Code of Ethics and Professional Responsibility. Violations of the Code may result in cancellation of membership. First adopted by the NALA membership in May of 1975, the Code of Ethics and Professional Responsibility is the foundation of ethical practices of paralegals in the legal community."

⁴¹ [National Association of Social Workers Code of Ethics](#).

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4.05 Impairment

(a) Social workers should not allow their own personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties to interfere with their professional judgment and performance or to jeopardize the best interests of people for whom they have a professional responsibility.

(b) Social workers whose personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties interfere with their professional judgment and performance should immediately seek consultation and take appropriate remedial action by seeking professional help, making adjustments in workload, terminating practice, or taking any other steps necessary to protect clients and others.

AND

2.08 Impairment of Colleagues

(a) Social workers who have direct knowledge of a social work colleague's impairment that is due to personal problems, psychosocial distress, substance abuse, or mental health difficulties and that interferes with practice effectiveness should consult with that colleague when feasible and assist the colleague in taking remedial action.

(b) Social workers who believe that a social work colleague's impairment interferes with practice effectiveness and that the colleague has not taken adequate steps to address the impairment should take action through appropriate channels established by employers, agencies, NASW, licensing and regulatory bodies, and other professional organizations.

California Rules of Professional Conduct

Rule 1.1 Competence

(a) A lawyer shall not intentionally, recklessly, with gross negligence, or repeatedly fail to perform legal services with competence.

(b) For purposes of this rule, "competence" in any legal service shall mean to apply the (i) learning and skill, and (ii) **mental, emotional, and physical ability** reasonably necessary for the performance of such service.

Rule 5.3 Responsibilities Regarding Nonlawyer Assistants

(b) a lawyer having direct supervisory authority over the nonlawyer...shall make reasonable* efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer

Comment: Lawyers often utilize nonlawyer personnel, including secretaries, investigators, law student interns, and paraprofessionals. [...] A lawyer must give such assistants appropriate instruction and supervision concerning all ethical aspects of their employment.

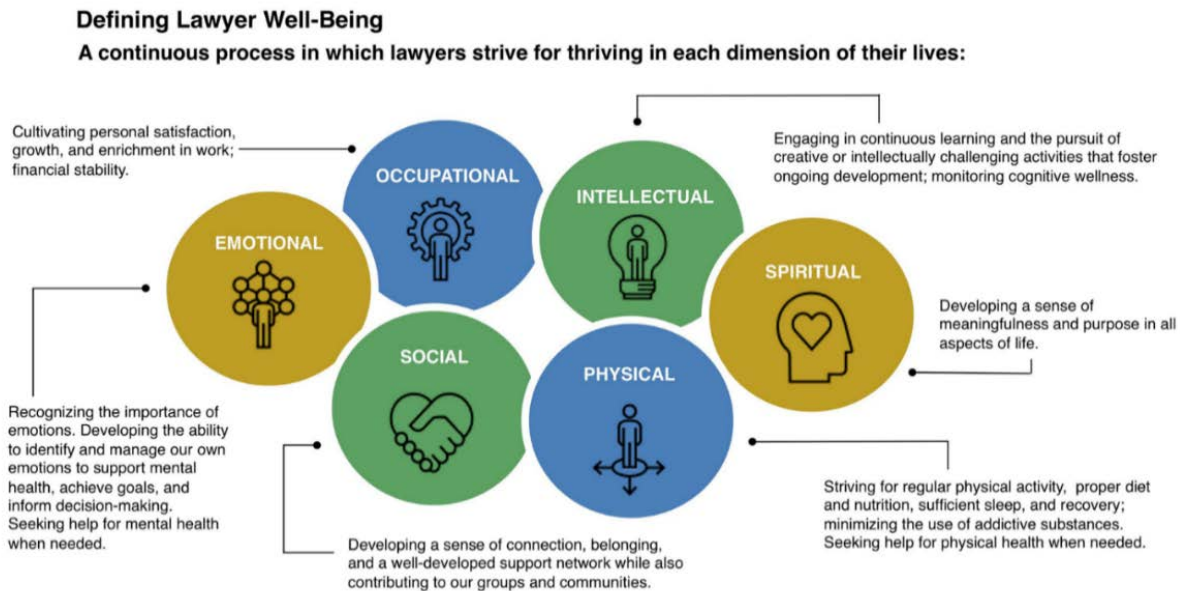
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A Broad Definition of Well-Being⁴²

Within its 2017 ABA Lawyer Well Being Report of Recommendations, the ABA includes a wonderfully broad definition of well-being that encompasses six dimensions: emotional, occupational, intellectual, spiritual, physical and social thriving.⁴³



ABA Wellness Dimension	ABA Description
Occupational	Cultivating personal satisfaction, growth and enrichment at work; financial stability.
Intellectual	Engaging in continuous learning and the pursuit of creative or intellectually challenging actives that foster ongoing development; monitoring cognitive wellness.
Spiritual	Developing a sense of meaningfulness and purpose in all aspects of life.
Physical	Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and recovery; minimizing the use of addictive substances. Seeking help for physical health when needed.
Social	Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.

⁴² 2017 ABA Lawyer Well-Being Report of Recommendations at p. 9

⁴³ [2017 ABA Well-Being Report](#) at p. 9

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Emotional	Recognizing the importance of emotions. Developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform decision making. Seeking help for mental health when needed.
------------------	---

These six dimensions mirror the same six dimensions of wellness promoted by the [National Wellness Institute](#), which explains that by applying the Six Dimensional Model, a person becomes aware of the interconnectedness of each dimension and how they contribute to healthy living. The [downloadable NWI's Six Dimensions Tool](#) goes further in depth on each of the six dimensions.

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Unwellness and Incompetence: Impacts on work performance and struggles with basic competence⁴⁴

ABA Wellness Dimension	Connection to Public Defense Competence	Impact of Struggle on Public Defense Competence
Occupational	Growth and development Financial stability	Tardiness/absence from work Conflict with colleagues, supervisors, clients Reduced quality, errors in work or poorly executed work Irritability, impatience, conflict Faulty judgement
Intellectual	Intellectual stimulation and development Cognitive wellness: concentration, clarity, problem solving, memory, planning, organization, creativity/flexibility	Respond and formulate arguments Articulate arguments Recall evidence and execute clear questioning Plan effective evidence presentation Formulate creative, effective storytelling
Spiritual	Meaning and purpose	Questioning the meaning of life, purpose Lack of self- satisfaction Pervasive hopelessness Loss of feelings of guidance, security and anchoring from spirituality leading to questioning meaning of work, purpose of work. Why even bother?
Physical	Physical health-diet, exercise, nutrition, sleep Moderation and mindful use of substances	Symptoms of sweating, rapid heartbeat, breathing difficulty, aches, pains, dizziness, compromised immune system Tardiness, absence Energized toward work Commanding court presence Smooth, strong voice for arguments Stamina for long, demanding work days
Social	Feeling support and connection Offering support and connection	Feeling withdrawn, isolated, intolerant, lonely, distrustful, over-protective Projecting anger or blame Conflict with loved ones, clients, witnesses, colleagues Ability to compassionately listen to others Ability to be supportive in relationships inside/outside of work
Emotional	Emotional regulation Decision making Mental health	Feeling sad, depleted, hypersensitive, overwhelmed, powerless, guilty, numb Emotional regulation to respond effectively to: -emotionally charged interviews, evidence, testimony or argument

⁴⁴ 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers include substance use or depression, and often both. Marjorie A. Silver, [Substance Abuse, Stress, Mental Health and The Legal Profession](#), New York State Lawyers Assistance (2004).

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		-demands of rapidly changing schedule and heavy workload -remain energized to complete tasks -offer support to colleagues, clients and community
--	--	--

Resources:

Public Defender Well Being as Competence and Access to Justice, [Video of presentation](#) by Jenny Andrews, Spring 2021 (28 min)

Public Defender Well Being as Competence and Access to Justice, [Video of presentation](#) by Jenny Andrews, Spring 2020 (50 min)

Marjorie A. Silver, [Substance Abuse, Stress, Mental Health and The Legal Profession](#), New York State Lawyers Assistance (2004).

The [Path to Lawyer Well-Being: Practical Recommendations for Positive Change](#), from the National Task Force on Lawyer Well-Being of the American Bar Association, August 14, 2017 [hereinafter “2017 ABA Lawyer Well-Being Report of Recommendations”].

[The National Wellness Institute](#) “ The National Wellness Institute promotes Six Dimensions of Wellness: emotional, occupational, physical, social, intellectual, and spiritual. Addressing all six dimensions of wellness in our lives builds a holistic sense of wellness and fulfillment.”

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Coverage

NAPD Principles of Sustainability

Principle 6: The office normalizes and prepares for workplace absences.

Employees need time off. They may need to address their own health, care for a family member, take a well-earned break from work, or adjust their schedule to accommodate a change in life circumstance.³³ A workload recess leave policy would facilitate unpaid leaves of absence, sick leave or family and medical leave, paid time off (vacation), flexible time off, and flexible work assignments. The policy and procedures will depend on many factors, including office size, budget, and structure, but will ensure all employees are eligible to request a recess and that the office has a clear procedure for assigning coverage to ensure no interruption of legal services for clients and no unnecessary strain on other staff.

Taking vacations is one of the single best predictors of overall well-being. “In their study of 6,000 practicing lawyers, law professor Larry Krieger and psychology professor Kennon Sheldon found that the number of vacation days taken was a significant predictor of lawyer wellbeing--and was stronger even than income level in predicting well-being.”⁴⁵

The expansion of work into a 24/7 expectation of availability is not good for us. [Research at Lehigh](#), on the personal impact of 24/7 availability expectations, found that email communications and expectation of response contributes to emotional exhaustion, poor work-life balance, anxiety and a strain on personal relationships. Even employees who didn’t respond to off-hours emails were negatively impacted by receiving them. These researches suggest setting clear expectations of when employees are expected to monitor communications and limit use of electronic communications outside those windows.

In [24/6: The Power of Unplugging One Day a Week](#), Tiffany Shlain reminds us of the important ways that religious traditions, secular organizations, and labor groups have fought for non-work time. The very makers of the devices that monetize our attention with dopamine-fueled screen dependence limit or prohibit those habits within their own families. She jokes of rewriting the beginning of Allen Ginsberg’s “Howl” as: “I saw the best minds of our generation distracted by texting, tweeting, emailing.” She is unquestionably right in advising us that down time is “a force field of protection that gives us strength, resilience, perspective and energy.”

Many public defenders don’t take vacations, and we need to take them. Taking time off, so that we can build our own strength and resilience, is client centered. We need to overcome our own hero complexes and work addiction, plan stridently to protect our time away, advocate for office culture and practices to support time off, and happily cover for our colleagues by offering high quality and compassionate representation to the people we represent to cover the absence of others. As discussed below, taking vacation requires office support and adequate coverage systems. In the unfortunate (and too common)

⁴⁵ 2018 [ABA Well-Being Toolkit](#) at p. 12.

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absence of effective coverage systems, we still need to plan time away and likely need to improvise our own coverage systems with colleagues.

Taking a restful vacation (or other time away) requires adequate coverage. It is extraordinarily, unreasonably and unnecessary stressful to worry that clients are standing alone in court with no one standing next to them, or to return to angry and frustrated clients who had motions dropped or cases continued unexpectedly with no explanation.

Adequate coverage has the following components:

- The person who will be absent is expected to leave sufficient notes/memo/coverage information for another person to provide high quality advocacy.
- The person who will be absent is expected to avoid setting cases while away as long as no interest of a client is harmed (but clients are not asked to waive or give up rights for staff vacations; staff are not required to choose between time off and pressuring clients to agree to continue proceedings that are not in their interest to continue).
- There is a clear procedure for the person who will be absent to seek coverage and provide the coverage instructions, and a person assigned to cover tasks and cases, with sufficient time to prepare (ideally this is done by a supervisor, and not by going door to door begging for help).
- The person covering the cases is expected to provide meaningful advocacy (communicate with the clients, argue motions or resolve cases to the extent possible, not just continue everything).



As an assistant public defender in Wichita, I worked every single weekend for two years straight because my caseload was so out of control.

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Resources:

Be Well Wednesday topic 4/28/21 (recording at mygideon on the NAPD website)

[North Carolina Notice of Leave form](#)

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Creativity, Art, Crafts, and Justice

“There's a direct line between art, imagination, and justice.”

--Ava Duvernay⁴⁶

[Researcher] Conner believes her findings suggest that people should incorporate more creativity into their week—perhaps learn to knit, take up cooking, sing in a group, paint, or play music. She also suggests tapping into creativity at work, by trying to come up with novel solutions to problems or writing creatively. “We can add creativity to the list of ‘actionable things’ people can do to take charge of their well-being,” she says.-- Doing Something Creative Can Boost Your Well-Being, by Jill Suttie. Greater Good Science Center, March 21, 2017.

“Meaning, joy, and beauty are at the heart of safe communities.”⁴⁷

I know a chief public defender who knits non-stop, including in meetings. I know a brilliant appellate defender who makes gorgeous and witty crafts for all occasions. I once texted the other lawyer on a capital case team, from the intermission of the San Francisco Ballet, to say *we need the team to see this production of Frankenstein. It's the most powerful mitigation story I've ever seen.* The point is, creative arts fire different synapses in ways that can be incredibly useful to us.

Examples of creative arts engaging differently with criminal legal system issues:

[Am I a Man](#)

[Why art is a tool for hope](#) Famed for enormous black-and-white portraits that are pasted on surfaces ranging from the Louvre to the US-Mexico border wall, multimedia artist JR continues to tackle ambitious projects. In this powerfully moving talk, he shares how he made a giant mural on the courtyard floor of a maximum-security prison -- with the help of guards and prisoners alike -- and ended up with much more than a compelling image.

[Reginald Dwayne Betts](#): On Art, Poetry, the Particular Fucked Up Parts of Incarceration, and the Multitudes of I — Interview by Amanda Newell

Resources:

⁴⁶ [Video of her saying this](#) and the entire inspiring speech at the 2019 Glamour Women of the Year 11/12/19.

⁴⁷ [Hope and Healing through Art and Design](#), Center for Justice Innovation, Aug. 7, 2024.

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[Doing Something Creative Can Boost Your Well-Being](#), by Jill Suttie. Greater Good Science Center, March 21, 2017.

[Everyday Creativity](#), by Carlin Flora, Psychology Today, June 9, 2016.

[Everyday creativity in daily life](#): An experience-sampling study of “little c” creativity. Silvia, P. J., Beaty, R. E., Nusbaum, E. C., Eddington, K. M., Levin-Aspensson, H., & Kwapil, T. R. (2014). Psychology of Aesthetics, Creativity, and the Arts, 8(2), 183–188. Everyday creativity—creative actions that are common among ordinary people in daily life, such as drawing, making recipes, writing, and any activity done with the purpose of being creative—both fosters and reflects psychological health.



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Debriefing

A debriefing is a meeting that takes place in order to collect information about a particular piece of work or a completed undertaking, to assess the conduct and results of the undertaking, and to meet about any trauma or stress that participants experienced. During a team debrief, team members reflect upon a recent experience, discuss what went well, and identify opportunities for improvement.

A debriefing can be useful after a crisis event or stressful experience, particularly if strong emotions have come up and haven't been addressed.

Be mindful of using debriefing within your own skill set and comfort—many of us trained as lawyers can facilitate a team meeting that includes checking in generally on the well being of the team and efforts to support each other. Many of us would reach out to include someone with specialized expertise to facilitate a debriefing about a crisis such as a colleague's death by suicide.

Situations in which debriefing may be useful:

1. For a team to move toward closure after a lengthy or difficult case experience.
2. To support a person struggling with specific case content (such as person saying they are struggling or triggered" by having young children and being assigned a case involving child injury or death)
3. A person keeps mentioning struggle or "burn out"
4. A team has completed a project (like a planned training program) that would be work re-evaluating before moving to the next project.
5. In small groups at an office retreat.

The goal of the debriefing is to create a space to voice and process the emotion, and possibly to move forward or toward closure.

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Debriefing Worksheet:

Opening a Debrief:

Explain the goal. Encourage people to share as much as they are comfortable sharing, and to listen (not interrupt, fix, counsel, etc., just listen).

Useful Debrief Questions:

Describe the experience.
How was this experience for you?
How do you feel about it now?
What was/is challenging about it?
What was your role? How well do you feel you contributed to the team goal?
Did the outcome or conclusion feel successful?
What did your team have to do or believe to be successful?
What would you do differently next time?
Do you feel you communicated well as a team?
What changes would you make in how you communicated?
How did you ensure everyone knew what was happening?
Did the group have a clear action plan and how did you come up with this?

In what ways has the experience been positive/negative?
What skills have you gained?
What advice would you give others facing a similar challenge?
What did others do that was helpful?
What can we do now that would be helpful?

Closing a Debrief:

Thank people for sharing and supporting each other.

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Diversity, Equity and Inclusion



Diversity, Equity and Inclusion

Diversity, Equity and Inclusion must be a foundational piece of sustaining and supporting well-being for all members of all organizations. The resources below may be useful in beginning or continuing DEI initiatives within your organization.

Resources:

Black Public Defender Association
<http://blackdefender.org/> The Black Public Defender Association aims to improve the quality of defense provided to low-income communities across the United States by creating and maintaining a national network of skilled Black public defenders that identify with and are committed to the populations they serve.

Minority Corporate Counsel Association, 1111 Pennsylvania Avenue NW, Washington, District of Columbia 20004 <https://www.mcca.com/> The Minority Corporate Counsel Association (MCCA) is committed to advancing the hiring, retention and promotion of diverse lawyers in law departments and law firms by providing research, best practices, professional development and training; and through pipeline initiatives.

Shannon Cumberbatch, "[When Your Identity Is Inherently \"Unprofessional\": Navigating Rules of Professional Appearance Rooted in Cisheteronormative Whiteness as Black Women and Gender Non-Conforming Professionals.](#)" *34/2 Journal of Civil Rights and Economic Development*. 81-123.

[Diversity Efforts Fall Short Unless Employees Feel They Belong.](#) Pat Wadors (2016). Harvard Business Review.

[Enabling Lawyer Well-Being Through Diversity & Inclusion.](#) Anne Brafford (2020).

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Efficiency and Time Management

Being able to establish boundaries and take time for rest and rejuvenation requires systems to organize and prioritize work, and to maximize efficiency during your work time. There needs to be an overall system to prioritize and track work, to filter in new cases and tasks, to adjust due dates as tasks are re-triaged, and to locate status updates quickly (for calls from investigators, clients the client family members, etc). There needs to be a workflow with predictable turnaround times, in order to give honest and realistic estimations when asked *how long until you'll get that motion filed?* There needs to be a way to tuck in all the tasks at the end of the day so they don't poke you incessantly at 3 a.m. and keep you awake.

Efficiency Strategies
Communication: Stop checking email, voicemail, etc. more than twice per day. Turn off notifications. Set times with parameters to check communications (10-130 am and 330-4 pm), and filter tasks into priority lists.
InboxZero ⁴⁸ 1.Delete unnecessary emails. 2.Delegate. While organizing your emails, you may find some emails which may need some action, but not from you. 3.Respond. Can the email you've run into be answered in under two minutes? If so, take the time and answer it. The strength of this system is getting away from using your inbox as a disorganized and non-prioritized task list, which constantly interrupts your work and hijacks your priorities list.
Stop Multitasking: Do not be fooled into thinking you can do everything, all at once, all the time. Someone called this multitasking and set us all up for a lot of stress and disappointment. Multitasking doesn't work and isn't good for you.
Separate organizing from working: Have designated times for checking messages and getting organized and designated time for uninterrupted writing and thinking—like with your door closed and your notifications off.
Manage incoming communications: Decide the times you'll check and respond to email, text, etc. Don't let it hijack you day by continually interrupting.

⁴⁸ [Merlin Mann YouTube video](#), 7/23/07.

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Work to your strengths: As much as you can within your assignment, work to your own strengths, such as (my version): using the 7-8 am window for the most challenging thinking/writing/innovating tasks that require fresh clear thinking; using the late afternoon lull for non-tasking administrative tasks, such as updating my case list and task list.

Resources:

[Manage Your Energy, Not Your Time](#), by Tony Schwartz and Catherine McCarthy, HBR, 2007.

[How To Gain Control of Your Free Time](#), by Laura Vanderkam, 2016 TED Talk, 11:46 mins. Vanderkam, a time management expert, offers practical strategies to help find more time for what matters, so we can “build the lives we want in the time we’ve got.” She’s the author of [Off The Clock: Feel Less Busy While Getting More Done](#).

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Ergonomics⁴⁹

Choosing Your Workspace:

- Choose a desk that has enough clearance for your knees, thighs, and feet. Avoid sitting where you cannot slide in under the desk.
- Avoid working on the couch - as comfortable as it may feel, it causes a C shape for your back which hurts your spine. A couch can work for short times if a pillow is placed behind the back to provide lumbar support.
- Position screens at the right angle to windows and away from harsh lighting. Avoid areas with direct sunlight or where lighting is directly behind, above, or in front of you.
- Use your laptop at a desk or table if you can, or place it on a flat smooth surface with a thin pillow underneath if you're using it on your lap. Never place a laptop directly on pillows or other soft materials as it may cause the fan to overheat.
- If you need to raise your chair up to reach the proper arm height, you may need to add a footrest to elevate your knees if your thighs are not parallel to the ground.
- At-home footrest options include empty boxes, garbage cans on their side, old books, storage containers, etc. Get creative!

Laptop/Monitor Set-Up:

- Angle your screens so that you are not bending forward or hunching your shoulders to view them. You are aiming for a neutral neck posture, with your head balanced on top of your spine. Sometimes it can be useful to ask someone else to look at your posture to verify it's correct.
- At home, you can use stacks of books, boxes, etc. to raise your screens up.
- Position your screens about one arm's length away from you. Some users may need to adjust closer or farther depending on their vision, keeping neutral neck posture in mind.

⁴⁹ This very useful list was sent out by our wonderful HR Coordinator at the Santa Barbara Public Defender, Dee Engler, at the beginning of the Covid-19 transition to setting up home offices and expanding working from home.

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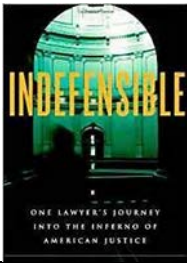
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Adjusting Your Chair:

- Choose a chair with a firm back, arms that can support your elbows when held close to your body, and that can go low enough that your feet can completely touch the floor when your thighs are parallel to the ground.
- If you're using a chair from home, consider adding a pillow or rolled-up towel for back support, to make the seat plusher, or to better support your elbows if your chair arms don't adjust.

Forgiveness



**David Feige's 3 rules for public defense,
from his wonderful book *Indefensible*:**

Trust yourself, pace yourself, forgive yourself.

Given the volume of cases, a public ...defender has to make an almost unfathomable number of snap decisions during the course of the day - take the plea or get a trial date, deal with the DA or go straight to the judge, send a client to the grand jury or just wait for trial. Every one of those decisions has potentially catastrophic consequences for a client, and being an effective decision maker requires a preternatural confidence. That's the first part - trust yourself, trust your instincts. Generally they're good.

Second, remember that no matter how hard you work and no matter how efficient you are, no amount of work will ever be enough. There is an inexhaustible supply of clients, and almost every single one of them will need more than you have to give. There is never going to be enough money, enough time, or enough compassion to do much more than triage. Even when you do focus on someone, their needs are usually so beyond your capacities that no good will come of the effort. Accept this as a condition of your life and work as hard pace yourself as you can for as long as you can every single day, and then when it's finally time to go home, accept that you've done all you can do -.

The problem is that with all that volume, with all those decisions, you will screw up. It's inevitable. Every public defender is going to make mistakes, and those mistakes are going to take a terrible, inexcusable, and unforgivable toll on the lives of the clients you love. It's just going to happen. You will err, and someone will go to jail because of it. Somehow, to survive in the work, you need to find a way to forgive the unforgivable, to accept and acknowledge that you've screwed up, and to recognize the price of that screw up without becoming so paralyzed that you can no longer do the work. As bad as you may think you are, clients need you - they are desperate for decent lawyers. Don't be your own worst enemy. Forgive yourself- or you'll burn out in two years

Some useful steps toward self-forgiveness:

1. Distinguish between moral failings and simple unskillfulness. Look at the circumstances of the behavior you regret as possible unskilled, and perhaps see a path to forgiving things that would be done differently with more skill. ⁵⁰

⁵⁰ [How to Let Go of an Old Regret](#), by Christine Carter. Greater Good Magazine. Sept. 20, 2018.

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2. Take accountability for mistakes and pain we've caused others, let go of judgments and justifications, and practice skills to do better in the future.⁵¹

Class:

[Cultivating Forgiveness: Letting Go to Find Inner Freedom](#) online course from Mindful.org (for fee)

Articles:

[How to Forgive Yourself](#)

[The Healthy Way to Forgive Yourself](#), By Juliana Breines, GGSC

⁵¹ [How to Let Go of an Old Regret](#), by Christine Carter. Greater Good Magazine. Sept. 20, 2018.






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Goal Setting

Setting Goals to Sustain Well Being in Public Defense
Create a cycle: self-assessment→goal setting→ self-assessment→ goal setting.
Repetition over time makes habit.

DEFINING LAWYER WELL-BEING A CONTINUOUS PROCESS IN WHICH LAWYERS STRIVE FOR THRIVING IN EACH DIMENSION OF THEIR LIVES:					
					
EMOTIONAL	INTELLECTUAL	OCCUPATIONAL	PHYSICAL	SPIRITUAL	SOCIAL
Value emotions. Develop ability to identify and manage our emotions to support mental health, achieve goals, & inform decisions. Seek help for mental health when needed.	Engage in continuous learning. Pursue creative or intellectually challenging activities that foster ongoing development. Monitor cognitive wellness.	Cultivate personal satisfaction, growth, and enrichment in work. Strive to maintain financial stability.	Strive for regular activity, good diet & nutrition, enough sleep, & recovery. Limit addictive substances. Seek help for physical health when needed.	Develop a sense of meaningfulness and purpose in all aspects of life.	Develop connections, a sense of belonging, and a reliable support network. Contribute to our groups and communities.

The ABA Well Being dimensions are helpful for identifying relevant objectives.

SMART Goals
Specific: make the action specific and narrowly defined. Measurable: what evidence of progress will be collected? Attainable: goal can be accomplished in the defined timeframe. Relevant: aligns with identified objective/value/mission. Timely: has a defined and realistic start date, frequency, and end date.
Refine goal, recheck S-M-A-R-T, anticipate obstacles, make preparation, build in accountability, start, end, re-assess. Start again.
Examples of PD Well being SMART goals:

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-For social wellness, I will call 2 people each week, for 4 weeks. I've made a list of 8 people with whom I've fallen out of touch and would like to be in touch. I've put a weekly reminder in my calendar and will log completion each week.

-For physical wellness, I will add a 20 minute daily walk with my dog. I'll walk every morning for 30 days, with my partner, who will hold me accountable.

-For occupational wellness and financial stability, I will complete a checklist of ten steps toward budgeting and financial control. I've scheduled a weekly time and put it on my calendar for the next 6 weeks. I've created a folder to track each weekly assignment and completion of the step.

For emotional and mental health, I will keep a "daily wins" list for 30 days, adding at least one positive accomplishment at work each day. I've created the document and a daily reminder, and printed out a hard copy to also keep in my calendar to add on the fly.

[The Management Center](#) offers the terrific [SMARTIE goal](#) setting framework (and lots of tools to implement it) that stands for: Strategic, Measurable, Ambitious, Realistic, Time-bound, Inclusive, and Equitable, with the purpose that "incorporating an equity and inclusion component to your SMART goals, you can make sure your organization's commitment to racial equity and inclusion is anchored by tangible and actionable steps."

Goal setting and tracking apps:

[Goals on Track](#) generate and track SMART goals.

[Strides](#)

[Way of Life](#)

Resources:

[From SMART to SMARTIE: How to Embed Inclusion and Equity in Your Goals](#), The Management Center

Teresa Amabile (2012). [Track Your Small Wins to Motivate Big Accomplishments](#). TEDx Talk, 21:09 mins. Amabile shares key insights from her research about staying motivated at work, including the importance of measuring progress, documenting challenges, and taking time to reflect. Amabile is the author of the book [The Progress Principle](#) and Harvard Business Review article [The Power of Small Wins](#). Her website offers a helpful checklist: [Progress Principle Daily Progress Checklist](#).

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Setting a SMART Well-Being Goal Step-by-Step Worksheet

1. Review and Reflect on the six well-being dimensions on the chart below. Brainstorm what is going well, that you want to invest energy into continuing. Identify areas where you may want to make a shift. Perhaps take a self-assessment to assist in this process. Take some time to review and select one aspect of one dimension, on which to focus your goal.
Well-Being Dimension: _____ Specific Goal: _____
(Example: Well-Being Dimension: *Occupational Wellness*. Specific Goal: *Financial Stability, debt reduction*)
2. Translate intentions into specific actions and behaviors. What specific actions bring you closer to the goal? _____
(Ex: *To sleep better, I will develop a wind-down routine and maintain a firm bed time*).
3. Set a frequency of action. Focus on repetition to build a habit or break down progress into manageable pieces that can be reasonably accomplished in your current life.
_____ action will be done _____ times per _____ (day/week/month)
for _____ length of time. (good increments: 21 days, 1 month, 6 weeks)
(ex: *I will stop doomscrolling by 10 pm, do a 5 minute Calm mindfulness practice for sleep at 10 pm, read a little, and have the lights out by 1030. I will do this every night for 4 weeks.*)
4. How will the goal be tracked and measured? In your calendar? On an app? _____
(ex: *I've entered this goal in the [Goals on Track](#) and will track progress nightly*)
5. Set a start date: _____ And a completion date: _____
Set a start date within a week, and not contingent on something else happening that's outside your control or not certain to happen.
6. What do you need to do/prepare to be ready to start: _____
7. How can you build in accountability? Perhaps tell someone your goal, partner with an accountability partner or group. _____
8. What obstacles do you anticipate? How will you overcome them: _____
9. Write out your complete SMART goal: _____

10. Is your goal Specific? Measurable? Attainable? Relevant? and Timely? Refine as needed.
11. After completion date: What went well? What do you want to continue, changed, end, adjust?
12. Reflect, review, repeat.

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Well Being Goal in Public Defense			
ABA Wellness Dimension	What's going well? What would you like to shift?	Obstacles, barriers, and strategies to navigate them.	Specific action/ behavior to advance the goal.
Occupational Wellness Cultivating personal satisfaction, growth, and enrichment at work. Financial stability			
Emotional Wellness Maintain the ability to identify and manage emotions to support mental health, achieve goals, and inform decision making. Seek help for mental health when needed.			
Physical Wellness Strive for regular physical activity, healthy nutrition, and sufficient sleep. Maintain preventative health care and seek help for physical health when needed. Mindful use of alcohol and addictive substances.			
Intellectual Wellness Engage in continuous learning and creative or intellectually challenging activities that foster ongoing development. Maintain cognitive wellness and strength of concentration, clarity, problem solving, memory, planning, organization, creativity and flexibility.			
Spiritual Wellness Develop a sense of meaningfulness and purpose in all aspects of life.			
Social Wellness Develop a sense of connection, belonging, and a well-developed support network. Contributing to groups and communities. Offer and receiving support, trust and connection.			

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Gratitude and Positive Psychology

Gratitude practice benefits
Increased sleep, happiness, productivity, generosity Decreased anxiety Connection to purpose Creates trust, connection, community Better ability to advocate for yourself Recognize and value your own skills in transitioning within your career

Seligman's Gratitude Exercises
Write down a story about a time when you were at your best. Re-read it every day for a week, and each time ask yourself: "What personal strengths did I display when I was at my best?" Did you show a lot of creativity? Good judgement? Were you kind to other people? Loyal? Brave? Passionate? Forgiving? Honest? The next step is to contemplate how to use these strengths to your advantage, intentionally organizing and structuring your life around them.
Set aside 10 minutes before you go to bed each night to write down three things that went really well that day. Next to each event answer the question, "Why did this good thing happen?" Instead of focusing on life's lows, the exercise turns your attention to the good things in life, so it changes what you attend to.
The next time someone you care about shares good news, give an active constructive response. Instead of saying something passive like, "Oh, that's nice," express genuine excitement and prolong the discussion by encouraging them to tell others or suggest a celebratory activity.
<i>Dr. Seligman (Psychology professor at UPenn), suggests these gratitude exercises based on research, from "Get Happy: Four Well-Being Workouts," NY Times, April 5, 2017.</i>

Practice Apps:

[Gratitude](#): a personal journal app where you can write about things that you are grateful for.

[Live Happy](#): Bringing you scientifically proven tips and ideas to live a happier and more meaningful life through interviews with positive psychology and well-being thought leaders.

[365 Gratitude](#) game style daily challenges.

Practice Resources:

[Science of Happiness](#) online course (free):

Research:

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[Greater Good Science Center](#) at UC Berkeley

Articles:

Robert Emmons, [Five Myths about Gratitude](#)

Robert Emmons, [How Gratitude Can Help You Through Hard Times](#)

Robert Emmons, [Three Surprising Ways That Gratitude Works at Work](#)

Sheldon, K. M., & Lyubomirsky, S. (2006). [How to increase and sustain positive emotion: The effects of expressing gratitude and visualizing best possible selves](#). The Journal of Positive Psychology, 1, 73-82.

[Your brain on gratitude: How a neuroscientist used his research to heal from grief](#), By Liz Tung, WHYY, Nov. 21, 2019.

Books:

[Flourish: A Visionary New Understanding of Happiness and Well-being](#), by Martin P. Seligman

[Gratitude WORKS! A 21-Day Program for Creating Emotional Prosperity](#), By Robert Emmons

[Thanks!: How Practicing Gratitude Can Make You Happier](#), Robert Emmons, 2008

TED talks and other video resources:

[An Experiment in Gratitude](#) The Science of Happiness: What makes you happy? Have you ever wondered why? Join us as we take an experimental approach on what makes people happier. July 11, 2013. (7 min)

The Emotional Life: In Search of Ourselves and Happiness. PBS 2010. Available on [DVD](#) and via [Amazon Prime Video](#), 3 episodes, 1 hr, 53 mins each. The series is hosted by Dr. Daniel Gilbert, Harvard psychologist and author, and covers three themes: (1) improving social relationships, (2) resolving negative feelings (depression, anxiety, etc.), and (3) searching for greater happiness. It's aimed at giving viewers a deeper sense of what makes us tick and insights into how to use that information to improve their own emotional and social well-being.

[Gratitude Is Good For You](#) from John Templeton Foundation, Nov. 18, 2015. Catalog of benefits of gratitude. (2 min video)

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[Gratitude and Well-Being at Work](#)-set of videos from Greater Good Science Center

[Gratitude Works!](#)The Science and Practice of Saying Thanks. Robert Emmons (Professor of Psychology, UC Davis) explains how gratitude can heal, energize, and change human lives, with reference to recent empirical psychological research. Delivered at Biola University on March 6, 2014. (60 min)

[365 grateful project](#), Hailey Bartholomew, TEDxQUT. Hailey Bartholomew found the secret to happiness. After struggling to enjoy and appreciate all of the great things in her life she set out on a year long photography project to find gratitude everyday (12 min)

[Nature. Beauty. Gratitude.](#) Louie Schwartzberg TedxSF. Nature's beauty can be easily missed — but not through Louie Schwartzberg's lens. His stunning time-lapse photography, accompanied by powerful words from Benedictine monk Brother David Steindl-Rast, serves as a meditation on being grateful for every day. (10 min)

Project Happiness (2011). [Amazon Prime](#). 1hr. Award-winning documentary that includes interviews of George Lucas, Richard Gere, neuroscientist Richard Davidson, and the Dalai Lama on the nature of lasting happiness.

Happy (2012). Available on [DVD](#) and via [Amazon Prime Video](#), 1h 15mins. Combining real life stories from around the world and interviews with leading scientists in happiness research, *Happy* explores the secrets behind lasting happiness.

[The happy secret to better work](#), Shawn Achor, TEDxBloomington. Theme: happiness inspires productivity. (12 min)

[The Science of Gratitude](#), 10/6/16. Research shows that an “attitude of gratitude” can measurably improve your overall well-being. (2 min)

[The Gratitude Experiment](#), from WellCast. 9/26/12. Summary of research findings. (4:43 min)

Anne Brafford (2020). [Resilient Thinking for Lawyers Part II: Boosting Positive Emotions](#), Lawyer Well-Being Channel, 1hr. Guided by a downloadable [Worksheet](#), Anne explains 8 science-backed activities for boosting positive emotions: (1) Prioritize Positivity, (2) Notice & Savor Positive Emotions, (3) Grow Your Gratitude, (4) Do Acts of Kindness, (5) Identify & Use Your Strengths, (6) Pick & Practice Positive Emotions, (7) Align Your Life With Your Goals & Values, and (8) Mindfulness & Meditation.

Elina Teboul (2020). [Tips for Boosting Optimism for Health & Happiness](#), Lawyer Well-Being Channel, 10:40 mins.

[Want to be happy? Be grateful](#), David Steindl-Rast (15 min)

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Gratitude Journal

Commit to filling this out each day for seven days, preferably at the same time each day. Write down in detail exactly what happened. Consider including how it made you feel at the time.

Day 1	
I am grateful for: 1. 2. 3.	Amazing things that happened today: 1. 2. 3.
Day 2	
I am grateful for: 1. 2. 3.	Amazing things that happened today: 1. 2. 3.
Day 3	
I am grateful for: 1. 2. 3.	Amazing things that happened today: 1. 2. 3.
Day 4	
I am grateful for: 1. 2. 3.	Amazing things that happened today: 1. 2. 3.
Day 5	
I am grateful for: 1. 2. 3.	Amazing things that happened today: 1. 2. 3.
Day 6	
I am grateful for: 1. 2. 3.	Amazing things that happened today: 1. 2. 3.
Day 7	
I am grateful for: 1. 2. 3.	Amazing things that happened today: 1. 2. 3.

Complete at the end of the week: How did it feel to do this for a week? Did you notice any changes in your ease of completing the list? Did you notice any changes at other times?

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Public Defender Gratitude Bingo

Explore: Take a class or try something new that you haven't tried before	Build Community: Reach out to a colleague for a hike or coffee walk.	Get Outside: Take a mindful walk in nature	Commit: Set a new daily goal for your well-being—something attainable like a 5 minute walk.	Be Grateful: Make a list of 5 things you're grateful for. Tape it up where you can see it!
Breathe: Take 5 minutes to focus on relaxed, calm breathing. Close your eyes and enjoy.	Support. Reach out to a colleague with less experience to offer support and encouragement.	Weekend Warrior: Take a new class on the weekend	Rest: Intentionally take a rest day, whatever that looks like for you	Get Curious: Ask a friend or colleague about something they do which you admire and/or aspire to do.
Celebrate! Share warm wishes or express appreciation for a colleague.	Love Yourself: Write down 5 things you love about yourself. Tape it up where you can see it!	FREE SPACE: Because you're amazing!	Strengthen! Challenge yourself with a hike or workout that pushes you.	Spread appreciation. Write a thank you note to a colleague or client or family member.
Detox Day: Eat healthy! Load up on fruits & veggies, & avoid processed food for a day.	Slow Down: Take a Yin or Restorative Yoga class, or a relaxing walk.	Connect to nature! Take a walk and take 3 photos of beauty you see.	Let go: Write down 5 things that no longer serve you. Take a deep breath. Throw the paper away.	Unplug: Go offline completely for a day.
Share: Use a silly photo of your pet as a zoom virtual background to lights up a meeting.	Re-Kindle: Call, text, or email a friend you haven't connected with in the last 6 months.	News Vacation: Take a break from the news for one entire day.	Get Social: Introduce yourself to someone new.	Meditate: Try a meditation practice.

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Grief

At a wonderful BWW in summer 2024, Elizabeth Keeney shared the work of Francis Weller as a framework for grief, ways it comes up in public defense, and her powerful work creating grief circles for public defenders.

Here are the resources she referenced:

[The Geography of Sorrow](#) (article on Francis Weller in Sun Magazine)

[Books by Francis Weller](#)

Here are some additional resources:

[Francis Weller on Grief \(2013\)](#) (YouTube video, 13:50 min)

[Five Gates of Grief summary from Pacific Healing Circles](#)

[Synopsis of Gates of Grief](#)

At an earlier BWW, Marisa Beckley shared a discussion of how to weather the 'unresolved' losses we experience in public defense, such as:

- when a client falls out of touch
- transferring off a case
- losses in trial, mediation, negotiation
- challenges to our values

Marisa revered this [Clinical Law Review](#) article on grief in legal practice.

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Group Agreements

Group agreements can be useful for in person or virtual group facilitation.

Here are some sample group agreements:

Respect confidentiality. Don't share what others share to the group in spaces outside the group.

Respect your own boundaries. Share as much or as little as you prefer and be guided by your own preference, not any perceived need to "match" any content or depth shared by others.

Show up how you are. Some days are tough days, it's ok to share that you are sad or frustrated or quiet or struggling. It's ok to be sharing your space with children or critters, or in your workout clothes, or eating your lunch. The goal is to show up for each other and create a safe, comfortable and supportive space.

Step forward, step back. Some people are fast processors and/or think out loud and/or respond quickly. Others listen longer before sharing. Please be mindful of this and support the goal of including all voices, and the goal of deep listening.

Minimize Distractions. As much as possible, close other work and silence cell phones. Our time together is valuable. Be fully present, attentive and actively participate.

Be curious and open to learning. Ask questions, be ready to receive new insights and innovative thinking.

Extend grace. Sometimes we all fumble or misspeak or get nervous. Extend grace.

Focus on impact, not intent. If someone says something that feels harmful, it may be helpful to identify the statement and its impact. It may be unhelpful to focus on intent.

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Imposter Syndrome

Imposter syndrome describes feelings of severe inadequacy and self-doubt that can leave people fearing that they will be exposed as a “fraud”, usually in their work lives. It can affect anyone, regardless of their success. It is “a close relative” of general anxiety disorder.
Associations <ul style="list-style-type: none">-High achieving generally in society-Having a “gifted” sibling-Being labeled as gifted or high achieving
Impostor syndrome can be impacted by race , says Dr. Harden Bradford. “Black students who are taught from very young ages that they need to work twice as hard to be successful, often struggle with imposter syndrome, primarily due to the narrative crafted by others that they don’t belong or are taking spots from more 'qualified' students.” ⁵²
Triggers: <ul style="list-style-type: none">-New opportunities-Transitions
Types of Imposter syndrome ⁵³ <ul style="list-style-type: none">The expert: must research EVERYTHING to be readyThe perfectionistThe natural genius: expects to master everything quicklyThe soloist: works alone, asking for help exposes didn’t know somethingThe superhero: workaholic
70% of people have at least 1 episode of imposter syndrome <ul style="list-style-type: none">Believe inadequate despite evidence of skill and successChronic self-doubt, doubt accomplishments, attribute to “luck”Fear being exposed as a fraudAssociated with anxietyFear of failure causes self-sabotage
Strategies for Imposter Syndrome <ul style="list-style-type: none">Awareness: learn about itTalk about itChallenge negative thinking patterns

⁵² [Imposter Syndrome Comes In 5 Different Forms](#), by Kasandra Brabaw, Women’s Health, Apr 2, 2019.

⁵³ [Imposter Syndrome Comes In 5 Different Forms](#), by Kasandra Brabaw, Women’s Health, Apr 2, 2019.

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Accept that perfectionism is impossible
Document accomplishments-with assessments, feedback from friends or mentors.
Celebrate successes
Gratitude practice, affirmations, give and accept praise

Resources:

[7 Coping Strategies to Overcome Impostor Syndrome](#), by Hari Ali, Huffington Post, 02/01/2017.

[Imposter Syndrome Comes In 5 Different Forms](#), by Kasandra Brabaw, Women's Health, Apr 2, 2019.

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Journaling

Journaling is any regular practice of recording occurrences, experiences or observations.

“Journaling requires the application of the analytical, rational left side of the brain; while your left hemisphere is occupied, your right hemisphere (the creative, touchy-feely side) is given the freedom to wander and play (Grothaus, 2015)! Allowing your creativity to flourish and expand can be cathartic and make a big difference in your daily well-being.”

--Courtney Ackerman, MSc, [83 Benefits of Journaling for Depression, Anxiety, and Stressed](#)

Benefits of regular journaling
-boosts mood and affect -enhances sense of well-being -improves working memory

Writing a journal can contribute to better mental health on many levels ⁵⁴
<ul style="list-style-type: none">•It's a way of getting to know and understand yourself better which can put you in a stronger position to manage your mental health and wellbeing•Expressive writing can be an effective tool for clarifying your thoughts, feelings and emotions and making sense of what think and feel•Writing about painful and complex feelings and emotions can effectively decrease the intensity of some emotions and allow you to be more present and mindful•Writing in a journal about difficult relationships and conversations can help you gain different perspectives and points of view, which can help in resolving certain issues and misunderstandings•Writing therapeutically and creatively can provide greater access to the right brain and creative thinking channels that generate solutions to your everyday problems and challenges

Practice Apps:

[Day one](#)

[Chronicle](#) - A Personal Journal / Writing Diary

[Grid Diary](#)-system of prompts and questions in grid format

[Momento](#)- compiles social media posts into journal entries

Prompts:

⁵⁴ [How Creativity Boosts Your Mental Health and Wellbeing](#), by Jackee Holder, Feb. 18, 2016.

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[32 Journal Prompts](#) for Self-Reflection and Self-Care

[50 Visual Journal Prompts](#) to Promote Drawing and Creative Thinking Skills

[50 Therapeutic Journal Prompts for Mental Health](#)

[The Isolation Journals](#): free daily prompt from Suleika Jaouad

Research:

Courtney Ackerman, MSc, [83 Benefits of Journaling for Depression, Anxiety, and Stress](#)

TED talks and other video resources:

[Writing Our Way Out of Trouble](#): Sue Reynolds at TEDxStouffville

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Leading for Well-Being

One component of effective public defense leadership is leading with the intention to support well-being. Seek out training and information to understand how leadership impacts well-being and how well-being impacts effectiveness and access to justice for the people we represent.

Seek out training in leadership generally, and specifically for leading public defenders.

“High quality leadership is vital to the health of an organization. A good leader works with her team to create a vision of possibility for an organization that will inspire the organization to change how it views its future. She empowers her followers to implement the vision. She creates an environment where people can thrive. She recognizes the importance of growth and constant learning. She understands complexity and the need to adapt to changing circumstances. She is doggedly persistent and committed to the higher value represented by the vision. She is self-aware and uses critical thinking to avoid cognitive bias and other mind traps. She is emotionally intelligent in how she deals with her friends and those with whom she is in conflict. She has high ethical principles and models them with integrity and courage. Without high quality leadership, an organization will stagnate or worse in a rapidly changing world.”—Ernie Lewis, NAPD Executive Director who developed its Executive Leadership Institute program.

ABA Well Being Task Force Recommendations
24. Establish Organizational Infrastructure to Promote Well-Being. 24.1 Form a Lawyer Well-Being Committee. 24.2 Assess Lawyers’ Well-Being.
25. Establish Policies and Practices to Support Well-Being. 25.1 Monitor for Signs of Work Addiction and Poor Self-Care 25.2 Actively Combat Social Isolation and Encourage Interconnectivity.
26. Provide Training and Education on Well-Being, Including During Orientation. 26.1 Emphasize a Service-Centered Mission. 26.2 Create Standards, Align Incentives, and Give Feedback

Resources

[NAPD](#) mygideon page dedicated to PD office leadership

[NAPD](#) Executive Leadership Institute training programs

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Questions to Ask Yourself About Your Leadership:⁵⁵

- ☐ What is your organizational and/or personal commitment to well-being? (this is ABA language)?
- ☐ How do you model sustaining well-being?
- ☐ Are there barriers in your organization to incorporating well-being practices?
- ☐ What shifts have you recognized in your office?
- ☐ How do you support your teams when they are suffering?
- ☐ What is your relationship with self-care?

⁵⁵ Many of these questions are taken from a 2020 presentation by [Lori James-Townes](#), who is a wonderful presenter on leadership.

Media Campaigns

We can utilize our unique position within court systems to amplify the voices of impacted communities. We often have access to journalists and politicians who can amplify voices. The media and movement building training of [Zealous](#) is leading in this area. Instead of saying “no comment” in all situations, and watching others fill the media with narratives of the need to be tough on crime by caging people of color, we are learning when and how to use advocacy outside the courtroom to raise awareness of injustice, disrupt the status quo and propel policy.⁵⁶

Examples of Media Campaigns:

Examples of media on the history of public defense:

[Gideon v. Wainwright Was a Landmark Decision, But Women Invented the Idea of the Public Defender](#). In this op-ed, a former public defender recognizes the crucial role women played in creating the role of the public defender. BY EMILY GALVIN ALMANZA, MARCH 17, 2023. *Most people think public defense was invented by 9 men on the Supreme Court 60 years ago. They're wrong. Public defense was invented by women 130 years ago.*

['Right to an attorney' only goes so far](#). Our war on crime leaves injustice in its wake. Americans' right to legal counsel protects all of us against the government's power to lock us away, confiscate our possessions and deny us the ability to earn a living. By April Frazier Camara, Lori James-Townes and Lisa Monet Wayne. 3/17/23

[Criminal defendants' right to counsel still shortchanged in much of California](#), By LA TIMES EDITORIAL BOARD, MARCH 17, 2023 5 AM PT

[Opinion: California still fails to uphold defendants' right to counsel](#): Sixty years ago, the U.S. Supreme Court ruled in *Gideon v. Wainwright* that indigent people are entitled to a free lawyer. By BRENDON WOODS and YOEL HAILE. March 15, 2023.

[The State of the Nation on Gideon's 60th Anniversary](#), Posted on March 14, 2023 by David Carroll and Aditi Goel. *Pleading the Sixth: The fear of government unduly taking away one's liberty led the United States Supreme Court to unanimously declare it an "obvious truth" that no indigent person can be assured a fair trial against the "machinery" of law enforcement without a lawyer. "The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries," the Court announced on March 18, 1963 in Gideon v. Wainwright, "but it is in ours." Sixty years later, 6AC reflects on where the nation stands in fulfilling Gideon's promise.*

Examples of media on the value and community of public defense:

⁵⁶ The [Social Media Toolkit](#) For Organizing and Advocacy to End Mass Criminalization and Incarceration also gives useful guidance.

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[This is Defense](#) from Zealous

[NYCDS Celebrates Gideon Day](#), (6 min video) Mar 12, 2023 New York City Public Defenders discuss their work, their clients, and the importance of public defense.

Examples of media campaigns to involve the public in the criminal legal system.

[Courtwatch](#), from Zealous.

Ethical Considerations in Media Campaigns

The [Social Media Toolkit](#) from Justice Exchange and Defender Impact Initiative provides invaluable guidance on effective media advocacy that is also ethical and client centered.

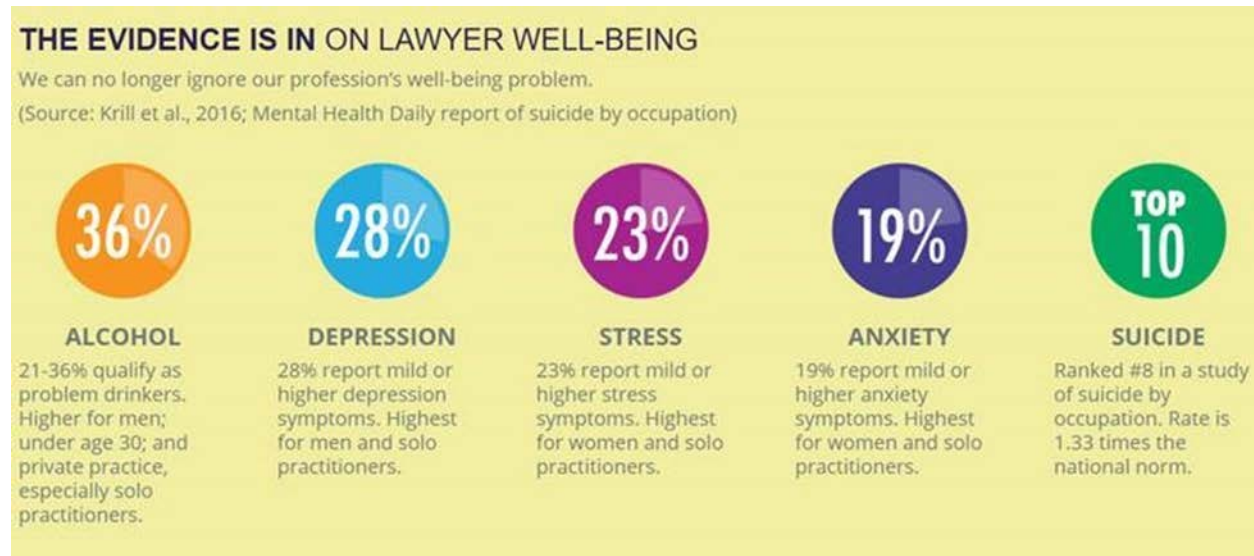
[Anti-racism: When you picture Doctors Without Borders, what do you see?](#) (4 min video) Dec 6, 2022. Dr. Chinonso Emmanuel Okorie and MSF Norway General Director Lindis Hurum explain how MSF is committed to better representation of our diverse global workforce in our comms and fundraising despite a harmful legacy of using “white savior” images.

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Mental Health



Our profession is struggling with mental health, and in need of resources and access to mental health care.

Resources

[The Self Care Agency](#), from Anana Harris Parris

[44 Mental Health Resources for Black People Trying to Survive in This Country](#) Self, 6/2/20

[80 Awesome Mental Health Resources When You Can't Afford a Therapist](#)

[American Bar Association Lawyer Assistance Program](#)

[Black Emotional and Mental Health Collective](#) a training, movement building and grant making organization dedicated to the healing, wellness and liberation of Black and marginalized communities.

[The National Queer and Trans Therapist of Color Network](#) healing justice organization committed to transforming mental health for queer and trans people of color (QTPoC).

[Sista Afya Community Mental Wellness Organization](#) sustaining the mental wellness of Black women through building community, sharing information, and connecting Black women to quality mental wellness services.

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[Tending to Racial Trauma Crisis](#) training, hosted by Inclusive Therapists work shop: Culturally Responsive Care Supporting Asian and Communities of Color. (\$60 + 3 CEUs)

[The Unplug Collective](#): a place where Black and Brown womxn and non-binary folks can share their stories about existing in their bodies without being silenced or censored.

Articles:

[Physical Symptoms of Anxiety Disorder That You Might Not Recognize](#), by Lauren Jarvis-Gibson, Teen Vogue, Dec. 27, 2019.

[Taking Care of Your Mental Health in the Face of Uncertainty](#), by Doreen Marshall, PhD, March 10, 2020.

Diana O'Brien & Jen Fisher (2019). [5 Ways Bosses Can Reduce The Stigma of Mental Health At Work](#). Harvard Business Review.

Kristen Bell De Tienne et al. (2020). [How to Manage an Employee With Depression](#). Harvard Business Review.

Douglas Jacobs (2015). [Employers Should Offer Free Screenings For Depression](#). Harvard Business Review.

Barbara Harvey (2018). [What Companies Can Do To Help Employees Address Mental Health Issues](#). Harvard Business Review.

Apps

[ACT Coach](#), developed by the U.S. Department of Veterans Affairs, teaches users how to tolerate negative thoughts and feelings. The app virtually guides people through awareness exercises and gives tips on how to ditch self-doubt. With an extra focus on mindfulness, this app also provides a log to track your progress.

[Breathe2Relax](#) Sometimes, all we need to de-stress is take a few deep breaths. Created by the National Center for Telehealth and Technology, this app teaches users how to do diaphragmatic breathing (read: breathe down into the low belly).

[The Safe Place](#) - a mental health app geared towards the Black community.

TED talks and other video resources:

[The Anxiety Toolkit: Mindfulness Practices to Reduce Anxiety in Trying Times, Lawyer Well-Being Channel](#), 16 mins. By Jon Krop, 2020. a lawyer and meditation teacher, offers practical

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mindfulness strategies to manage anxiety, which is skyrocketing for many during the COVID crisis.

[Cultivating Wisdom During the COVID Crisis](#): Resilience Strategies to Combat Loneliness, Olivia Ash & Elina Teboul (2020). Lawyer Well-Being Channel, 1 hr.

Depression: Out of The Shadows. PBS Documentary, 2008. Available on [DVD](#), 90 mins. Addresses the stigma and challenges of living with depression.

The Emotional Life: In Search of Ourselves and Happiness. PBS 2010. Available on [DVD](#) and via [Amazon Prime Video](#), 3 episodes, 1 hr, 53 mins each. The series is hosted by Dr. Daniel Gilbert, Harvard psychologist and author, and covers three themes: (1) improving social relationships, (2) resolving negative feelings (depression, anxiety, etc.), and (3) searching for greater happiness. It's aimed at giving viewers a deeper sense of what makes us tick and insights into how to use that information to improve their own emotional and social well-being.

[How to Make Stress Your Friend](#), by Kelly McGonigal (2013) TED Talk, 13:47 mins. Research suggests that stress may only be bad for you if you believe that to be true. Psychologist Kelly McGonigal urges us to see stress as a positive. She's the author of [The Upside of Stress: Why Stress Is Good For You, And How To Get Good At It](#).

[Lonely Advocates: Combating Loneliness in the Legal Profession](#), Olivia Ash (2019). Lawyer Well-Being Channel, 7:14 mins.

[Resilient Thinking For Lawyers Part I: Taming Negative Emotions](#), Anne Brafford, 2020. Lawyer Well-Being Channel, 1 hr 29 mins. Guided by a downloadable [Worksheet](#), Anne gives 6 steps for resilient thinking based on positive psychology, cognitive behavioral therapy, and acceptance and commitment therapy.

[There's No Shame In Taking Care Of Your Mental Health](#), by Sangu Delle (2017). TED Talk, 8:58 mins. TED Fellow Sangu Delle talks about confronting his own deep prejudice that men shouldn't take care of their mental health and learning to handle anxiety in a society that's uncomfortable with emotions.

[Why We Focus on The Negative](#), Greater Good Science Center, 1:55 mins. Esteemed scholar Dr. Roy Baumeister describes the evolutionary reasons why we notice and are more strongly impacted by negative emotions.

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Mentorship

“It is critical that public defender’s office employ mentoring to ensure that the values taught are further developed and reinforced”⁵⁷

Mentoring is an informal transmission of knowledge and personal support that is relevant to work, career, or professional development. Mentoring includes informal communication, usually face-to-face and during a sustained period of time.

There is a dramatic difference between unstructured pairings and a structured program with clear expectation and training. With minimal time to establish a structure and provide mentor training, a program can be dramatically improved. This can also help avoid some of the common pitfalls (ghosting by mentee or mentor, lack of time boundaries for questions/support, lack of substance beyond becoming drinking buddies).

Benefits to Mentee	Benefits to Mentor
Establishes a strong ongoing connection to purpose and goals of PD work Provides confidential resource for guidance Offers a neutral sounding board to challenges Provides support in an emotionally challenging profession.	Continues and reinforces a strong ongoing connection to the purpose and goal of PD work Provides an opportunity to give back Provides an opportunity to share knowledge. Reinforces commitment to principles. Provides an opportunity to grow and learn

Useful Training for Mentors

Principles and values to be supported and advanced through the mentorship program
The role of a mentor within a critical thinking and support driven model, as a coach who assists the mentee in developing confidence and problem solving skills
The importance of confidentiality, and the limited situations when confidentiality can be broken for safety or ethical practice
Communication skills, such as active listening and promote de-escalation techniques, coaching and reflection practices for mentors
Tools for supporting and modeling health work/life balance and well-being in public defense

Useful Structure for a Mentorship Program

⁵⁷ Jonathan Rapping, You Can’t Build on Shaky Ground: Laying the Foundation for Indigent Defense Reform through Values-Based Recruitment, Training, and Mentoring,” 3 Harvard Law and Policy Review 161 (2009), p. 179.

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Defined length, with a scheduled start and end date.

Pairing process to survey and pair mentors with mentees.

Schedule of pair/group activities, especially a few icebreakers and community activities at the beginning and a closing/transition meeting or celebration at the end.

Defined expectations: Frequency of meeting (ex: 1 hour per month), format (phone, zoom, in person).

Suggested activities with supporting resources: mentorship goals, developing a mentorship action plan, developing quarterly discussion topics.

Check-ins and surveys to respond to issues and lapses.

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Session Ideas for Including Well-Being Content in a Structured Mentorship Program

Introduce the topic by sharing some information about why well being is important in defense work, and foundational to competence and access to justice. This could include any of the videos and readings below:

- [Well Being as Competence and Access to Justice](#) (5 min video)
- Is [Working in Public Defense Good for You?](#) (Studies and Reports on Impacts of Defense Work) (5 min video)
- [3 Spheres of Well-Being](#) (12 min video)
- [The Relentless Mental Toll of Public Defense](#), Slate, 1/4/23 (5 min read)
- Additional materials are available at: besustained.org/worksheets.

Mentor Program Activity: Facilitate a group discussion, using the following prompts:

- Why is your well-being a priority for you right now?
- Is it useful to you to think of well-being as part of your duty of competence?
- What was the most surprising thing you learned from these studies? The most useful?
- Has reviewing these studies changed your perspective or given you new insights about working in public defense?
- What is something new that you tried in the last year that was enjoyable and felt like it was rejuvenating to your well-being? What is something new that you look forward to trying?

Engage in self-assessment and goal setting exercises in mentor pairs:

OPTION 1: Increase self-awareness and set a SMART goal:

Preparation in advance for session:

- (1) Go to the <https://nationalwellness.org/tools-download/> and download the Focus Survey Tool (and/or other tools that look interesting).
- (2) Go to besustained.org/worksheets and, from within the A-Z Guide, print the SMART goal worksheet.

Mentor pairs session:

- Watch [Self-awareness, assessment and goals](#) (2:30 min video)
- Have mentor pairs complete and discuss the NWI Focus Survey Tool.
- Watch [Setting SMART goals to Sustain Well-Being](#) (5:30 min video)
- Watch [SMART goal info video](#). (4 min)
- Have mentor pairs complete and discuss the SMART goal worksheet, and set a day a month away to check in on how each person's SMART goal went.

OPTION 2: Do a strength-based assessment of a work experience:

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Preparation in advance for session:

- (1) Go to besustained.org/worksheets and, from within the A-Z Guide, print the Strength Based Growth Assessment.

Activity:

- Have mentor pairs complete and discuss the Strength Based Growth Assessment.

Facilitate a group discussion, using the following prompts:

- What did you learn from the self-assessment process? Might it be useful to do a self-assessment regularly?
- Does it feel useful to do periodic self-assessment, and/or to engage in a cycle of self-assessment and goal setting, to support your own well-being?
- How did it feel to force yourself to recognize strengths and skills you are building (especially if you engage in self-criticism or perfectionism)?

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Microaggressions

Becoming more mindful of microaggressions occurring in the workplace, and how to identify and respond to them, is part of supporting well-being in our organizations.

Resources:

[How microaggressions are like mosquito bites](#), Same Difference, 10/5/16, video (2 min)

[Microaggressions in the Classroom](#), University of Denver.

[WHAT DOES MICROAGGRESSION MEAN TO YOU?](#) Under Our Skin, Seattle Sun Times video series

[WHAT I HEAR WHEN YOU SAY Code Words](#), PBS, video (7 min)

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Mindfulness and Meditation

Think about the Montgomery bus boycott and how people walked for nearly a year, gathering each night at churches to sing and pray, so they could walk the next day. That's mindfulness. Think about the young people who integrated the lunch counters and trained themselves to maintain their composure. They sat at the counters while people poured food and drinks over them and they maintained their equanimity. –Jenee Johnson, in [Encouraging Meaningful Conversations about Race and Trauma](#)

Some definitions of meditation
<ul style="list-style-type: none">- practices to heighten concentration and consciousness-to engage in contemplation or reflection-the process of quieting the mind to spend time in thought for relaxation or spiritual purposes- a practice of concentrated focus upon a sound, object, visualization, the breath, movement, or attention itself in order to increase awareness, reduce stress, promote relaxation, and enhance personal and spiritual growth

Some definitions of mindfulness
<ul style="list-style-type: none">-“the ability to know what’s happening in your head at any given moment without getting carried away by it.”—Dan Harris-act of focusing on being in the present- the quality or state of being conscious or aware of something-a mental state achieved by focusing awareness on the present moment, while calmly acknowledging and accepting feelings, thoughts, and bodily sensations- the practice of maintaining a nonjudgmental state of heightened or complete awareness of one's thoughts, emotions, or experiences on a moment-to-moment basis- basic human ability to be fully present, aware of where we are and what we’re doing, and not overly reactive or overwhelmed by what’s going on around us

Principles and aspirations of mindfulness practice
<ol style="list-style-type: none">1. Being in the present moment, rather than lost in thoughts about past and future.2. Observing your experience with kindness, curiously and without judgement.3. Seeing thinking as it arises and choosing how/whether to respond.4. Using the 5 senses as a gateway to observe and experience the present moment.5. Being open to the present experience or sensation, even if it is unpleasant.

Some benefits of mindfulness practice ⁵⁸

⁵⁸ See list of research centers below and follow links to abundant research on benefits of mindfulness practice.

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Improved Attention Greater Compassion Letting go of unproductive, unhelpful thoughts. Understanding and managing our energy Reduced stress Reduced anxiety Reduced perseveration Reduced reactivity Increased self-regulation, self-knowledge, and self-awareness Reduced “burnout”
--

Mindfulness practice to try
5 senses: Notice (or notice and write down): 5 things you can see 4 things you can feel 3 things you can hear 2 things you can smell 1 think you can taste
5x5x5 Inhale slowly as you count to 5. Exhale slowly as you count to 5. Repeat 5 times.
Simple mindful breathing practice for beginners (from gaia.com) 1.Sit comfortably. 2.Close your eyes. 3.Make no effort to control the breath; simply breathe naturally. 4.Focus your attention on the breath and on how the body moves with each inhalation and exhalation. Notice the movement of your body as you breathe. Observe your chest, shoulders, rib cage, and belly. Simply focus your attention on your breath without controlling its pace or intensity. If your mind wanders, return your focus back to your breath. Maintain this meditation practice for two to three minutes to start, and then try it for longer periods.
Additional Body Scan and other mindfulness exercise at stillmind.com.

Mindfulness and Racial Justice:

For people of color—particularly Black people—the practice of mindfulness becomes a protective factor. When microaggressions come at me, mindfulness offers me protection. I don’t have to be caught up and reactive. I can have self-compassion, and that self-compassion builds my courage. –Jenee Johnson, in [Encouraging Meaningful Conversations about Race and Trauma](#)

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When I talk about mindfulness for Black people, I am looking at it as sankofa—the principle of going back and reclaiming what you left—but it’s also an opportunity for us to stop doing the heavy lifting, to take off the burden and lovingly hand it over to white human beings and say “You have some work to do.” My work is to heal. And your work is to take a look at this stuff that is really hard, and I’ll hold the space and when you get done we can come back and have this conversation. --Jenee Johnson, in [Encouraging Meaningful Conversations about Race and Trauma](#)

Practice Apps:

[Calm](#) online app for sleep and meditation. Subscription with free trial.

[Gaia](#) online app, with yoga, meditation, movies and other content. Subscription with free trial.

[Headspace](#) online guided meditation app. Led by Andy Puddicombe. Includes instruction at different lengths and levels, and themed series (stress, sleep, etc). Subscription with free trial.

[Insight Timer](#) free meditation app, with an enormous selection of practices and styles.

[Liberate](#) a meditation app for the Black, Indigenous, and People of Color community.

[The Safe Place](#) - a mental health app geared towards the Black community.

[Ten Percent Happier](#) guided meditations app, with a variety of teachers. Site from Dan Harris, author of [10% Happier](#) and other books.

Practice Resources:

[Mindful Mondays](#) weekly practice (Mon. 3 pm Eastern) from Mindfulness in Law Society

[Videos from Niroga](#), including Dynamic Mindfulness Practices

Instruction and teaching centers:

Dynamic Mindfulness: this evidence-based and trauma-informed curriculum of Niroga is summarized in a [book](#) and offered in both [live](#)/online and self-paced/[online](#) courses.

[Spirit Rock Meditation Center](#)

Research:

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The [Greater Good Science Center](#) studies the psychology, sociology, and neuroscience of well-being, and teaches skills that foster a thriving, resilient, and compassionate society.

[Mindful Schools](#) includes research on the benefits of mindfulness, including neuroscience, latest scientific studies, and specific benefits for educators and students.

[Niroga](#) includes independent research in educational psychology, neurobiology, social welfare and youth development.

Articles:

[Balancing What is Reactive](#), a brief excerpt at jackkornfield.com, which also includes links to other articles, courses, events and resources.

[Can Mindfulness Help Us Dismantle Inequality?](#) by Barry Boyce, Mindful. May 27, 2020. Rhonda Magee explains how mindfulness practices that transform problematic habits and thought patterns can help us tune in to the subtle ways that society cultivates barriers.

[Encouraging Meaningful Conversations about Race and Trauma](#), an interview with Jenee Johnson, Program Innovation Leader: Mindfulness, Trauma, and Racial Equity at the San Francisco Department of Public Health, about using mindfulness as part of a systemic approach to address trauma, and foster wellness and resilience.

[How to Fight Racism Through Inner Work](#), by Jill Suttie, Greater Good Magazine, Sept. 25, 2019. Rhonda Magee explains how mindfulness-based awareness and compassion is key to racial justice work.

[Trauma Informed Mindfulness: Why Meditation May Not Be Helpful](#), by Molly Rae Benoit-Leach MSW RSW RYT, Yogapedia, July 3, 2019

[Why Every Lawyer Should Be Practicing Mindfulness](#), by Jeena Cho (Above the Law, 2015)

[Why Every Lawyer Should Be Practicing Mindfulness](#), Part 2, by Jeena Cho (Above the Law, 2015)

Books:

[10% Happier](#), by Dan Harris. After having a nationally televised panic attack, Dan Harris knew he had to make some changes. A lifelong nonbeliever, he found himself on a bizarre adventure involving a disgraced pastor, a mysterious self-help guru, and a gaggle of brain scientists. 10% Happier takes readers on a ride from the outer reaches of neuroscience to the inner sanctum of network news to the bizarre

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fringes of America's spiritual scene, and leaves them with a takeaway that could actually change their lives.

[The Anxious Lawyer](#): An 8-Week Guide to a Happier, Saner Law Practice Using Meditation, by Jeena Cho & Karen Gifford

[Comfortable with Uncertainty](#), by Pema Chodron. This book offers short, stand-alone readings designed to help us cultivate compassion and awareness amid the challenges of daily living.

[From Suffering to Peace](#), The True Promise of Mindfulness, by Mark Coleman.

[How to Meditate](#), by Pema Chodron. See the extensive library of other wonderful books from Pema Chodron [here](#).

[The Inner Work of Racial Justice](#): Healing Ourselves and Transforming Our Communities Through Mindfulness, by Rhonda V. Magee

[Radical Acceptance](#), by Tara Brach. Four-step meditation practice (Recognize, Allow, Investigate, Nurture) for feelings of overwhelm, loss, self-aversion, painful relationships, and past trauma, to discover love, forgiveness, compassion, and deep wisdom.

TED talks and other video resources:

[Why Mindfulness is a Superpower](#), Dan Harris narration from Happify (3 min video).

[All it takes is 10 mindful minutes](#), TED talk by Andy Puddicombe

[Andy Puddicombe Guides Jimmy Through a Two-Minute Headspace Meditation](#)

[Mindful Music Moments](#): News profile about music-based mindfulness program (4 min)

[Mindful Music Moments presents Heroes](#) (3 min video, you can practice with)

[Videos from Niroga](#), video library that includes Dynamic Mindfulness Practices

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Moral Injury

The language of moral injury provides a useful way of conceptualizing the toll of public defense work. It recognizes that we are highly resilient people, and that we entered this work with the goal of providing high quality representation, but we face systemic obstacles to providing the level of representation that we want to provide and believe people are entitled to receive. This forced ineffectiveness takes an enormous toll on us, and can be internalized as feelings of personal failure.

The lens of moral injury stops placing responsibility for solutions on the individual resilience (*do yoga! be more mindful!*) and recognizes that systemic obstacles are the causes of much of the injury that we are experiencing. While we need to maintain our own health, and can mitigate some traumatic impacts with self-care practices, systemic solutions are needed to address systemic causes.

Surgeon Simon Talbot and psychiatrist Wendy Dean wrote their first article on the application of the term moral injury to physicians in 2018.⁵⁹ Talbot and Dean argued that “without understanding the critical difference between burnout and moral injury, the wounds will never heal and physicians and patients alike will continue to suffer the consequences.” They asserted that the concept of burnout “suggests a failure of resourcefulness and resilience, traits that most physicians have finely honed during decades of intense training and demanding work.” They wrote, “The moral injury of health care is not the offense of killing another human in the context of war. It is being unable to provide high-quality care and healing in the context of health care.”

The term moral injury was first used to describe soldiers’ responses to their actions in war. Doctor and clinical psychiatrist Jonathan Shay describes moral injury as perpetrating, failing to prevent, bearing witness to, or learning about acts that transgress deeply held moral beliefs and expectations.⁶⁰ Journalist Diane Silver describes it as “a deep soul wound that pierces a person’s identity, sense of morality, and relationship to society.”⁶¹

Shay’s definition of moral injury is: (1) A betrayal of what’s right (2) by someone who holds legitimate authority (or by one’s self) (3) in a high stakes situation.⁶²

Public defense is filled with betrayals of what is right by people with authority in high stakes situations. **Deep soul wound** is a perfect description of the impact of a criminal punishment bureaucracy that processes people—disproportionately people of color-- into cages. Deep soul wounds result from a system in which women are handcuffed to metal beds during childbirth in custody, money bail and

⁵⁹ Simon G. Talbot and Wendy Dean, [Physicians aren’t ‘burning out.’ They’re suffering from moral injury](#), STAT News, July 26, 2018.

⁶⁰ Jonathan Shay, [Doctor Moral Injury](#), Psychoanalytic Psychology, 2014, Vol. 31, No. 2, 182-191.

⁶¹ Diane Silver, [Beyond PTSD: Soldiers Have Injured Souls](#), Pacific Standard, Jan. 22, 2015.

⁶² Jonathan Shay, [Doctor Moral Injury](#), Psychoanalytic Psychology, 2014, Vol. 31, No. 2, 182-191.

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mandatory minimums extort pleas for daylight, and fines, fees and forfeiture are used to line pockets and destroy communities.

If you substitute public defender wherever Talbot and Dean reference physicians, it's a perfect fit. *The concept of burnout...suggests a failure of resourcefulness and resilience, traits that most [public defenders] have finely honed during decades of intense training and demanding work. The moral injury... is being unable to provide high-quality representation in the context of [public defense].*

Talbot and Dean described a career progression of physicians that suffer from moral injury: following a calling rather than a career path; desire to help people; almost religious zeal, enduring lost sleep, lost years of young adulthood, family strain, financial instability, disregard for personal health; each hurdle offers a lesson in endurance in the service of one's goal; failing to consistently meet needs of clients has a profound impact on wellbeing. Many public defenders recognize ourselves in this same career progression.

Public defense leaders who have spoken publicly about impact of systemic obstacles like underfunding echo the language of moral injury. "I've had people come to my office and need immediate mental health leave, some considering self-harm. We come here with a goal to help people no one else is helping. When we can't do it, it's crushing."⁶³ Public defense offices are filled with determined and dedicated people. Unfortunately, many offices are struggling to retain people.⁶⁴

Individual Strategies to Reduce Moral Injury

- Learn about moral injury.
- Name systemic obstacles that force ineffectiveness and their impact on outcomes; continually remind yourself that many outcomes are determined by these system obstacles and not "individual strength or weakness."
- Be intentional about not internalizing feelings of individual failure in response to systemic obstacles to success.

Organizational Strategies to Reduce Moral Injury

Jonathan Shay outlined a definition of moral injury that suggests a solution from those in leadership. Moral injury deteriorates trust, ideals and ambitions; it creates an expectation of harm, exploitation and humiliation from others. He writes that the solution is within our control, and is "the need for leadership to be expert, ethical, and properly supported."⁶⁵

⁶³ District Public Defender To Jackson County Judge: [My Attorneys Are Ticking Time Bombs](#), Kansas City Star May 31, 2019.

⁶⁴ Just a few of the many examples are [Thin Ranks, High Risks](#) (describing Kentucky) and [One In Four Kansas Public Defenders Quit Last Year](#), Leaving Agency 'In Crisis.' Apr 8, 2019.

⁶⁵ Jonathan Shay, [Doctor Moral Injury](#), Psychoanalytic Psychology, 2014, Vol. 31, No. 2, 182-191.

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“Public defenders are an integral part of the criminal justice system, yet their needs and responsibilities are often overlooked through systemwide emphasis on efficiency over effectiveness. These discrepancies between goals and ability can lead to increased incidence of job-related stress among public defenders. These stresses, coupled with consistent and continued exposure to the traumatic experiences of clients and victims, create a situation that is ripe for high rates of secondary traumatic stress and the resulting symptomatology.”⁶⁶

Moral injury looks at systemic obstacles, abuses and transgressions, and suggests systemic solutions—such as reduced caseloads, supportive leadership, sufficient training, and mentorship support. Many of the strategies discussed for the medical field are applicable in public defense.⁶⁷

- Be intentional about separating individual development and systemic obstacles that force ineffectiveness.
- Training spaces, supervision, performance review and development plans can specifically track individual growth and development of skills and not only focus on the learning curve ahead.
- Develop a learning organization, where the stated expectation is that everyone will make mistakes and those mistakes offer opportunities for learning. Create continuous learning and a growing sense of mastery.
- Coaching can use appreciative inquiry of “close the gap” models. For the Gideon’s Promise training programs, Jonathan Rapping created a “close the gap” exercise to keep from internalizing feelings of failure caused by the gap that exists between aspiration and reality.⁶⁸ In the exercise, we talk specifically about how the ideal representation would look and how the reality is failing to provide it. Then, we brainstorm the steps that would be required to move toward the aspiration and possible strategies around the obstacles to taking those steps. This leads to analysis of what steps can realistically be taken and how to best advise clients about the options that are available. This step-by-step process is useful to making incremental progress toward the goal, and for seeing system obstacles as outside our control rather than a personal failure.
- Provide opportunities for involvement in system change, such as policy and legislative advocacy and strategic litigation.

⁶⁶ Dotson, E., Brody, D. C., & Lu, R. (2020). [An exploratory study of occupational and secondary traumatic stress among a mid-sized public defenders’ office.](#)

⁶⁷ [Fixmoralinjury.org](#) from doctors Wendy Dean and Simon Talbot

⁶⁸ Jonathan Rapping, [Gideon’s Promise: A Public Defender Movement to Transform Criminal Justice](#), Beacon Press, 2020, at p. 156-157.

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The lens of moral injury invites these questions of public defense leaders: Is this action that is being taken making it easier or harder to do right by the people we represent? Is it increasing or decreasing obstacles to achieving the goal or providing high quality and client centered representation?

Resources

[A Trauma Informed Care Audit Report to the Capital Defense Community and Advocacy Movement](#)

Albert, Linda and Deb Smith, [VIDEO: The Toll of Trauma](#), discussing the 2011 WI study (4 min video)

American Bar Association. (2014). [ABA policy on trauma-informed advocacy for children and youth](#).

Bačák, V., Lageson, S. E., & Powell, K. (2020). [“Fighting the good fight”: Why do public defenders remain on the job?](#) Criminal Justice Policy Review, 31(6), 939-961.

Bačák, Valerio and Lageson, Sarah and Powell, Kathleen, [The Stress of Injustice: Public Defenders and the Frontline of American Inequality](#) (December 12, 2020).

Baird, K., & Kracen, A. C. (2006). [Vicarious traumatization and secondary traumatic stress: A research synthesis](#). Counselling Psychology Quarterly, 19(2), 181-188.

[Books on Lawyer Well Being](#) Library of titles from ABA Publishing.

Brafford, Anne, ABA 2018 [Well Being Toolkit](#) for Lawyers and Legal Employers.

Branson, D. C. (2019). [Vicarious trauma, themes in research, and terminology: A review of literature](#). Traumatology, 25(1), 2-10

Damania, Zubin, MD, video [It's Not Burnout, It's Moral Injury](#).

Dean, Wendy and Simon G. Talbot, [Physicians aren't 'burning out.' They're suffering from moral injury](#), STAT News, July 26, 2018.

Dotson, E., Brody, D. C., & Lu, R. (2020). [An exploratory study of occupational and secondary traumatic stress among a mid-sized public defenders' office](#). Journal of Criminal Justice and Law, 4(1), 22-39.

Fergusen, Beatrice, [The Relentless Mental Toll of Public Defense. And what could make it better](#). Slate. Jan. 4, 2023.

Figley, Charles R., [Compassion Fatigue: Coping With Secondary Traumatic Stress Disorder In Those Who Treat The Traumatized](#) (Psychosocial Stress Series) 1st Edition (1995). Figley edits this compilation of chapters about Compassion Fatigue in crisis and trauma counselors, Red Cross workers, nurses, doctors, and other caregivers who themselves often become victim to secondary traumatic stress disorder (STSD) or “compassion fatigue” as a result of helping or wanting to help a traumatized person. It addresses such questions as: What are compassion stress and compassion fatigue? What are the unintended, and often unexpected, deleterious effects of providing help to

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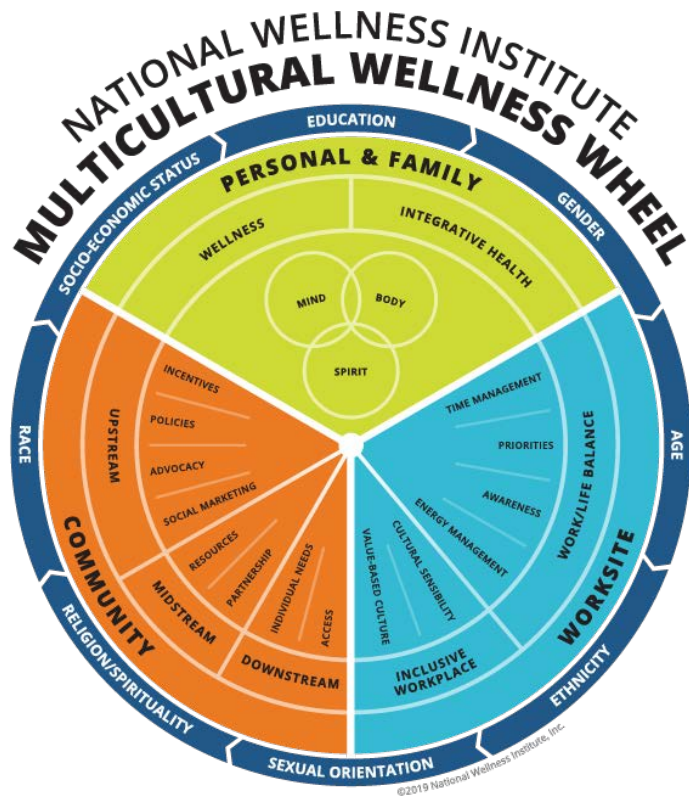
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Multicultural Competency

A society that truly applies a wellness approach as a pathway to optimal living is by nature inclusive and multicultural. –The [National Wellness Institute](https://www.nationalwellnessinstitute.com/)



The [National Wellness Institute Multicultural Competence in Wellness](https://www.nationalwellnessinstitute.com/multicultural-competence-in-wellness) page explains:

How Can Wellness and Healthcare Practitioners Develop and Apply Multicultural Competency?

By becoming aware of one's own personal assumptions about human behavior, values, bias, stereotypes, and personal limitations. Practitioners learn who they are as "cultural beings" and how cultural socialization has shaped their worldview and their ability to work effectively with culturally diverse populations.

A culturally skilled practitioner is one who actively attempts to understand the worldview of their culturally different clients without negative judgments, and shows respect and appreciation for human differences.

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A culturally skilled practitioner is mindful of actively developing and practicing culturally appropriate intervention strategies and working appropriately within diverse communities.

Resources:

[National Wellness Institute Multicultural Competence in Wellness page](#)

National Association for Public Defense: 10 Principles for Creating Sustainability in Public Defense, Published March 2021

Introduction

Serving in public defense is an important job with an enormous amount of responsibility. Public defense is a profession that requires teamwork amongst leaders, lawyers, administrative professionals, core staff, administrators, sentencing advocates, mitigation specialists, social workers, investigators, and all other members of the defense team. Working with clients whose lives sit in the balance can be personally and professionally challenging, and that challenge is exacerbated when the systems operate against our clients' liberty interests or separate them from their families. The emotional toll of feeling responsible for system challenges that impact our clients¹ is real and can have a tremendous impact on defense team members, sometimes resulting in compassion fatigue and burnout.²

Organizations that view employees "as an asset to be nurtured and developed" are more likely to have employees that feel valued.³ The primary reason for creating a work environment that fosters the overall well-being of public defenders and team members is to better serve clients.⁴ In light of the historical and present day inequities in the system, anything less than high level representation can hurt clients and their families. High level defense of clients requires complex, creative thinking, intense focus, emotional regulation, and perspective taking, all of which suffer if well-being is compromised.⁵ Studies show that employees who feel emotionally supported are more effective, more satisfied in the workplace, more likely to stay engaged at the office and in the work, and are in a better position to consistently fulfill the mission of the office.⁶ On the other hand, employees who are not emotionally supported are more likely to experience stress, vicarious trauma, moral injury, and burnout.⁷

Admittedly, there is a dynamic tension between what public defenders need to support their own well-being and the effort required to provide optimal defense for clients.⁸ Sometimes, individual defense team members will be less focused on their own well-being in favor of client needs. Other times, individuals may be more focused on their own well-being, potentially at the expense of client interests. A team that aligns with values of well-being will better adapt to and balance such episodic strains.⁹

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It is important to hold equally, without judgment, both sides of the dialectic that defenders are doing their best to navigate competing demands at any given moment, but that they also have the capacity to do better.

Public defenders need to start from a strong base of overall wellness to best represent their clients under what are frequently challenging circumstances.¹⁰ Employee wellness is multi-layered, and best practices toward sustainability can be woven into organization operations, policies, procedures, training, supervision, atmosphere, and interpersonal interactions.

The end goal is to increase not only individual resilience, but community resilience of the office, which creates sustainability.¹¹ When individual well-being is addressed, we can better support the well-being of our colleagues and teams. Only then can we become a community that is adaptable and sustainable and that provides the level of representation our clients deserve.

Definitions

Culture: The “character and personality of your organization...the sum of its values, traditions, beliefs, interactions, behaviors, and attitudes.”¹²

Health: “A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”¹³

Healthy Office Culture: “A healthy workplace is one in which all organizational members collaborate to continually improve processes to protect and promote member well-being and organizational success. All seek alignment of organizational and member goals and needs so that they can grow and thrive together.”¹⁴

Moral Injury: “Moral injury is the damage done to one’s conscience or moral compass when that person perpetrates, witnesses, or fails to prevent acts that transgress one’s own moral beliefs, values, or ethical codes of conduct.”¹⁵

Public Defender Team: All staff at a public defender office.

Self-Care: “Self-care is a broad term that encompasses just about anything you do to be good to yourself. In a nutshell, it’s about being as kind to yourself as you would be to others. It’s partly about knowing when your resources are running low, and stepping back to replenish them rather than letting them all drain away.”¹⁶

Sustainability: “[O]rganizations cannot be sustainable without protecting the safety, health, and welfare of their most vital resource: workers. Sustainability is not just about

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what is done, but how it gets done. It is a mindset that requires leadership; not settling for second best in any aspect of operations; setting and achieving goals beyond regulatory compliance.”¹⁷

Wellness: “Wellness is an active process through which people become aware of, and make choices toward, a more successful existence.”¹⁸

Well-being: “[A] continuous process whereby [individuals] seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others.”¹⁹

Well-being includes our individual health, happiness, and quality of life. In a public defender office, this extends to the collective health, happiness, and quality of life in our organization.

Principles

Principle 1: Clients are best served by interdisciplinary teams that strive for well-being.

High level representation and effective team competency and contribution require clarity of thinking, the ability for rational choice-making, and the ability to retain and marshal information necessary for a client’s defense. This level of competence is less attainable when a team member is unwell, whether physically, socially, emotionally or spiritually.²⁰ In the same way one would not conduct a court hearing or client interview or case investigation when sick with the flu or inebriated, it is best to also ensure our psychological wellness is not similarly diminished and negatively impacting competent representation.²¹ A best practice to ensure this Principle and the Model Rules of Professional Conduct are met, is to follow the Principles of this document.

Principle 2: Sustainability of the public defender office is a goal all staff actively strive toward.

The sustainability of an office is a collective responsibility of all those in an organization.²² A public defender office cannot be sustainable if staff members are not well.²³ Empowering and engaging staff in creating a healthy environment that prioritizes wellness through building community, effective communication, transparency and space for dialogue and well-being is the goal of sustainability efforts. Those goals can best be met through the participation of all staff.

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Principle 3: Leadership and supervisors model wellness and set standards for sustainability.

Agency leadership and supervisors have a responsibility to create and model a culture of wellness.²⁴ They promote and integrate wellness discussions and considerations into recruiting, on-boarding, and continuing education and training. Self-care and wellness practices for all staff are normalized as routine actions to promote well-being.²⁵ Expected activities necessary to maintain resilient workplaces and workforces include, but are not necessarily limited to, the use of personal, vacation, sick, family, parental leave, employee assistance programs and other wellness options, without judgment. Performance evaluations seek to identify and address barriers staff experience in implementing wellness practices.²⁶ Barriers to seeking help are removed and destigmatized.²⁷ Leadership and supervisors recognize that wellness practices are flexible and that individuals may approach wellness practices differently.

Principle 4: Staff promote workplace values that align with a healthy work culture.

A healthy office culture depends on individual alignment with the stated purpose, mission, and values of the organization. Office leadership, with input from staff, establish intrinsic workplace values, with a goal of creating a healthy work culture and sense of belonging on staff.²⁸ Behaviors detrimental to the agreed upon values of the organization are actively and timely addressed and discouraged.²⁹ Leadership foster a team-oriented environment where staff share responsibilities within the office. Leadership encourage constructive feedback and welcome difficult conversations about inclusion, well-being, and operations that are necessary to maintain the values of the organization.

Principle 5: Leadership and staff actively seek to uphold principles of equity and inclusion while striving to create a welcoming environment for all.

Representation matters, and true representation is by equity and inclusion of a diverse workforce. A best practice for ensuring this is the creation of diversity, equity, and inclusion (DEI) initiatives in offices that do not yet have them, and full support of existing DEI initiatives.³⁰ DEI initiatives exist to encourage difficult conversations, educate staff, and combat racism and trauma.³¹

Principle 6: The office normalizes and prepares for workplace absences.

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Employees need time off.³² They may need to address their own health, care for a family member, take a well-earned break from work, or adjust their schedule to accommodate a change in life circumstance.³³ A workload recess leave policy would facilitate unpaid leaves of absence, sick leave or family and medical leave, paid time off (vacation), flexible time off, and flexible work assignments.³⁴

The policy and procedures will depend on many factors, including office size, budget, and structure, but will ensure all employees are eligible to request a recess and that the office has a clear procedure for assigning coverage to ensure no interruption of legal services for clients and no unnecessary strain on other staff.

Principle 7: The office creates time and space for individuals to reflect on positive and negative work experiences in a supportive environment.

Staff is given time and space for work-related debriefing with colleagues, which may be built into standard meetings.³⁵ The office nurtures a culture of affirmation and celebrates the client-centered successes of colleagues. The definition of success within an office is defined more broadly than a “legal win,” and includes more nuanced victories toward justice.

People are encouraged to have and share the feelings they are having, no matter what they are. Healthy conflicts and timely crucial conversations amongst staff is normalized. Grieving, sadness, and feelings of loss related to working in the fight for justice is normalized. Staff is educated about diversity of experiences related to coping with loss. Supervisors are trained to identify signs of burnout, moral injury, and secondary trauma. When an employee suffers a traumatic work or personal event, supervisors perform meaningful check-ins with that employee.³⁶ Leadership and supervisors support taking time off after significant work events if needed. Leadership and supervisors raise awareness and promote employee assistance programs and make efforts to normalize requests for help. Leadership and supervisors provide timely, meaningful, and consistent feedback on work performance, which has been shown to increase well-being.³⁷

Principle 8: The physical atmosphere of the workplace is designed with wellness in mind.

The built environment influences wellness and job performance.³⁸ While a purpose-built office is often not an option, intentional use of space and design elements (i.e., how public and private areas interact, lighting, windows, acoustics, temperature, etc.) can have a significant impact on occupants’ well-being and productivity.³⁹

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Both staff and clients benefit from spaces designed with the mission and values of the office in mind and that reinforce self-care and wellness.

Attending to the aspects of the office that maximize occupant wellness can also impact inclusivity and productivity goals.⁴⁰ Considerations for organizations designing or reworking their space to improve wellness might include, but are not limited to, the following:

- Ventilation and allergen mitigation to accommodate employees with service animals
- Wall color
- Lighting color (yellow- vs. blue-toned), source (overhead and eye level)⁴¹
- Noise mitigation, to the extent possible⁴²
- A quiet area or Wellness Room that offers a restful place to address stressors
- A Mother's Room properly equipped with a refrigerator and sink so breastfeeding mothers have privacy and their basic needs met
- Space for staff to highlight milestones, accomplishments, reflections and to recognize their colleagues' contributions, with consideration given to maintaining client boundaries

Principle 9: Training programs regularly encompass a sustainability component.

Where feasible, agencies provide opportunities and consistent invitations for staff to participate in well-being and self-care training.⁴³ Training Directors establish orientation practices that set new staff up for success, engagement, and well-being. Mentorship is a way to ensure employee well-being is being monitored.⁴⁴ Self-care and wellness are principles incorporated into all training programs. Training programs model self-care by providing regular breaks and offering time for reflection.

All staff are trained annually around communication and interpersonal health, teamwork, compassion fatigue/moral injury, and creating self-care/wellness culture.

Principle 10: Leadership creates clear policies and expectations that properly balance the health and well-being of staff with the interests of clients.

There are times when the interests of clients and the interests of staff may not align. Leadership seeks input from staff when creating policies or guidelines to address this tension and provides transparency in decision-making. Leadership ensures staff are clearly and timely made aware of expectations, even during extreme or changing circumstances. Office internal operating procedures and policies leave little room for ambiguity in terms of job duties, roles, best practices, and expectations. New office policies are developed and adopted only after staff has a meaningful opportunity to

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provide input. Disagreements over policies and expectations are addressed timely by leadership and supervisors.

Leadership proactively engages with outside stakeholders in order to advance the office's missions and values. Within the system, leadership consistently prioritizes the commitment to clients over efficient, cost-effective, or convenient practices for courts or corrections.

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10*The Stress of Injustice*, p. 16. (“Increasingly limited resources within a constantly expanding penal system also creates structural stress, most often manifested in public defender caseloads. With the exception of some appellate and capital defense attorneys, the relentless stream of cases and the little time that the sheer volume leaves for investigation, consultation with clients, and trial preparation created significant stress for our participants. Chronic underfunding was reflected in the insufficient numbers of attorneys in the office, high office turnover, relatively low salaries, and simply making ends meet.”)

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Located at: <https://sustain.org/what-is-community-resilience-and-why-does-it-matter/>; *Six Foundations for Community Resilience*. (“Truly robust community resilience . . . should engage and benefit all community members, and consider all the challenges the community faces—from rising sea levels to a lack of living wage jobs. And it should be grounded in resilience science, which tells us how complex systems—like human communities—can adapt and persist through changing circumstances.”) Located at: <https://www.resilience.org/six-foundations-for-community-resilience/>.

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19ABA *National Task Force*, p. 9.

20ABA *National Task Force*, p. 8. (“Troubled lawyers can struggle with even minimum competence.”)

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Model Rules of Professional Conduct are instructive: “Rule 1.1 of the ABA’s Model Rules of Professional

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Conduct requires lawyers to 'provide competent representation.' Rule 1.3 requires diligence in client representation, and Rules 4.1 through 4.4 regulate working with people other than clients. Minimum competence is critical to protecting clients and allows lawyers to avoid discipline. Yet this does not allow for realization of the aspirational goal articulated in the Preamble to the ABA's Model Rules of Professional Conduct, which calls lawyers to 'strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.'" *ABA National Task Force*, p. 8.

22*ABA Well-Being Toolkit*, p. 8 ("A healthy workplace is one in which all organizational members collaborate to continually improve processes to protect and promote member well-being and organizational success.")

23*Toxic Workplaces & Employee Wellness Go Hand in Hand*. (2020). ("An organization is only as healthy as its employees.") Located at: https://blog.rewardian.com/toxic-workplaces-employee-wellness-go-hand-in-hand?hs_amp=true

24*ABA National Task Force*, pp. 12-13, ("Broad-scale change requires buy-in and role modeling from top leadership." citing E. Schein, *Organizational Culture and Leadership* (2010); R. R. Sims & J. Brinkmann, *Leaders As Moral Role Models*, 35 J. BUS. ETHICS 327 (2002)).

25*ABA National Task Force*, p. 32. ("Therefore, we recommend that legal employers monitor for work addiction and avoid rewarding extreme behaviors that can ultimately harm their health. Legal employers should expressly encourage lawyers to make time to care for themselves and attend to other personal obligations.")

26*Achieving Employee Wellbeing*, p. 742. ("Employee and organizational well-being and performance are part of a dual agenda where interests between workers and the company are seen as complimentary.")

27*ABA Well-Being Toolkit*, pp. 18-20; *ABA National Task Force*, p. 13. ("All stakeholders must take steps to minimize the stigma of mental health and substance use disorders because the stigma prevents lawyers from seeking help." Referencing studies by: T. W. Britt, T. M. Greene-Shortridge, S. Brink, Q. B. Nguyen, J. Rath, A. L. Cox, C. W. Hoge, C. A. Castro, *Perceived Stigma and Barriers to Care for Psychological Treatment: Implications for Reactions to Stressors in Different Contexts*, 27 J. SOC. & CLINICAL PSYCHOL. 317 (2008); S. Ey, K. R. Henning, & D. L. Shaw, *Attitudes and Factors Related to Seeking Mental Health Treatment among Medical and Dental Students*, 14 J. C. STUDENT PSYCHOTHERAPY 23 (2000); S. E. Hanisch, C. D. Twomey, A. H. Szeto, U. W. Birner, D. Nowak, & C. Sabariego, *The Effectiveness of Interventions Targeting the Stigma of Mental Illness at the Workplace: A Systematic Review*, 16 BMC PSYCHIATRY 1 (2016); K. S. Jennings, J. H. Cheung, T. W. Britt, K. N. Goguen, S. M. Jeffirs, A. L. Peasley, & A. C. Lee, *How Are Perceived Stigma, Self-Stigma, and Self-Reliance Related to Treatment-Seeking? A Three-Path Model*, 38 PSYCHIATRIC REHABILITATION J. 109 (2015); N. G. Wade, D. L. Vogel, P. Armistead-Jehle, S. S. Meit, P. J. Heath, H. A. Strass, *Modeling Stigma, Help-Seeking Attitudes, and Intentions to Seek Behavioral Healthcare in a Clinical Military Sample*, 38 PSYCHIATRIC REHABILITATION J. 135 (2015).)

28*ABA National Task Force*, pp. 34. ("Consequently, we recommend that legal employers evaluate what they prioritize and value, and how those values are communicated. When organizational values evoke a sense of belonging and pride, work is experienced as more meaningful." Citing A. Hansen, Z. Byrne, & C. Kiersch, *How Interpersonal Leadership Relates to Employee Engagement*, 29 J. MANAGERIAL PSYCHOL. 953 (2014)

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29ABA *National Task Force*, p. 34. ("To achieve change, legal employers will need to set standards, align incentives, and give feedback about progress on lawyer well-being topics." Citing R. A. NOE, *EMPLOYEE TRAINING AND DEVELOPMENT* (McGraw-Hill 2013).)

30ABA *National Task Force*, pp. 16. ("Regulators and bar associations can play an especially influential role in advocating for initiatives in the profession as a whole and educating on why those initiatives are important to individual and institutional well-being." Referencing C. U. Stacy, *Trends and Innovations Boosting Diversity in the Law and Beyond*, L. PRAC. TODAY, March 14, 2016, available at <http://www.lawpracticetoday.org/article/trends-and-innovations-boosting-diversity-in-the-law-and-beyond>; IL. SUP. CT. COMM'N ON PROFESSIONALISM, DIVERSITY & INCLUSION TOOLKIT, <https://www.2civility.org/programs/cle/cle-resources/diversity-inclusion>.)

31*Encouraging Meaningful Conversations about Race and Trauma*. (2019). ("To begin to unravel the harm of racism—the historical trauma, the microaggressions, the white fragility that often is a barrier to conversation—people need to have a level of self-awareness, to be able to sit, without judgment, with what is uncomfortable, to be present and aware, and to hold this inquiry with curiosity and kindness.") Located at:

<https://www.mindful.org/encouraging-meaningful-conversations-about-race-and-trauma/>.

32ABA *Well-Being Toolkit*, p. 13. ("In their study of 6,000 practicing lawyers, law professor Larry Krieger and psychology professor Kennon Sheldon found that the number of vacation days taken was a significant predictor of lawyer well-being--and was stronger even than income level in predicting well-being." citing L. Krieger & K. Sheldon, *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success* (2015).)

33ABA *National Task Force*, p. 20. ("Research confirms that environments that facilitate control and autonomy contribute to optimal functioning and well-being.")

34ABA *Well-Being Toolkit*, p. 9. ("There is recognition of the need for balance between the demands of work, family, and personal life.")

35*Culture as a Structural Problem*, p. 1792. ("In addition not the emotional support and motivation that a group structure provides, defenders also benefit from working together in communities because their ability to learn from one another and pool their combined intellectual resources raises the level of representation that each of them is able to provide.")

36*Achieving Employee Wellbeing*, p. 742. ("In fact a recent study reported in the *New York Times* (Amible and Kramer, 2011) suggests that employees perform better when they are positively psychologically engaged at work. Amible and Kramer argue that managers must be facilitators of employees' work by helping eliminate barriers, offering support, and assistance and recognizing high level effort.")

37*Workplace Performance*, p. 38. ("Environmental clarity also comprises the availability of feedback on performance. This can be in the form of performance appraisal, which can act to improve [subjective wellbeing] by enabling employees to be more effective in their work and providing a form of recognition.")

38Kamarulzaman, N & Saleh A.A. & Hashim, S.Z. & Hashim H. & Abdul-Ghani, A.A. *An Overview of the Influence of Physical Office Environments Towards Employee*. *Procedia Engineering*, Vol 20, pp. 266. (2011). ("From the literature reviews, it is very clear that indoor environments in an office has a great influence on employees' attitudes, behaviours, satisfaction and works performance.") Located at

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<https://doi.org/10.1016/j.proeng.2011.11.164>. (Hereafter *Physical Office Environments*.); See also *NAPD Policy Statement on Proper Professional Space, Equipment, Confidential Communications with Clients, Supporting Services for Public Defense*. (2020).

39*Physical Office Environments*, p. 266. ("Therefore, it can be concluded that not only temperature, water quality, lighting and noise should be taken into consideration, but also the indoor air quality, thermal comfort, layout of individual workspaces, workplace colour schemes, interior plants, dust levels and biological contaminants, indoor carbon dioxide concentration and many other factors should be considered by the top management of organizations.")

40*Workplace Matters*. U.S. General Services Administration, p. 3. (2006). ("The link between physical infrastructure and organizational performance is real. A well-designed workplace offers great potential to improve organizational performance and realize financial return far greater than the initial investment.")

41Han, Seulki, PhD, PT & Lee, Daehee, PhD, PT. *The Effects of Treatment Room Lighting Color on Time Perception and Emotion*. *Journal of Physical Therapy Science*, Vol. 29, 7, pp. 1248. (2017). ("However, the mood states of depression-dejection, anger-hostility, and confusion-bewilderment were significantly different according to light colors, with higher scores for blue and red lights compared to yellow light.")

42Münzel, Thomas et al. *The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk*. *Antioxidants & Redox Signaling*. Vol. 28, 9, pp. 873-908. (2018).

43*Kirkland & Ellis Starts New Firmwide Wellness Program*. (2019). Located at:

https://news.bloomberglaw.com/daily-labor-report/kirkland-ellis-starts-new-firmwide-wellness-program?utm_source=rss&utm_medium=DLNW&utm_campaign=0000016b-0421-dbad-a36b-4f27a3f30002;

N. Rodriguez, *What the Army Can Teach BigLaw about Bouncing Back*, LAW360. (2017). (Identifying Goodwin Procter LLP, O'Melveny & Myers LLP, Morgan Lewis & Bockius LLP, Fish & Richardson PC, Drinker Biddle & Reath LLP, Quarles & Brady LLP, and Neal Gerber & Eisenberg LLP as having hosted resilience workshops). Located at: <https://www.law360.com/articles/891995/what-the-army-can-teach-biglaw-about-bouncing-back>.

44*ABA National Task Force*, p. 16. ("Research has shown that mentorship and sponsorship can aid wellbeing and career progression for women and diverse professionals.")

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NAPD Principles for Creating Sustainability in Public Defense Toolkit

Created by Jenny Andrews and Justin Heim, 2021

Principle 1: Clients are best served by interdisciplinary teams that strive for well-being.	
Reflection questions/prompts: <ul style="list-style-type: none">• How are wellness and client-centeredness linked?• How is it communicated that defenders who maintain their health and well-being, and who support each other, provide the highest level of care and representation to the people we represent?	Obstacles in your agency:
Real World Examples: <ul style="list-style-type: none">• Onboarding, training, mentoring, performance evaluations, and coaching regularly include all 6 ABA wellness categories as foundational to providing high level representation.	Strategies for your agency to reduce those obstacles:
Principle 2: Sustainability of the public defender office is a goal all staff actively strive toward.	
Reflection questions/prompts: <ul style="list-style-type: none">• How can the various positions within an office support well being?• What steps have been taken to build momentum around well-being as a topic worthy of attention, time and resources--from leaders, supervisors, trainers, staff?• What steps have been taken to include and engage all staff in supporting wellness for themselves and colleagues?	Obstacles in your agency:

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Real World Examples: <ul style="list-style-type: none"> • Use surveys/assessments to build a feedback loop that regularly collects information about obstacles to resilience and uses the feedback to reduce those obstacles. • Non-managers and core staff are involved in development and implementation of wellness initiatives 	Strategies for your agency to reduce those obstacles:
Principle 3: Leadership and supervisors model wellness and set standards for sustainability.	
Reflection questions/prompts: <ul style="list-style-type: none"> • As a leader, how are you modeling sustainability? • How often do you have a day when you do nothing associated with work? Several in a row? • Do you model vulnerability by sharing difficult experiences and communicating how you can be supported? • How often to you cancel exercise, social plans, family time or other non-work activities due to work demands? 	Obstacles in your agency:
Real World Examples: <ul style="list-style-type: none"> • Leaders model taking meaningful time away from work each day, week and year—in ways available to staff. • Workplace designates non-work hours, discourages/prohibits non-emergency email/text communication during non-work hours, and narrowly defines emergency. 	Strategies for your agency to reduce those obstacles:

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Principle 4: Staff promote workplace values that align with a healthy work culture.	
Reflection questions/prompts: <ul style="list-style-type: none"> • What are some values that contribute to workplace wellness? • What components make up a team that you want to be a part of? • How are people encouraged to share how they can best be supported? 	Obstacles in your agency:
Real World Examples: <ul style="list-style-type: none"> • Office retreat develops/updates mission and value statements, including resilience, which are prominently posted and referenced in strategic planning and day-to-day agency operations. 	Strategies for your agency to reduce those obstacles:
Principle 5: Leadership and staff actively seek to uphold principles of equity and inclusion while striving to create a welcoming environment for all.	
Reflection questions/prompts: <ul style="list-style-type: none"> • Do actions that seek inclusion necessarily create a sense of belonging? • Does everyone feel safe (physically/emotionally) in your office? • What steps are you taking to dismantle systems of oppression that are perpetuated/replicated within your agency? 	Obstacles in your agency:
Real World Examples: <ul style="list-style-type: none"> • Starting/supporting a DEI(B) initiative. • Continually welcoming and engaging in conversation and action to advance equity and inclusion. 	Strategies for your agency to reduce those obstacles:

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Principle 6: The office normalizes and prepares for workplace absences.	
Reflection questions/prompts: <ul style="list-style-type: none">• If you needed to take time off, is there a process in place to cover your workload and meet the needs of clients?• Does initial onboarding include: how to take time off for illness, vacation, emergency and other circumstances?• Is work assignment paused during absence to avoid the “punishment” of returning to backlog?	Obstacles in your agency:
Real World Examples: <ul style="list-style-type: none">• “Coverage” as an assignment• Sabbatical program (Alameda County, CA)• Offering 9/80 schedules (every other Friday off)	Strategies for your agency to reduce those obstacles:

Nutrition

Articles:

Ron Friedman (2014). [What You Eat Affects Your Productivity](#). Harvard Business Review.

Kira M. Newman (2019). [What Is The Best Diet For Mental Health?](#) Greater Good Magazine.

Books:

[Caffeine Blues](#), by Dr. Steven Cherniske

[Eat Move Sleep: How Small Choices Lead to Big Changes](#), by Tom Rath.

Overworking

The weight of the consequences, plus the volume of cases, can create a constant sense of feeling overwhelmed and inadequate. Our work culture can reward and reinforce the idea that working around the clock is heroic, necessary, and a demonstration of dedication. One essential tool for staying in this work is developing boundaries so that you can limit the intrusion of this work into your time and energy and thoughts. We need to protect times within the work week to eat well and exercise and spend time with loved ones. We need to develop work week habits that include rest throughout each work week. For many of us, this requires setting firm time boundaries, such as leaving by a set time, or not working for a designated, regular part of the weekend. It takes regular time and effort to maintain these boundaries, and to re-set them if a particularly demanding trial or other work event causes us to modify (or abandon) them for a period of time.

Working long hours is literally killing people: research found that working 55 hours or more a week was associated with a 35% higher risk of stroke and a 17% higher risk of dying from heart disease, compared with a working week of 35 to 40 hours.⁶⁹ There are two ways longer working hours leads to poor health outcomes: (a) direct physiological responses to stress, and (2) longer hours meant workers were more likely to adopt health-harming behaviors such as tobacco and alcohol use, less sleep and exercise, and an unhealthy diet.⁷⁰

In addition to the pressure of working long hours to complete tasks, many of us suffer from work addiction. “Research reflects that about a quarter of lawyers are workaholics, which is more than double that of the 10 percent rate estimated for U.S. adults generally. Numerous health and relationship problems, including depression, anger, anxiety, sleep problems, weight gain, high blood pressure, low self-esteem, low life satisfaction, work burnout, and family conflict can develop from work addiction.”⁷¹

The ABA’s Well-Being Toolkit⁷² includes in its definition of a healthy workplace that tasks and responsibilities can be accomplished successfully within the time available. In most public defense assignments, this is laughable. We are continually triaging essential tasks like communicating with the people we represent, completing investigation and legal research for their cases, consulting with experts on everything from complex DNA analysis to immigration consequences of a charge or conviction, coordinating with advocates and other county agencies to address housing, mental health and substance use treatment needs. We work long hours into the evening and weekends and still don’t complete important tasks. There is never enough time.

⁶⁹ [Long working hours killing 745,000 people a year, study finds](#), BBC, 5/16/21.

⁷⁰ [Long working hours killing 745,000 people a year, study finds](#), BBC, 5/16/21.

⁷¹ 2018 [ABA Well-Being Toolkit](#) at p. 31.

⁷² 2017 [ABA Well-Being Toolkit](#) at p. 9.

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Public defenders do not have “spare time.” When a task is added, something else must give. Two frequent responses are: (1) sacrifice non-work hours in the evening and weekend, instead of spending that time with loved ones and/or engaging in activities of rest, recreation and resilience building; or (2) displace other tasks, which then fill lists to be completed later or not completed at all— such as client communications, motions and investigation. This is a major source of stress, anxiety and feeling inadequate at work. It causes many public defenders to work long hours without sufficient rest, regular time off (like weekends) or vacation.

Taking vacations is one of the single best predictors of overall well-being. “In their study of 6,000 practicing lawyers, law professor Larry Krieger and psychology professor Kennon Sheldon found that the number of vacation days taken was a significant predictor of lawyer wellbeing—and was stronger even than income level in predicting well-being.”⁷³

Many public defenders don’t take vacations, and we need to take them. We need to overcome our own hero complexes and work addiction, plan stridently to protect our time away, advocate for office culture and practices to support time off, and happily cover for our colleagues by offering high quality and compassionate representation to the people we represent to cover the absence of others. As discussed below, taking vacation requires office support and adequate coverage systems. In the unfortunate (and too common) absence of effective coverage systems, we still need to plan time away and often need to improvise our own coverage systems with colleagues.

The expansion of work into a 24/7 expectation of availability is not good for us. [Research at Lehigh](#), on the personal impact of 24/7 availability expectations, found that email communications and expectation of response contributes to emotional exhaustion, poor work-life balance, anxiety and a strain on personal relationships. Even employees who didn’t respond to off-hours emails were negatively impacted by receiving them. These researchers suggest setting clear expectations of when employees are expected to monitor communications and limit use of electronic communications outside those windows.

In [24/6: The Power of Unplugging One Day a Week](#), Tiffany Shlain reminds us of the important ways that religious traditions, secular organizations, and labor groups have fought for non-work time. The very makers of the devices that monetize our attention with dopamine-fueled screen dependence limit or prohibit those habits within their own families. She jokes of rewriting the beginning of Allen Ginsberg’s “Howl” as: “I saw the best minds of our generation distracted by texting, tweeting, emailing.” She is unquestionably right in advising us that down time is “a force field of protection that gives us strength, resilience, perspective and energy.”

Individual Strategies to Reduce Overworking:

⁷³ 2018 [ABA Well-Being Toolkit](#) at p. 12.

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1. **Commit to off hours.** Set a start time and end time for the work day and try to manage your time to stay within it. Set parameters around weekend work time (ex: 9-12 on Saturday) rather than letting the work expand to fill all the time that isn't specifically scheduled for other things.
2. **Set work goals around time not task.** Set a goal to leave at a designated time—such as 6 pm--not to complete the entire to do list before leaving. It will never be completed. You will build habits of working more efficiently and being realistic in estimating turnaround time for tasks.
3. **Set routines and rituals to end the work day.** Clear your desk, update your prioritized task list and leave.
4. **Set transition markers.** Create a transition marker along the way home—an intersection you drive through or train/bus station you pass—to transition from work thoughts to home thoughts. How was my partner's day? My child's day at school?
5. **Give honest timeframes.** To managers for projects, to clients for motions. Be honest about your available time and what you are capable of completing, while maintaining your rest time. You can work around the clock for a project or a trial, but not for decades.
6. **Accept structural limitations as structural.** One of the hardest parts of public defense is the stress of feeling you're not doing enough and knowing that the reality is that some things are not getting done, and that most of us will never reach end of the task list—and the "task list" is filled with urgent needs of people who are suffering. This can be very demoralizing. Recognize that this is structural under resourcing of public defense, not a personal defect or shortcoming.

Organizational Strategies to Reduce Overworking ("Overdeployment")

1. **Coverage.** Provide coverage for planned and unplanned absences. Pause assigned work during absence. Care for clients during absence.
2. **Define work hours.** Define off hours. Discourage non-emergency work communications during off hours. Define emergency narrowly.
3. **Prioritize rest.** Build culture that values rest, not ceaseless work.
4. **Model** rest and boundaries as a leader. Train and trust others to cover your job, too.

Resources:

[A Trauma Informed Care Audit Report to the Capital Defense Community and Advocacy Movement](#)

Albert, Linda and Deb Smith, [VIDEO: The Toll of Trauma](#), discussing the 2011 WI study (4 min video)

American Bar Association. [Directory of Lawyer Assistance Programs.](#)

Bačák, V., Lageson, S. E., & Powell, K. (2020). ["Fighting the good fight": Why do public defenders remain on the job?](#) Criminal Justice Policy Review, 31(6), 939-961.

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Bačak, Valerio and Lageson, Sarah and Powell, Kathleen, [The Stress of Injustice: Public Defenders and the Frontline of American Inequality](#) (December 12, 2020).

[Books on Lawyer Well Being](#) Library of titles from ABA Publishing.

Brafford, Anne, ABA 2018 [Well Being Toolkit](#) for Lawyers and Legal Employers.

Dotson, E., Brody, D. C., & Lu, R. (2020). [An exploratory study of occupational and secondary traumatic stress among a mid-sized public defenders' office](#). Journal of Criminal Justice and Law, 4(1), 22-39.

Fergusen, Beatrice, [The Relentless Mental Toll of Public Defense. And what could make it better](#). Slate. Jan. 4, 2023.

[Indigent Defense Research Association](#) A virtual, interdisciplinary community of practitioners, researchers, funders, and policy analysts who care about using data to improve public defense.

[Institute for Well-Being in Law](#) In August 2017, the Task Force published a comprehensive report titled The Path to Lawyer Well-Being: Practical Recommendations for Positive Change. The release of the report resulted in a national movement among stakeholders in the legal profession to take action to improve well-being. In December 2020, the Institute for Well-Being in Law (IWIL) was formed to carry on the movement launched by the National Task Force. The Institute for Well-Being in Law is a 501(c)(3) non-profit charitable organization that evolved from the National Task Force on Lawyer Well-Being.

Jaffe, S. (2017). It's not you, it's your caseload: Using cronic to solve indigent defense underfunding. Michigan Law Review, 116(8), 1465-1484.

Krill, Patrick R., JD, LLM, Linda Albert and Ryan Johnson, [Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys](#), (2016 Ford Foundation study for ABA), Journal of Addiction Medicine: January/February 2016 – Volume 10 – Issue 1 – p 46–52. A sample of 12,825 licensed, employed attorneys completed surveys, assessing alcohol use, drug use, and symptoms of depression, anxiety, and stress. Substantial rates of behavioral health problems were found, with 20.6% screening positive for hazardous, harmful, and potentially alcohol-dependent drinking. Levels of depression, anxiety, and stress among attorneys were significant, with 28%, 19%, and 23% experiencing symptoms of depression, anxiety, and stress, respectively. The “parade of difficulties” includes suicide, social alienation, work addiction, sleep deprivation, job dissatisfaction, a “diversity crisis,” complaints of work-life conflict. Younger lawyers in the first ten years of practice experience the highest rates of problem drinking and depression.

Krill, Patrick R., Nikki Degeneffe, Kelly Ochocki, Justin J Anker, [Professionals, and Profit Centers: The Connection between Lawyer Well-Being and Employer Values](#), June 3, 2022. 62% of lawyers reported feeling most valued for their personal or professional attributes, 28% of lawyers reported feeling most valued for attributes like productivity and responsiveness, 10% of lawyers who believed their employers did not value them or did not receive enough feedback had the poorest mental and physical health.

[Lawyer Well Being](#) YouTube channel: created by Anne Brafford, includes yoga and meditation practice videos as well as videos about connecting with clients and other well being video content.

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Lipsky, Laura van Dernoot, [Beyond the Cliff](#), TED talk

[Long working hours increasing deaths from heart disease and stroke](#): WHO, ILO, World Health Organization study, May 17, 2021 The study concludes that working 55 or more hours per week is associated with an estimated 35% higher risk of a stroke and a 17% higher risk of dying from ischemic heart disease, compared to working 35-40 hours a week.

Moss, Jennifer, [Burnout Is About Your Workplace, Not Your People](#), Harvard Business Review, Dec. 11, 2019. While this article doesn't mention moral injury, it's all about shifting responsibility for managing and preventing burnout from the individual to the organization. It lists the top 5 reasons for "burnout" as: Unfair treatment at work, Unmanageable workload, Lack of role clarity, Lack of communication and support from their manager, and Unreasonable time pressure.

[National Task Force on Lawyer Well Being](#): formed in 2017.

[The Path to Lawyer Well-Being](#): Practical Recommendations for Positive Change. Report from the National Task Force on Lawyer Well-Being, ABA 2017: This report's recommendations focus on five central themes: (1) identifying stakeholders and the role each of us can play in reducing the level of toxicity in our profession, (2) eliminating the stigma associated with help-seeking behaviors, (3) emphasizing that well-being is an indispensable part of a lawyer's duty of competence, (4) educating lawyers, judges, and law students on lawyer well-being issues, and (5) taking small, incremental steps to change how law is practiced and how lawyers are regulated to instill greater well-being in the profession.

[Public Defenseless Podcast, Episode 40](#). (1:11:05) How Moral Injury, Stress, and Trauma Impact Public Defense w/Jenny Andrews.

[Those Who Love the Fight](#) | Episode 12: Sherr & Andrews, Moral Matters, 3/18/21. (48 min)

Winne, Annabelle, [Engaging Pandemonium: A Conversation between Social Workers about Secondary Trauma and Resilience during COVID19](#), Medium, 3/31/20.

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Pandemic and Crisis Public Defense

[Do You Have 'Zoom Fatigue' or Is It Existentially Crushing to Pretend Life Is Normal as the World Burns?](#) by Devon Price. Medium, 9/24/20.

[Engaging Pandemonium: A Conversation between Social Workers about Secondary Trauma and Resilience during COVID19](#), by Annabelle Winne, Medium, 3/31/20.

[How to Manage Your Team in Times of Political Trauma \(Michelle Kim\)](#)

[Leading during traumatic and triggering events](#)

[Supporting Black Staff In Times of Crisis:](#) What Managers and Organizational Leaders Can Do To Support Black Lives (Bryce Celotto)

[Your 'Surge Capacity' Is Depleted — It's Why You Feel Awful](#), by Tara Healle. Medium. Aug. 17, 2020.

[When Every Sentence is a Possible Death Sentence: Public Defenders Speak From The Front Lines About Covid-19](#), by Irene Oritseweyinmi Joe and Ben Miller, April 2020.

A-Z Resources for Sustaining Well Being in Public Defense, by Jenny Andrews.

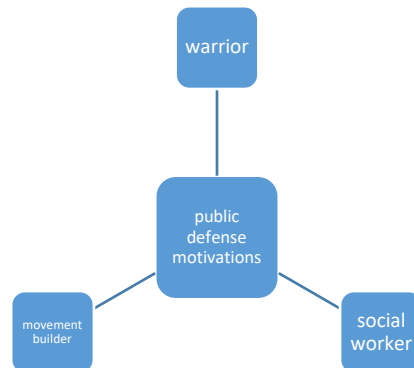
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Purpose and Motivation

“[H]aving a purpose in life is associated with all kinds of benefits. Research suggests that purpose is tied to having better health, longevity, and even economic success. It feels good to have a sense of purpose, knowing that you are using your skills to help others in a way that matters to you.”⁷⁴

Jeff Sherr⁷⁵ offers a triad of public defense motivations, including warrior, social worker and movement builder.



The warrior is motivated to fight for the underdog, against bullies who misuse their power. The social worker is motivated to meet the needs of the individual client. The movement builder is motivated to achieve systemic change. While each person may have a primary motivation that brings them to this work, the motivation may change or evolve over time. Jeff argues that a key to sustaining this work is to develop the ability to draw from each of the three motivations.

Resources:

Articles:

Charles J. Ogletree, Jr., [Beyond Justifications](#): Seeking Motivations to Sustain Public Defenders, 106 HARV. L. REV. 1239,1271-94 (1993).

Abbe Smith, [Too Much Heart and Not Enough Heat](#): The Short Life and Fractured Ego of the Empathic, Heroic Public Defender, 37 U.C. Davis L. Rev. 1203-1265 (2004). She’s written more on this topic in [What](#)

⁷⁴ [Seven Ways to Find Your Purpose in Life](#), by Jill Suttie, Greater Good Magazine, Aug. 6, 2020.

⁷⁵ NAPD Training Director, former director of training for Kentucky’s statewide public defense system.

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[Motivates a lawyer to defend a Tsarnaev, a Castro or a Zimmerman?](#), by Abbe Smith, The Washington Post, July 25, 2013,

[The Value of "Values Affirmation"](#), Stanford Business School, May 2, 2012. Research shows that modest school interventions can help raise grades and improve health and happiness.

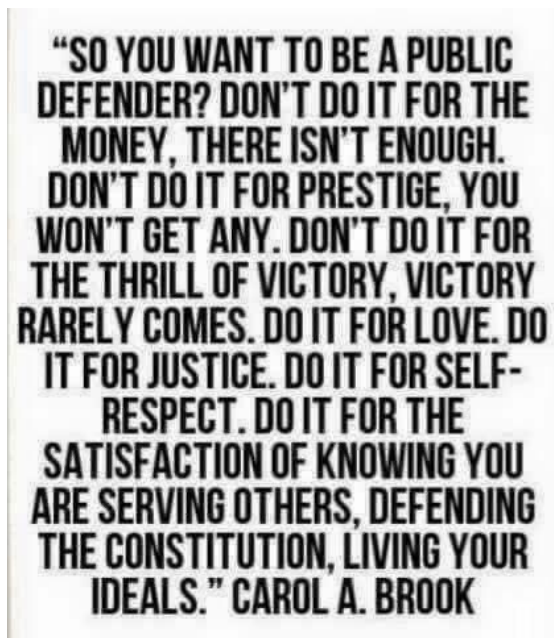
[Why People Lose Motivation -- and What Managers Can Do To Help.](#) By Dan Cable, Harvard Business Review, 2018. The feeling of purpose ignites when we can see the cause and effect between our inputs and our team's progress.

Books:

[How Can You Represent Those People?](#) by A. Smith (Editor) and M. Freedman (Editor).

[How Can You Defend Those People:](#) The Making of a Criminal Lawyer, by James S. Kunen

[Indefensible:](#) One Lawyer's Journey into the Inferno of American Justice, by David Feige.



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Racial Trauma and Well-Being

“Racism is a form of trauma. To begin to unravel the harm of racism—the historical trauma, the microaggressions, the white fragility that often is a barrier to conversation—people need to have a level of self-awareness, to be able to sit, without judgment, with what is uncomfortable, to be present and aware, and to hold this inquiry with curiosity and kindness. My hope is that in becoming a mindful organization we will have greater focus, emotional balance, and the tools for the difficult conversations that need to happen. Being mindful—knowing and being in touch with what is going on with you—is essential to undoing racism.” –Jenee Johnson, in [Encouraging Meaningful Conversations about Race and Trauma](#)

For people of color—particularly Black people—the practice of mindfulness becomes a protective factor. When microaggressions come at me, mindfulness offers me protection. I don’t have to be caught up and reactive. I can have self-compassion, and that self-compassion builds my courage. –Jenee Johnson, in [Encouraging Meaningful Conversations about Race and Trauma](#)

When I talk about mindfulness for Black people, I am looking at it as sankofa—the principle of going back and reclaiming what you left—but it’s also an opportunity for us to stop doing the heavy lifting, to take off the burden and lovingly hand it over to white human beings and say “You have some work to do.” My work is to heal. And your work is to take a look at this stuff that is really hard, and I’ll hold the space and when you get done we can come back and have this conversation. --Jenee Johnson, in [Encouraging Meaningful Conversations about Race and Trauma](#)

Trauma and Wellness Resources Focused on Racial Justice:

['Are you still watching?', The Affects on Seeing Traumatic Events](#)

[Encouraging Meaningful Conversations about Race and Trauma](#), an interview with Jenee Johnson

[How to Manage When Things Are Not Okay \(And Haven’t Been For Centuries\)](#), The Management Center

[The Four Bodies: A Holistic Toolkit for Coping with Racial Trauma](#)

[Self-Care Tips for Black People Who Are Struggling With This Very Painful Week](#) Vice, 5/28/20

[Supporting Black Staff In Times of Crisis: What Managers and Organizational Leaders Can Do To Support Black Lives \(Bryce Celotto\)](#)

[Leading during traumatic and triggering events](#)

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Books:

[Self Care Matters: A Revolutionary's Approach](#), by Anana Harris Parris

[The Inner Work of Racial Justice: Healing Ourselves and Transforming Our Communities Through Mindfulness](#), by Rhonda V. Magee

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Self-Care

Typically, my personal self-care stories usually begin with me learning the hard way. –Anana Harris Parris ⁷⁶

Self-care includes all the things we do individually to support and sustain our own health. One definition of self-care is deliberately taking care of your well-being through restorative activities.⁷⁷

Despite countless efforts to sell us things, it isn't all lavender scented shiatsu at fancy spas. More often it is chopping celery sticks and prepping meals for the week, or doing a weekly check in on budgeting and financial goals, or leaving the party early to get enough sleep.

While we may all want to escape to things like streaming and scrolling at times, true self-care is creating a life that we don't need to escape.⁷⁸

"Self-care suicide is the gradual quiet ignoring of critical needs until the lack of essential care literally stops your emotional, physical, spiritual, educational, social or economic aspects of your life. This happens every day."⁷⁹ "Constructing a Self Care Plan is revolutionary. It challenges your current comforts and forces you to create a new normal rooted in satisfying your critical spiritual, emotional, artistic, physical, economic, educational and social needs."⁸⁰

Most importantly, self-care is only one part of sustaining public defense well-being, and it's entirely inappropriate to shift the entire responsibility of sustaining and supporting well-being to individuals without also trying to create systems that support them.

Creating a self care plan is a process of understanding what you need and putting into place practices to support yourself, and also asking for support to get your needs met.

⁷⁶ Anana Harris Parris, [Self Care Matters: A Revolutionary's Approach](#), at p. 70.

⁷⁷ [Self Care: What it Really Is](#), TED talk by Susannah Winders.

⁷⁸ From presentation of Elizabeth Vartkessian and Katherine Atkins: Part 1: Addressing Trauma, Loss, and Resilience in Criminal Defense – Focus on You, on Jan. 20, 2021, at Be Well Wednesday, recorded and available to members at the [NAPD website](#).

⁷⁹ Anana Harris Parris, [Self Care Matters: A Revolutionary's Approach](#), at p. 4.

⁸⁰ Anana Harris Parris, [Self Care Matters: A Revolutionary's Approach](#), at p. 17.

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Creating a Self-Care Plan to Sustain Your Well-Being in Public Defense

Complete the Self-Assessment in the Assessment section, above.

What is going well, that you want to continue?

What are the areas in which you might want to make a shift?

Follow the step-by-step worksheet to create and track one SMART goal (worksheet above in Goals section).

Check in on your boundaries:

Are you getting enough restful time away from work during each work day?

Are you getting enough restful time away from work during each week?

Have you taken a vacation recently? Do you have one coming up? Plan one.

Have you taken steps to limit work communications during off hours?

What additional support would benefit you from colleagues, supervisors and the public defense community?

Can you ask for those supports?

Are your needs being met? ⁸¹ How can you communicate what you need to someone who can provide it?

For example, it is reasonable to expect to feel appreciated, to be heard and respected, to be guided with clear expectations, to see a clear career path of advancement.

⁸¹ Anana Harris Parris, [Self Care Matters: A Revolutionary's Approach](#), at p. 159.

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Sleep and Insomnia

Things to Try to Improve Sleep
Get outside and/or in bright light during the day. Don't watch tv or look at phones or electronics for 2 hours before bed. No caffeine late in the day. Keep a consistent bedtime and wake up time. Have a wind-down routine before going to bed that includes relaxation tools (meditation, reading). Exercise daily.

Articles:

[tip sheet](#) for a good night's sleep.

Christopher Barnes (2018). [Sleep Well, Lead Better](#), Harvard Business Review

Cristiano Guarana & Christopher Barnes (2017). [Research: Sleep Deprivation Can Make It Harder To Stay Calm At Work](#). Harvard Business Review.

Christopher Barnes (2017). [Sleep-Deprived Judges Dole Out Harsher Punishments](#). Harvard Business Review.

Nick can Dam and Els van der Helm (2016). [There's A Proven Link Between Effective Leadership and Getting Enough Sleep](#). Harvard Business Review.

Books:

[Eat Move Sleep: How Small Choices Lead to Big Changes](#), by Tom Rath.

[Sleep is Your Superpower](#), by Matt Walker

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Stress: Managing Stress: Stress Response, Chronic Stress, Completing the Stress Cycle

Our work exposes us to constant stress and this often has both short and long term health impacts.

Public defense work includes a steady stream of events that can trigger a physiological stress response. “A stressful situation — whether something environmental, such as a looming work deadline, or psychological, such as persistent worry about losing a job — can trigger a cascade of stress hormones that produce well-orchestrated physiological changes. A stressful incident can make the heart pound and breathing quicken. Muscles tense and beads of sweat appear.”⁸²

Part of our wellness work needs to be acquiring skills to move through these stress responses and complete the cycle so that our bodies don’t stay in a chronically activated stress response. “Over time, repeated activation of the stress response takes a toll on the body. Research suggests that chronic stress contributes to high blood pressure, promotes the formation of artery-clogging deposits, and causes brain changes that may contribute to anxiety, depression, and addiction. More preliminary research suggests that chronic stress may also contribute to obesity, both through direct mechanisms (causing people to eat more) or indirectly (decreasing sleep and exercise).”⁸³

Management of stress is essential to survival of work in public defense. In their book *Burnout*,⁸⁴ sisters Emily and Amelia Nagoski explore the benefit of completing the biological stress cycle in order to return your body to a state of relaxation. Useful strategies can include: learning about the stress and relaxation responses as physiological processes, breathing and mindfulness practices, regular exercise, and movement practices such as yoga.

Intentionally activating the relaxation response can be a useful counter to the stress response. The relaxation response can be activated by deep abdominal breathing, yoga, tai chi, prayer, qi gong, and visualization practices.⁸⁵

Stress is a physical process.

⁸² [Understanding the stress response](#), 5/1/18, Harvard Medical School. This article has a very understandable overview of the physiology of stress response and relaxation response. It’s useful to read to understand the effectiveness of mindfulness breathing practices to reduce stress response and activate relaxation response.

⁸³ [Understanding the stress response](#), 5/1/18, Harvard Medical School.

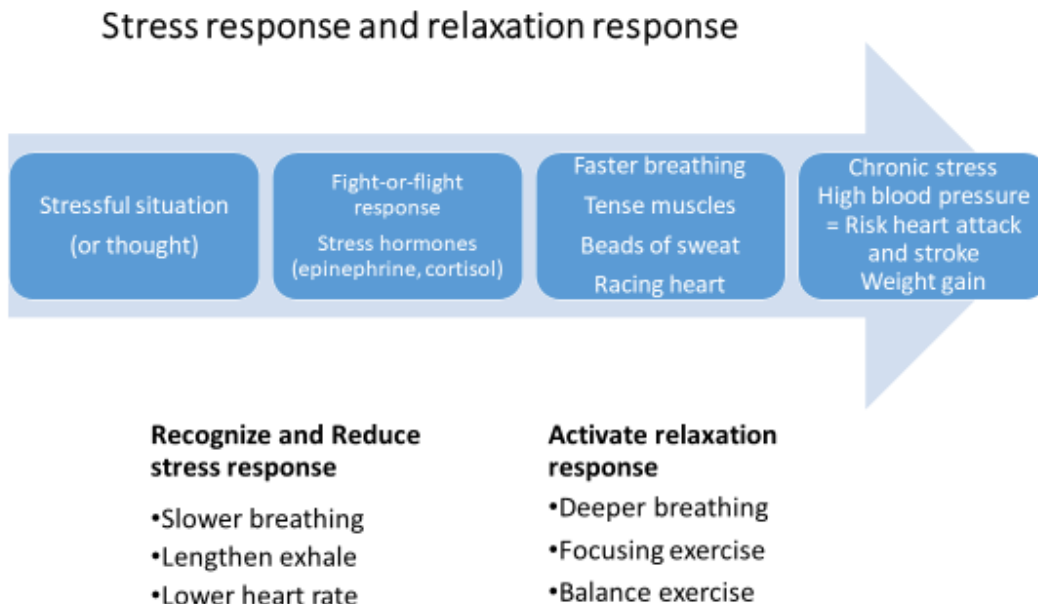
⁸⁴ [Burnout: The Secret to Unlocking the Stress Cycle](#), by Emily Nagoski PhD and Amelia Nagoski DMA.

⁸⁵ [Understanding the stress response](#), 5/1/18, Harvard Medical School.

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3

Because stress is a physical process, some of the most effective strategies to reduce stress response are physical, such as movement and breathing.

Movement:

- When things blow up—take a 5-10 min walk, then strategize
- Add walking check ins or team meetings.
- Try balancing exercise to focus and activate relaxation response.
- Schedule movement after difficult meetings or evidence review.
- Organize hikes, yoga, softball games, bocce tournaments, or other group movement.

Breathing:

- Lengthen Exhale (such as inhale 4, exhale 8 breathing) to reduce stress response.⁸⁶
- Deep belly breathing to increase relaxation response.⁸⁷
- Slow breathing when a meeting becomes emotional (mention it or not).

⁸⁶ [Link to 3 min video practice: Lengthen the Exhale to Reduce Stress Response](#)

⁸⁷ [Link to 4 min video of this breathing practice](#)

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- Focus on steady breathing when activated and breath becomes short and shallow.

Mindfulness:

Mindfulness helps us: let go of unhelpful thoughts, manage anxiety, increase self-regulation.

Resources:

[Burnout: The Secret to Unlocking the Stress Cycle](#), by Emily Nagoski PhD and Amelia Nagoski DMA. Useful strategies to end the cycle of feeling overwhelmed and exhausted. Instead of asking us to ignore the very real obstacles and societal pressures that stand between women and well-being. Includes: what you can do to complete the biological stress cycle—and return your body to a state of relaxation; why rest, human connection, and befriending your inner critic are keys to recovering and preventing burnout.

[1 Hour Podcast on Completing the Stress Cycle](#), with Brene Brown, Emily Nagoski, and Amelia Nagoski

[Understanding the stress response](#), 5/1/18, Harvard Medical School. This article has a very understandable overview of the physiology of stress response and relaxation response. It's useful to read to understand the effectiveness of mindfulness breathing practices to reduce stress response and activate relaxation response.

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Swearing⁸⁸

For those who cringe at the tendency of many public defenders to engage in frequent and colorful swearing, research⁸⁹ establishes many benefits to swearing, including:

1. Cursing may be a sign of intelligence: Well-educated people with plenty of words at their disposal, a 2015 study found, were better at coming up with curse words than those who were less verbally fluent.
2. Swearing may be a sign of honesty: Science has also found a positive link between profanity and honesty. People who cursed lied less on an interpersonal level, and had higher levels of integrity overall, a series of three studies published in 2017 found.
3. Profanity improves pain tolerance.
4. Cussing is a sign of creativity: Swearing appears to be centered in the right side of the brain.
5. Profanity is a quick clear alternative to physical engagement.
6. Swearing uses the universal language of taboo.

Swear on, motherfuckers.

⁸⁸ Hat tip to John Lentine of www.SheffieldLentine.com for this article.

⁸⁹ [Why swearing is a sign of intelligence, helps manage pain and more](#), by Sandee LaMotte, CNN, January 26, 2021

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Suicide Prevention

If you are in crisis, call the [National Suicide Prevention Lifeline](https://www.suicidepreventionlifeline.org) at 1-800-273-TALK (8255), or contact the Crisis Text Line by texting TALK to 741741.

National Suicide Prevention Lifeline
[suicidepreventionlifeline.org](https://www.suicidepreventionlifeline.org)

**Free, confidential support 24 hours a day,
seven days a week.**

THE EVIDENCE IS IN ON LAWYER WELL-BEING

We can no longer ignore our profession's well-being problem.

(Source: Krill et al., 2016; Mental Health Daily report of suicide by occupation)



The [ALM 2021 Mental Health and Substance Abuse Survey](#) collected responses from more than 3,200 lawyers and legal staff, including data on suicidal ideations. Released in the spring of 2021, the report revealed that 19.4 percent of White lawyers have contemplated suicide compared with 23 percent of Hispanic and Latino attorneys and 31 percent of Black lawyers.

[According to CNN](#), "Suicide is a hazard so real that it is the third leading cause of death in the profession. By comparison, suicide is only the 10th leading cause of death in the general population."

Warning Signs of Suicide, from [Lawyer Suicide Awareness and Prevention](#), by Rebecca Howlett and Cynthia Sharp:

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Pay particular attention if any of the following behaviors are new, have increased, or seem tied to a painful loss, or change in the person's life:

- withdrawal or isolation;
- deterioration in functioning;
- sleeping too little or too much;
- increased alcohol or substance use;
- loss of enjoyment or sense of humor;
- mood swings, including rage, anxiety, or agitation; and
- reckless, impulsive, or high-risk behavior.

Pay close attention if someone expresses feeling any of the following:

- trapped;
- hopeless;
- in unbearable pain;
- being a burden; or
- having no reason to live.

Resources:

[Legal Employers' Guide to Understanding and Preventing Suicide and Other Mental Health Emergencies](#) (IWIL webinar and resources from October 2024). Resources: Presentation Slides; Mental Health Promotion & Suicide Prevention in Construction: 6 Tools to Help Yourself or Help Another; Quick Start Guide: Workplace Suicide Prevention, Mental Health Promotion & Worker Well-Being. Program Objectives: Understand Mental Health Trends: Gain an in-depth understanding of current mental health trends and suicide risks within the legal profession, supported by recent research findings. Explore Root Causes: Analyze the root causes of mental health challenges among legal professionals, with a focus on workplace stressors, cultural factors, and personal struggles. Apply Evidence-Based Practices: Learn how to identify warning signs of mental health distress and apply evidence-based best practices to support colleagues. Implement Workplace Interventions: Discover practical workplace interventions and resources aimed at improving overall well-being and reducing suicide risk in legal settings. Integrate Dr. Joiner's Theory: Explore how Dr. Thomas Joiner's Interpersonal-Psychological Theory can be used to understand and prevent suicidal behavior among legal professionals. Speaker Bio: Dr. Sally Spencer-Thomas, Psy.D. MNM is a clinical psychologist and award-winning mental health advocate with extensive experience in suicide prevention. After losing her brother to suicide, she committed her life to improving mental health awareness and prevention strategies. Dr. Spencer-Thomas is the Co-Founder and President of United Suicide Survivors International and has led numerous initiatives, including the innovative "Man Therapy" program for men's mental health. Her work emphasizes comprehensive and

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sustainable strategies for mental health promotion, addiction recovery, and suicide prevention in various high-risk professions, including the legal field. She has presented at prestigious forums globally, including the White House and TEDx, and co-authored multiple publications on workplace mental health and suicide prevention.

[Lawyer Suicide Awareness and Prevention](#), by Rebecca Howlett and Cynthia Sharp

[Resource Guide from the Institute for Well-Being in Law](#)

[American Foundation for Suicide Prevention](#)

[ABA Presentation: Suicide Prevention in the Legal Profession](#)

[The Legal Mindset Corner: Suicide Awareness and Cultivating Workplace Well-Being](#), Podcast

The Dave Nee Foundation works to prevent suicide in the legal profession. info@daveneefoundation.org

[How To Start A Conversation About Suicide](#), by Jeremy Forbes. TED Talk, 12:09 mins. In a personal talk, Forbes shares his approach to helping a group of traditionally silent men open up about their struggles.

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Third Thing

“Having a Third Thing makes you a healthier, happier human, and a better attorney. Healthy, happy people tend to have the energy to do the work and the emotional energy to listen to clients, and remain calm in the face of judges and prosecutors. Outside hobbies give us new perspectives, introduce us to new people.” —Renate Lunn

Most of us in public defense spend time on our work, and we spend time with family and friends. Some of us try to develop or sustain spending time on a third thing— a recharging, recreational third thing. [Jeff Sherr traces this concept](#) back to his mom’s advice to him as a child: to pursue multiple extracurricular activities in addition to school and family. Not only does a third thing expand our learning and experience, but it helps us diversify in a useful way. To put it bluntly, with three things going, they probably won’t all suck at once.

[Jeff Sherr video on having a third thing.](#)

[Renate Lunn post on having a third thing.](#)

[Jenny Andrews post on having a third thing.](#)

Other resources:

Jon Jachimowicz, Joyce He, and Julian Arango. [The Unexpected Benefits of Pursuing a Passion Outside of Work](#). Harvard Business Review.

Marguerite Ward (2017). [3 Science-Backed Reasons Having A Hobby Will Help Your Career](#). [CSNBC.com](#).

Kevan Lee (2014). [Why Creative Side Projects Are Good For You](#). [LifeHacker.com](#).

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Training to Support Well-Being

Principles of Training to Support Well-Being

Many principles of training generally, those that can be found in a good indigent defense Trainer program, also support well-being by creating a safe, supportive learning environment in which attendees are taught skills they need in an engaging way.

Humility

If you are planning training events, you likely have skills and expertise gained through experience to share with people who have less experience. Spaces that share knowledge and skill, but deliver it with humility, can create some of the best learning environments. It is possible to have confidence and pride in your own skill and excellence, and also to show up as ready to learn as to teach.

“Release Perfection, Relinquish Judgment. You are not necessarily right. And you are not better than any of these participants. They are living their lives and learning their lessons on behalf of the species, just like you. If you cannot support them without judgment and superiority, then you are not the right facilitator for them. ‘Perfection is a commitment to habitual self-doubt,’ teaches Prentis Hemphill. Create spaces that support participants to learn to trust themselves.”⁹⁰

Growth Mindset

Encourage a culture of experimentation and constant learning. Training rooms are the places to try things out, see if they land or not, and celebrate the opportunity and courage to try new things. Learning from attempts that didn’t succeed is often more valuable than relying on skills already acquired to deliver rote, formulaic advocacy.

Feedback

The goal of training programs is rarely to clone students into versions of yourself, with your style and skill set. The goal is to develop the ability to recognize the strengths and weaknesses of a student’s current capability for a certain skill, and then to support them in learning one or two things that provide the next logical step forward in improving advocacy. Not every single thing you can think of, one or two useful things. Feedback that supports this goal will be brief and constructive, not lengthy and overwhelming.

Moral Injury is increased by internalizing feelings of failure or ineffectiveness. Look for opportunities in training programs to point out strengths and growth, and to label external causes of ineffectiveness.

⁹⁰ Holding Changes: The Way of Emergent Strategy Facilitation and Mediation, by Adrienne Maree Brown, at p 18.

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Believe in Excellence

As a teacher/leader/group facilitator, your own expectations on how participants will perform will impact their performance.⁹¹ Whether students remind you of yourself or not, are introverted or extroverted, speak frequently or occasionally, embrace the belief and expectation that each and every one of them can and will be excellent. Be mindful of when you share life experience with students and feel easy rapport with them, and when you don't—that is about you, not them. A teaching skill to continually cultivate and build is the curiosity to identify and appreciate the strengths of each student.

Reduce Hierarchy and War Stories

Some programs use tall stages, lengthy introductions laden with accomplishments, and war stories of past glory to position faculty as unreachable heroes of the profession. Authenticity, vulnerability, and a feeling that we all stand shoulder to shoulder is often more supportive of learning. Rather than war stories of success, it is often more helpful to share stories of mistakes made and lessons learned.

Address Harm in Real Time as It Happens

Humans misstep, misspeak, and sometimes act from insecurity, competition, and a million other motivations. Internalized white supremacy culture comes out sometimes in words spoken and actions taken in training rooms. Group agreements, direct engagement with harm/accountability, and immediate and appropriate response can all support a group in developing trust and safety to promote learning.

Create a Culture of Celebration

"It seems simple—but people stay more engaged in a space where they are enjoying each other, and feel celebrated and appreciated. Small, personal celebrations help fuel groups through the hard work, reminding them that they are humans together, regardless of the external pressures they face."⁹²

⁹¹ Research makes clear the importance of high teacher expectations for all students. [The Power of the Pygmalion Effect](#), 10/6/14

⁹² Holding Changes: The Way of Emergent Strategy Facilitation and Mediation, by Adrienne Maree Brown, at p 18.

Training Ideas for Including Well-Being Content in Onboarding

Objectives

- Introduce topic and familiarize people with impacts of this work, in short and digestible ways that does not contribute to feeling overwhelmed.
- Provide concrete strategies so the content does not feel discouraging or overwhelming.
- Provide strategies in all three spheres, so that the burden/responsibility is not perceived as being assigned solely to each individual.
- Demonstrate in concrete and specific ways how the organization supports well-being.

Introduce the topic by sharing some information about why well-being is important in defense work, and foundational to competence and access to justice. This could include any of the videos and readings below:

- [Well Being as Competence and Access to Justice](#) (5 min video)
- Is [Working in Public Defense Good for You?](#) (Studies and Reports on Impacts of Defense Work) (5 min video)
- [3 Spheres of Well-Being](#) (12 min video)
- [The Relentless Mental Toll of Public Defense](#), Slate, 1/4/23 (5 min read)
- Additional materials are available at: besustained.org/worksheets.

Onboarding Program Activity: Facilitate a group discussion, using the following prompts:

- *Why is your well-being a priority for you right now?*
- *Has reviewing these studies changed your perspective or given you new insights about working in public defense?*
- *What is something new that you tried in the last year that was enjoyable and felt like it was rejuvenating to your well-being? What is something new that you look forward to trying?*
- *How will you continue to support your own well-being while engaging in this work? How can the organization support you?*

Engage in self-assessment and goal setting exercises:

OPTION 1: Increase self-awareness and set a SMART goal:

Preparation in advance for session:

- Go to the <https://nationalwellness.org/tools-download/> and download the Focus Survey Tool (and/or other tools that look interesting).
- Go to besustained.org/worksheets and, from within the A-Z Guide, print the SMART goal worksheet.

During session:

- Watch [Self-awareness, assessment and goals](#) (2:30 min video)
- Have attendees complete and discuss the NWI Focus Survey Tool.
- Watch [Setting SMART goals to Sustain Well-Being](#) (5:30 min video)

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- Watch [SMART goal info video](#). (4 min)
- Have attendees complete and discuss the SMART goal worksheet, and set a day a month away to check in on how each person's SMART goal went.

Facilitate a group discussion, using the following prompts:

- *What did you learn from the self-assessment process? Might it be useful to do a self-assessment regularly?*
- *Does it feel useful to do periodic self-assessment, and/or to engage in a cycle of self-assessment and goal setting, to support your own well-being?*
- *What is your SMART goal?*

Follow up: Repeat assessment and continue traumatic impacts discussion at 6 month intervals:

Add content and discussion of moral injury, trauma informed legal practice, and managing stress.

(1) Repeat the self-assessment used in week 1 OR

(2) Do a strength-based assessment of a work experience:

Preparation in advance for session:

- (2) Go to besustained.org/worksheets and, from within the A-Z Guide, print the Strength Based Growth Assessment.

Activity:

- Have each person complete the Strength Based Growth Assessment Individually.
- Pair up to discuss the Strength Based Growth Assessment.

Facilitate a group discussion, using the following prompts:

- *Does it feel useful to do periodic self-assessment, and/or to engage in a cycle of self-assessment and goal setting, to support your own well-being?*
- *How did it feel to force yourself to recognize strengths and skills you are building (especially if you engage in self-criticism or perfectionism)?*

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Session Ideas for Including Well-Being Content in a Trial Skills Training Program

Objectives

- Introduce topic and familiarize people with impacts of this work.
- Provide concrete strategies so the content does not feel discouraging or overwhelming.
- Provide strategies in all three spheres.
- Demonstrate how the organization supports well-being.

At the Beginning of the Program: Introduce Group Agreements

Introduce proposed group agreements, and facilitate a discussion that includes:

- Asking the group to discuss/modify/accept the group agreements.
- Encouraging growth mindset.
- Discussing concrete ways to create support and accountability within the group.

Early in Training Program:

Introduce the topic of sustaining well-being in this work by sharing some information about why well-being is important in defense work, and foundational to competence and access to justice. This could include any of the videos and readings below:

- [Well Being as Competence and Access to Justice](#) (5 min video)
- Is [Working in Public Defense Good for You?](#) (Studies and Reports on Impacts of Defense Work) (5 min video)
- [3 Spheres of Well-Being](#) (12 min video)
- [The Relentless Mental Toll of Public Defense](#), Slate, 1/4/23 (5 min read)
- Additional materials are available at: besustained.org/worksheets.

Facilitate a group discussion, using the following prompts:

- *Why is your well-being a priority for you right now?*
- *Is it useful to you to think of well-being as part of your duty of competence?*
- *What was the most surprising thing you learned from these studies? The most useful?*
- *Has reviewing these studies changed your perspective or given you new insights about working in public defense?*
- *What is something new that you tried in the last year that was enjoyable and felt like it was rejuvenating to your well-being? What is something new that you look forward to trying?*

On a day with public speaking—such as opening, jury selection, storytelling:

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Introduce the topic of stress response, and the concept that stress is a physical process and many effective stress reducing tools are simple physical exercises (like breathing exercises that slow the exhale). This could include any of the videos and readings below:

- [Understanding Stress Response](#) (4 min read)
- Optional: watch [How Does Breathing Impact the Brain? Learn From A Neuroscientist](#). (5 min video)
- Optional: read [Emotional Signs of Too Much Stress](#) (5 min)

Introduce a few simple breathing tools to reduce stress response, as tools to reduce hand shaking, voice shaking and other physical ways that stress response interferes with effective public speaking.

- [Lengthen Exhale to Reduce Stress Response](#) (3 min video)
- [Deepen Breathing to Activate Relaxation](#) (4 min video)
- [Box Breathing](#) explanation and practice (3 min video)

Continue to build on introducing brief (2-5 min) breathing/movement tools that can be introduced as tools to support effective trial skills. A few simple, fun examples:

- Mindful breathing to reduce reactivity to improve cross/impeachment.
- Lengthen inhale/shorten exhale to wake up a sleepy group.
- Stand on one foot to activate focus.

During the Program: Trauma and Disproportionate impacts

Use the trust and cohesion built within the group by working together for a few sessions/days to have a conversation about trauma stewardship, including trauma response, concrete strategies to mitigate trauma, and disproportionate traumatic impacts of oppressive systems.

This could include any of the videos and readings below:

- [Beyond the Cliff](#): Laura can Dernoot Lipsky TED talk (19 min video)
- [The Toll of Trauma](#): 2011 Study of Wisconsin Public Defenders (5 min)
- [Public Defenseless Podcast on Stress and Trauma](#) (71 min podcast)
- [Engaging Pandemonium: A Conversation between Social Workers about Secondary Trauma and Resilience during COVID19](#), by Annabelle Winne, Medium, 3/31/20.
- [When Every Sentence is a Possible Death Sentence: Public Defenders Speak From The Front Lines About Covid-19](#), by Irene Oritseweyinmi Joe and Ben Miller, April 2020.

Possible activities:

- use an interactive exercise to facilitate a discussion of identity. Some possible tools include:

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- [Project Implicit](#), Implicit Association Tests.
- [Social Identity Wheel](#), University of Michigan
- [A Conversation on Race](#): Videos from the New York Times.
- Facilitate a discussion in which faculty/experienced practitioners share specific strategies they use to mitigate traumatic impacts while doing trial work (such as therapy, team debriefings, scheduling review of difficult evidence for finite times followed by a workout, etc.).
- Hand out [Tiny Survival Guide wallet cards](#) (10 for \$3) and facilitate a discussion of strategies people use (or want to start to use) to “metabolize” traumatic impacts.

During the program:

Increase self-awareness and set a SMART goal:

Preparation in advance for session:

- (3) Go to the <https://nationalwellness.org/tools-download/> and download the Focus Survey Tool (and/or other tools that look interesting).
- (4) Go to besustained.org/worksheets and, from within the A-Z Guide, print the SMART goal worksheet.

Activity:

- Watch [Self-awareness, assessment and goals](#) (2:30 min video)
- Have each person complete and discuss the NWI Focus Survey Tool.
- Watch [Setting SMART goals to Sustain Well-Being](#) (5:30 min video)
- Watch [SMART goal info video](#). (4 min)
- Have each person complete the SMART goal worksheet.

Facilitate a group discussion, using the following prompts:

- *What did you learn from the self-assessment process? Might it be useful to do a self-assessment regularly?*
- *Does it feel useful to do periodic self-assessment, and/or to engage in a cycle of self-assessment and goal setting, to support your own well-being?*
- *How did it feel to force yourself to recognize strengths and skills you are building (especially if you engage in self-criticism or perfectionism)?*

For a later check in with group (at 6 months or later):

Do a strength-based assessment of a work experience:

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Preparation in advance for session:

- Go to besustained.org/worksheets and, from within the A-Z Guide, print the Strength Based Growth Assessment.

Activity:

- Have each person complete the Strength Based Growth Assessment.

Facilitate a group discussion, using the following prompts:

- *Does it feel useful to do periodic self-assessment, and/or to engage in a cycle of self-assessment and goal setting, to support your own well-being?*
- *How did it feel to force yourself to recognize strengths and skills you are building (especially if you engage in self-criticism or perfectionism)?*

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Session Ideas for Including Well-Being Content in a Leadership Training Program

Objectives

- Understand the direct link between individual well-being and the quality of representation
- Appreciate that well-being is impacted in three spheres: the self, the culture of the workplace, and the criminal system
- Learn from examples of practices, policies, and procedures that support staff well-being.

Audience: Leaders within Public Defense Systems.

Introduce the topic by sharing some information about why well-being is important in defense work, and foundational to competence and access to justice, and how leaders are uniquely situated to support well being in all three spheres.

This could include any of the videos and readings below:

- [How Public Defense Leaders can Support Well Being](#) (20 min video)
- [The U.S. Surgeon General's Framework for Workplace Mental Health and Well-Being 2022](#)
- [NAPD 10 Principles for Creating Sustainability in Public Defense](#)
- [The Relentless Mental Toll of Public Defense](#), Slate, 1/4/23 (5 min read)
- Additional materials are available at: besustained.org/worksheets.

Leader Program Activity:

Preparation in advance for session:

- (1) Go to the <https://nationalwellness.org/tools-download/> and download the NWI Wellness Inventory for Workplace.
- (2) Go to besustained.org/worksheets and, from within the A-Z Guide, print the NAPD Principles for Sustainability and NAPR Principles Toolkit worksheet.
- (3) Go to [The Management Center](#) and download the SMARTIE goals worksheet.

Invite leaders to:

- (1) Complete the National Wellness Institute Inventory Tool or the NAPD Principles Toolkit/NAPD Principles for Creating Sustainability as a tool to do an inventory of an organization.
- (2) Invite leaders to use the SMARTIE Goals Worksheet from the Management Center to formulate one goal for supporting well-being in their organization.

Facilitate a group discussion, using the following prompts:

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- *What are you modeling as a leader relating to rest, boundaries, time off and energy devoted to activities and relationships outside of work?*
- *Is it useful to you to think of well-being as part of your duty of competence, and to discuss this framing with your public defense colleagues?*
- *What is your organization currently doing to support well-being that should continue?*
- *What needs to support well-being in your organization are currently being unmet?*
- *What is your SMARTIE goal?*

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Transformative Justice

Resources:

[What is Transformative Justice?](#) By adrienne maree brown (10 min video) Mar 11, 2020

Featuring adrienne maree brown, Mia Mingus, Stas Schmiedt, Ann Russo, Esteban Kelly, Martina Kartman, Priya Rai, and Shira Hassan. How do we prevent and stop violence and harm without creating more violence and harm? How do we transform a society in which harm is endemic to build a culture where violence becomes unthinkable? How can small everyday acts of accountability and relationship building lead to a broad cultural shift away from harm? In this video, practitioners define the scope and potential of transformative justice. This video is part of the Building Accountable Communities video series. The Building Accountable Communities Project promotes non-punitive responses to harm by developing resources for transformative justice practitioners and organizing convenings and workshops that educate the public. Created by Project Nia and the Barnard Center for Research on Women. Video produced by Mariame Kaba, Dean Spade, and Hope Dector.

[We Will Not Cancel Us](#), And Other Dreams of Transformative Justice, by [Adrienne Maree Brown](#).

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Trauma

Navigating Impacts of Trauma in Public Defense Work

*78% of public defenders reported moderate or higher levels of secondary traumatic stress*⁹³

*"In the fields where I work, there is historically a widely held belief that if you're tough enough and cool enough and committed to your cause enough, you'll keep on keeping on, you'll suck it up."*⁹⁴

In the same way that oils splatter on the painter's shirt or dirt gets under the gardener's nails, trauma work has an impact. —Jon. R. Conte, PhD⁹⁵

The Challenges of Navigating Trauma and Occupational Stress

Challenges of public defense that have the potential to expose public defenders to high levels of occupational stress and secondary traumatic stress include:⁹⁶

- Excessive amount of work, high caseloads, demands to complete cases expeditiously.
- Expectation of working long hours, an imbalance of life between work and home.
- Frequently discussing traumatic events and reviewing depictions of physical and emotional injury.
- Stakes are high.
- Under resourcing, low wages, outmatched by government.
- Numerous jury trials, the unpredictability of trials occurring, the absence of a viable defense at trial, the lack of a realistic option to take cases to trial due to draconian sentences.
- Underappreciation, insignificant recognition of the importance of the work, lack of support from the public, disrespect by adversaries, judges, and society.
- Obstacles to building client trust, dissatisfaction of client.
- Frustration with the criminal legal system.
- The need to satisfy conflicting parties, frequent conflict with prosecuting attorneys and judges.

⁹³ Dotson, E., Brody, D. C., & Lu, R. (2020). [An exploratory study of occupational and secondary traumatic stress among a mid-sized public defenders' office](#). Journal of Criminal Justice and Law, 4(1), 22-39.

⁹⁴ [Trauma Stewardship](#), by [Laura van Dernoot Lipsky](#) and Connie Burk, at p. 3.

⁹⁵ Lipsky, Laura van Dernoot and Connie Burk, [Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others](#), at p. xii.

⁹⁶ Dotson, E., Brody, D. C., & Lu, R. (2020). [An exploratory study of occupational and secondary traumatic stress among a mid-sized public defenders' office](#). Journal of Criminal Justice and Law, 4(1), 22-39.

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Defining Trauma

Trauma results from exposure to an incident or series of events that are emotionally disturbing or life-threatening with lasting adverse effects on the individual's functioning and mental, physical, social, emotional, and/or spiritual well-being.⁹⁷ "Trauma is not just an event that took place sometime in the past; it is also the imprint left by that experience on mind, brain, and body. Trauma results in a fundamental reorganization of the way the mind and brain manage perceptions."⁹⁸

Although some people who experience a traumatic event will go on with their lives without lasting negative effects, others will have difficulties and experience traumatic stress reactions. How someone responds to a traumatic experience is personal. If there is a strong support system in place, little or no prior traumatic experiences, and if the individual has many resilient qualities, it may not affect his or her mental health. Research has shown that traumatic experiences are associated with: behavioral health and chronic physical health conditions, substance use, mental health conditions, challenges in relationships, careers, and other aspects of life.⁹⁹

In addition to firsthand experiences of traumatic events (sometimes also labeled direct or primary trauma), there is emotional duress that results when an individual hears about the firsthand trauma experiences of another person.¹⁰⁰ These trauma responses are sometimes discussed within the topics of vicarious trauma, secondary traumatic stress, compassion fatigue, countertransference, traumatic countertransference, posttraumatic stress disorder, emotional contagion, and shared trauma.

Our Work Exposes Us to Trauma

Legal teams have an ethical obligation to overcome the challenges and obstacles of this work, and to zealously and effectively represent criminal defendants. The nature of our work, being immersed in evaluation of evidence of injury and serving a population that have experienced significant trauma, expose us to trauma.

- In caseloads where 60% or more of clients have survived a significant trauma, providers are at an increased risk of secondary trauma.¹⁰¹

⁹⁷ [Trauma-Informed Care Implementation Resource Center](#). And [Substance Abuse and Mental Health Services Administration](#).

⁹⁸ Bessel van der Kolk, M.D, *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma*.

⁹⁹ [Substance Abuse and Mental Health Services Administration](#).

¹⁰⁰ Figley, C.R. (Ed.) (1995). [Compassion Fatigue: Secondary Traumatic Stress Disorders from Treating the Traumatized](#). New York: Brunner/Mazel, p.7

¹⁰¹ [A Trauma Informed Care Audit Report to the Capital Defense Community and Advocacy Movement](#) 2023, citing Mathieu, F. (2012). *The compassion fatigue workbook: Creative tools for transforming compassion*

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- 40-85% of “helping professionals” develop vicarious trauma, compassion fatigue, or high rates of traumatic symptoms.¹⁰²
- 78% of public defenders reported moderate or higher levels of secondary traumatic stress¹⁰³
- Increase hours worked corresponds with increase in trauma-related impairment.¹⁰⁴
- Direct exposure to traumatic material, such as in cases of sexual assault, homicide, and child abuse, increases impact.¹⁰⁵
- Impacts can be cumulative, with risk of developing PTSD increasing with more time worked with trauma-exposed clients.¹⁰⁶
- Secondary traumatic stress can affect individuals who have close contact with a trauma survivor after hearing only one incident/isolated account of a traumatic experience.¹⁰⁷
- Cases with more trauma-related content or higher stakes are more emotionally exhausting.¹⁰⁸
- Attorneys are continuously exposed to not only preexisting client trauma but also their client facing traumatization from the unfairness of the system.¹⁰⁹

Mitigating the impacts of trauma must be an ongoing part of public defense work. We continually take in trauma, and we need to process it in ways that don’t become stuck and debilitating. The concept of *trauma stewardship* includes trauma exposure response in a larger conversation about “how we come to do this work, how we are affected by it, and how we make sense of and learn from our

fatigue and vicarious traumatization. Routledge/Taylor & Francis Group, and VISTAS (2016). Vicarious trauma and its influence on self-efficacy.

¹⁰² [A Trauma Informed Care Audit Report to the Capital Defense Community and Advocacy Movement](#) 2023, citing Mathieu, F. (2012). The compassion fatigue workbook: Creative tools for transforming compassion fatigue and vicarious traumatization. Routledge/Taylor & Francis Group, and VISTAS (2016). Vicarious trauma and its influence on self-efficacy.

¹⁰³ Dotson, E., Brody, D. C., & Lu, R. (2020). [An exploratory study of occupational and secondary traumatic stress among a mid-sized public defenders’ office](#). Journal of Criminal Justice and Law, 4(1), 22-39.

¹⁰⁴ Peters, Charise, [Traumatized defendants, troubled attorneys: The impact of vicarious trauma on the defense attorney-client relationship](#), Student thesis to CUNY John Jay College of Criminal Justice.

¹⁰⁵ Peters, Charise, [Traumatized defendants, troubled attorneys: The impact of vicarious trauma on the defense attorney-client relationship](#), Student thesis to CUNY John Jay College of Criminal Justice.

¹⁰⁶ Peters, Charise, [Traumatized defendants, troubled attorneys: The impact of vicarious trauma on the defense attorney-client relationship](#), Student thesis to CUNY John Jay College of Criminal Justice.

¹⁰⁷ Focus Groups and Findings: A Trauma Informed Care Audit Report to the Capital Defense Community and Advocacy Movement above, citing Bell, C. H., & Robinson, E. H. (2013). Shared trauma: Information and implications for counselors. Journal of Mental Health Counseling, 35(4), 310–323, Bride, B. E., Radey, M., & Figley, C. R. (2007). Measuring compassion fatigue. Clinical Social Work Journal, 35, 155–163

¹⁰⁸ Peters, Charise, [Traumatized defendants, troubled attorneys: The impact of vicarious trauma on the defense attorney-client relationship](#), Student thesis to CUNY John Jay College of Criminal Justice

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experiences.”¹¹⁰ This framework emphasizes the honor and responsibility of being entrusted with other people’s stories and lives, and the need to develop and maintain long term strategies to remain whole and helpful.

The Toll of Trauma

“[P]ublic defenders feel the impact of trauma on a daily basis. Overwhelming emotions, injustice, despair, rage, self-harm, and other self-destructive behaviors are exposed and reenacted in intricate detail in the hallowed halls of justice.”¹¹¹ Those who conducted a Wisconsin study of public defender saw what we see every day: that public defenders are dedicated and determined, but impacted by the work. They observed: “It’s amazing that they do. They are handling the demands of the job, but not easily and not without it having an impact on their lives.”¹¹²

Linda Albert’s groundbreaking study of Wisconsin State Public Defenders¹¹³ found significantly higher levels among public defenders than the general population of depression and post-traumatic stress disorder. 74.8 percent of attorneys described experiencing functional impairment, defined in the study as “the extent to which exposure to traumatic material interferes with functioning in work, social/leisure life and family/home life.” 34.7 percent of attorneys reported experiencing burnout, defined in the study as “job-induced physical, emotional or mental exhaustion combined with doubts about one’s competence and the value of one’s work.”

For a 2016 ABA Study, surveys were completed by 12,825 licensed, employed attorneys, assessing alcohol use, drug use, and symptoms of depression, anxiety, and stress. Compared to other helping professions and the general population, attorneys have higher rates of mental health issues such as depression and unhealthy substance use.¹¹⁴

The most frequent symptoms experienced by public defenders:¹¹⁵

“I thought about my work with clients when I didn’t intend to.”

“I had trouble sleeping.”

¹¹⁰ Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others, by Laura van Dernoot Lipsky and Connie Burk, at p. 6.

¹¹¹ Murray, D. C., & Royer, J. M. (2004). Vicarious traumatization: The corrosive consequences of law practice for criminal justice and family law practitioners. Legal Profession Assistance Conference. Dalhousie University, Halifax, Nova Scotia, Canada.

¹¹² Dianne Molvig, [The Toll of Trauma](#), Wisconsin Lawyer, December 2011.

¹¹³ Dianne Molvig, [The Toll of Trauma](#), Wisconsin Lawyer, December 2011.

¹¹⁴ Patrick Krill, Ryan Johnson and Linda Albert, [The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys](#), Journal of Addiction Medicine, January/February 2016.

¹¹⁵ Dotson, E., Brody, D. C., & Lu, R. (2020). [An exploratory study of occupational and secondary traumatic stress among a mid-sized public defenders’ office](#). Journal of Criminal Justice and Law, 4(1), 22-39.

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*"I was easily annoyed."
"I had trouble concentrating."
"I was less active than usual."*

Signs of trauma response ¹¹⁶			
Physical illness. Change in breathing or heart rate, chest pain. Stomachaches. Headaches. Difficulty sleeping. Nightmares. Chronic exhaustion. Addiction.	Detachment. Emotional exhaustion. Fear, shame, anger, guilt, cynicism, sadness. Intrusive thoughts. Strained relationships. Hypervigilance. Disrupted sense of safety, trust, esteem, intimacy, and control. Feeling helpless and hopeless.	A sense that one can never do enough. Inability to listen, deliberate avoidance. Inability to empathize, numbing. Second guessing. Sense of persecution. Grandiosity.	Absenteeism. Inability to embrace complexity. Diminished creativity. Poor concentration. Inhibited ability to think clearly, modulate emotions, and provide effective representation. Diminished overall work performance. Apathy or cynicism toward clients.

Navigating Trauma

Three useful steps to managing the impacts of trauma are Managing exposure, Metabolizing Exposure, and continually Assessing Impacts.

1. Anticipate and Manage Exposure

- Plan for review of recordings and images of depictions of injury.
- Divide the task across the team with specified objectives.
- Review the material in the workplace during work hours.
- Review the material as a team rather than alone.
- Limit the time duration of review.
- Plan a transition activity after the review.

¹¹⁶ Dotson, E., Brody, D. C., & Lu, R. (2020). [An exploratory study of occupational and secondary traumatic stress among a mid-sized public defenders' office](#). Journal of Criminal Justice and Law, 4(1), 22-39; Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others, by Laura van Dernoot Lipsky and Connie Burk; [Compassion Fatigue: Coping With Secondary Traumatic Stress Disorder In Those Who Treat The Traumatized](#) (Psychosocial Stress Series) 1st Edition, by Charles R. Figley (1995).

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2. “Metabolize” Exposure and Build Resilience

Metabolizing exposure: Metabolism is made up of (1) breaking down accrued physical and emotional impact of exposure that erodes us; and (2) building muscles of capacity to strengthen us.¹¹⁷

- Debrief: find a way to debrief distressing material, especially through connection/community.
- Therapy: Seek supportive tools.
- Seek out social support from friends, family, or colleagues
- Mind-body connection and body focused practices like yoga and meditation.
- Practices of writing and journaling.

3. Assess Impacts and Increase Awareness

Self-awareness is a powerful activator of well-being. Becoming familiar with the potential symptoms of trauma response and then regularly engaging in reflection and self-assessment is an important part of managing the impacts of trauma. This could include periodic completion of an assessment tool, such as the [Professional Quality of Life Measure](#) (ProQOL) or the [Secondary Traumatic Stress Scale](#), or a less formal self check-in, or even a check in with loved ones to see if they have observed changes.

Regular examination of how we’re doing allows us to shift and respond and improve. It keeps us focused on our goals and aspiration, and the concrete incremental steps that we can take toward those goals. A cycle of assessment and goal setting keeps us from getting stuck. If done well, it helps us see and acknowledge our own growth and skill development over time, rather than only seeing the (forever) steep learning curve ahead of us.

Individual Strategies for Managing Trauma Exposure and Response:¹¹⁸

- Work on self-awareness every day.
- Take an inventory of how balanced your life is--be intentional about balancing it out.
- Recognize the risks for yourself.
- Evaluate your tension reducing behaviors.
- Seek and plan supportive tools for yourself (physical activity, mental health care).
- Be intentional about protecting yourself.
- Build compassion and community.
- Engage in systemic change.

¹¹⁷ Laura van Dernoot Lipsky, *The Age of Overwhelm*, at p. 54. Also see *Keeping Legal Minds Intact: Mitigating Compassion Fatigue Among Legal Professionals*, ABA 2014

¹¹⁸ [Keeping Legal Minds Intact](#): *Mitigating Compassion Fatigue Among Legal Professionals*, ABA 2014, [Trauma Stewardship](#): An Everyday Guide to Caring for Self While Caring for Others, by Laura van Dernoot Lipsky. Bessel van der Kolk, M.D. [The Body Keeps the Score](#): Brain, Mind, and Body in the Healing of Trauma.

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- Engage with life outside of work.
- Develop a centering practice.
- Seek out social support from friends, family, or colleagues.
- Mind-body connection and body focused practices like yoga and meditation.
- practices of writing and journaling.

Organizational Strategies for Managing Trauma Exposure and Response¹¹⁹

- Include education on traumatic impacts and tools to mitigate, recover and heal from trauma in onboarding and ongoing training programs.
- Include assessment and trauma screening for staff, and annual wellness surveys.
- Post and distribute education on individual strategies—such as the [Tiny Survival Guide](#).
- Increase access to counseling and therapy and other mental health support, such as assistance programs and a 24/7 support hotline.
- Increase peer support opportunities.
- Implement debriefing and other processing spaces.
- Provide training and coaching for managers and supervisors to improve organizational support.
- Cap workloads and address excessive workloads and hours.
- Provide training and coaching for managers to speak to funders in budget advocacy about the need for trauma informed programs and practices.
- Provide flexibility and opportunity to participate in movement practices that help many people process trauma.
-

Trauma Informed Public Defense

Trauma informed legal practice involved using increased understanding of the impacts of trauma to improve the practices, policies and culture within our organizations and legal representation. Deeper understanding of the impact of trauma should guide public defense trainers and leaders, and shape the culture we build. For example trauma-informed leaders will be more mindful of the ways traumatic impacts can look like behavioral problems, such as absenteeism or reactivity to colleagues. Responding with corrective action plans may address some issues, while access to mental health support and care is a better response for others. Similarly, trauma-informed trainers will be better able to present and facilitate effective training programs, because they will be more informed and prepared for potential participant responses.

What is Trauma Informed Public Defense?¹²⁰

¹¹⁹ [Keeping Legal Minds Intact](#): Mitigating Compassion Fatigue Among Legal Professionals, ABA 2014; [A Trauma Informed Care Audit Report to the Capital Defense Community and Advocacy Movement](#).

¹²⁰ Framework from The Substance Abuse and Mental Health Administration (SAMHSA), quoted in Focus Groups and Findings: A Trauma Informed Care Audit Report to the Capital Defense Community and Advocacy Movement

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Awareness of the widespread impact of trauma in the lives of our clients, colleagues and communities, and paths for recovery.
Recognition of the signs and symptoms of traumatic impact, informed responses, and the tools to “metabolize exposure.”
Engagement: integrate this knowledge into practices, support, training, supervision, mentorship, and the policies and procedures of the agency.
Seek to actively resist re-traumatization.

Cumulative and Disproportionate Impacts of Trauma and Oppressive Systems

“Rooting our concept of trauma stewardship in a larger framework of systematic oppression and liberation theory is extremely important. Oppression plays a leading role in creating and maintaining systems that perpetuate suffering and trauma for all sentient beings, as well as the planet we share. The more we can understand this relationship, the better our insights into the ways that trauma affects us individually and collectively around the globe.”¹²¹

People cannot perform well at work if they feel physically or psychologically unsafe. When workers feel psychologically safe, they speak up without the risk of being punished, retaliated against or humiliated, and without fear of these risks.¹²² Protecting colleagues from harm means “confronting structural racism, microaggressions, ableism, and implicit bias. In inclusive workplace cultures, all workers, including those with disabilities and from diverse racial and socioeconomic backgrounds, feel safe to be authentic and express their feelings because they trust that their coworkers welcome and value their unique perspectives. When diversity is celebrated as a source of strength, workers experience less stress and anxiety as bias and prejudice is not tolerated.”¹²³

Practices like mindfulness can support the work of dismantling oppressive systems. “Racism is a form of trauma. To begin to unravel the harm of racism—the historical trauma, the microaggressions, the white fragility that often is a barrier to conversation—people need to have a level of self-awareness, to be able to sit, without judgment, with what is uncomfortable, to be present and aware, and to hold this inquiry with curiosity and kindness. My hope is that in becoming a mindful organization we will have greater

above, citing SAMHSA (2014). SAMHSA’s concept of trauma and guidance for a trauma-informed approach. Retrieved January 2021 from: https://ncsacw.samhsa.gov/userfiles/files/SAMHSA_Trauma.pdf

¹²¹ Trauma Stewardship, by Laura van Dernoot Lipsky and Connie Burk, at p. 28.

¹²² The U.S. Surgeon General’s Framework for Workplace Mental Health & Well-Being, at p. 13.

¹²³ The U.S. Surgeon General’s Framework for Workplace Mental Health & Well-Being, p. 15.

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focus, emotional balance, and the tools for the difficult conversations that need to happen. Being mindful—knowing and being in touch with what is going on with you—is essential to undoing racism.”¹²⁴

Moving the discussion from self-care to “community care” can also be one component addressing structural oppression. “Self-care does not address the systemic issue that people who face compounded discrimination have to deal with,” says Toronto based community organizer Nakita Valerio.¹²⁵

Resources

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¹²⁴ Jenee Johnson, in [Encouraging Meaningful Conversations about Race and Trauma](#)

¹²⁵ [Self-care isn't enough. We need community care to thrive](#), by Heather Dockray, Mashable, May 24, 2019.

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[Institute for Well-Being in Law](#) In August 2017, the Task Force published a comprehensive report titled The Path to Lawyer Well-Being: Practical Recommendations for Positive Change. The release of the report resulted in a national movement among stakeholders in the legal profession to take action to improve well-being. In December 2020, the Institute for Well-Being in Law (IWIL) was formed to carry on the movement launched by the National Task Force. The Institute for Well-Being in Law is a 501(c)(3) non-profit charitable organization that evolved from the National Task Force on Lawyer Well-Being.

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[Long working hours increasing deaths from heart disease and stroke](#): WHO, ILO, World Health Organization study, May 17, 2021 The study concludes that working 55 or more hours per week is associated with an estimated 35% higher risk of a stroke and a 17% higher risk of dying from ischemic heart disease, compared to working 35-40 hours a week.

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Molvig, Dianne, [The Toll of Trauma](#), by Dianne Molvig, Wisconsin Lawyer, December 2011, summarizing Linda Albert's 2011 study of Wisconsin State Public Defenders. Findings: PDs had significantly higher levels of compassion fatigue (the cumulative physical, emotional, and psychological effects of continual exposure to traumatic stories or events when working in a helping capacity) than the general population, by measuring symptoms of Depression (loss of interest in pleasure, disturbed sleep, loss of appetite, low energy, poor concentration, feelings of guilt or low self-worth); Post-traumatic Stress Disorder (flashbacks, nightmares, severe anxiety, uncontrollable thoughts); Functional Impairment (interference with functioning in work, social/leisure life and family/home life); Secondary Trauma Stress ("cost of caring" about another person who had experienced trauma; symptoms similar to PTSD). 75% PD Attorneys report that their work has negative impact on their lives as whole.

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[The Path to Lawyer Well-Being](#): Practical Recommendations for Positive Change. Report from the National Task Force on Lawyer Well-Being, ABA 2017: This report's recommendations focus on five central themes: (1) identifying stakeholders and the role each of us can play in reducing the level of toxicity in our profession, (2) eliminating the stigma associated with help-seeking behaviors, (3) *emphasizing that well-being is an indispensable part of a lawyer's duty of competence*, (4) educating lawyers, judges, and law students on lawyer well-being issues,

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and (5) taking small, incremental steps to change how law is practiced and how lawyers are regulated to instill greater well-being in the profession.

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Trauma-Informed Legal Practice Quick-Guide

Four Principles of Trauma-Informed Advocacy:

1. Identify the trauma.

- Do an ACEs assessment
- Recognize triggers

2. Adjust client/attorney relationship.

- Listen actively
- Be affirming, add explanations

3. Adapt litigation strategy.

- Reduce triggers
- Strategize support for client to be successful
- Refer to SWIFT Defense social worker

4. Prevent vicarious trauma.

- Set boundaries, know signs, diversify caseload

Keep These Trauma Responses in Mind:

Effects of trauma on the brain:

- Hypervigilance
- Interrupted speech/ability to communicate trauma
- Impairs judgement and recall ability

Ways to offer support:

- Orient to surroundings
- Accept and allow for different reactions
- Ask for recall and summary from clients

Visible responses vs what's happening in the brain:

Fight-flight reactions often show up as:

- Anger
- Argumentative-ness
- Acting out

Freeze reaction often looks like:

- Being shut down
- Not showing remorse
- Seemingly not trying
- Forgetfulness
- Rumination/circular thinking

It may be necessary to adjust your style of communication, courtroom prep, and cross examination. Being trauma-informed is important outside of the client-attorney relationship as well. Use these tips and strategies not only with clients, but with coworkers, family, friends, and strangers.

¹²⁶ From Stephanie Thornton, developed for West Virginia public defenders increase trauma-informed legal practice.

Unionized Public Defense

“Managers should support and recognize unionization efforts inside movement organizations as a reflection of our values. There is great potential for internal staff unions to strengthen our workplaces, including by inoculating against or mitigating the tendencies outlined here. Organizing and contract negotiations can sharpen the skills of—and connections among—non-managerial staff as well as deepen management’s awareness of problems and the organization’s overall health. Collective bargaining agreements can increase clarity, promote equity, foster accountability, and provide a common language across an organization. And, most importantly, healthy labor/management relations can bridge gaps and serve as an ongoing resource for managers and unit members to tend to collective goals. No process, including unionization, can be a panacea to all our institutional woes. When done with enthusiastic, upfront support from managers and a bargaining unit committed to the organizational mission and vehicle, unionization can mitigate glass house/small war/anti-leadership tendencies rather than feed them.”¹²⁷

Resources:

Are Public Defense Unions the Key to Systemic Reform? w/Sam Allison-Natale and Bob Kolstad, [Public Defenseless, Episode 58](#). “In this episode, Hunter speaks with Sam Allison-Natale, Executive Director of the Kansas Holistic Defenders, and Bob Kolstad, a public defender in Hennepin County, Minnesota. They’ll walk you through everything you need to know about public defense unions and the philosophy behind them. Giving you a behind-the-scenes view, you’ll learn the realities behind unions, the goals, and why they are necessary. Then, Bob and Sam will discuss collective organizing and the ethics around it. They’ll share how they mobilize public defenders and how they get past the individualistic society of today. With their endless enthusiasm, Bob and Sam share a refreshing vision of unity and hope.”

The Public Defense Union Pushing to Change Colorado Public Defense with The Defender's Union of Colorado, [Public Defenseless, Episode 54](#). “In this episode, I speak with three inspiring individuals: Michelle Sages, a Lead Deputy State Public Defender of the Denver Trial Office, Travis Weiner, a Deputy State Public Defender of the Greely Regional Office, and James Hardy, a Lead Deputy Public Defender in the Appellate Division of the Colorado State Public Defender. Together, they speak on The Defender’s Union of Colorado and why it’s essential to have a public service union. Then, they go into how they have been working with both state officials and the general public to gain support for their cause. They’ll wipe away all misconceptions about public service unions and prove that despite the criticisms, a union is beneficial for everyone involved.”

¹²⁷ [Building Resilient Organizations](#), by Maurice Mitchell, The Forge, 11/29/22.

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Well-Being Research and Studies of Lawyers and Public Defenders (and other related research and reports)

While necessary, indigent defense practice, or public defense, involves significant challenges. These include high caseloads, underappreciation, relatively meager wages, and low-income, highly needy clients. Indigent defense attorneys have an ethical obligation to overcome these obstacles to zealously and effectively represent criminal defendants. The combination of working with needy, frequently traumatized clients in a highly adversarial atmosphere for an underfunded office have the potential to expose public defenders to high levels of occupational stress and secondary traumatic stress. These stressors can lead to serious physical and mental maladies, as well as inhibit an attorney's ability to think clearly, modulate their emotions, and provide effective of representation (Krieger, 1998), and have a negative impact on the operation of the criminal court system. On the other hand, decreasing the levels of occupational stress and secondary trauma experienced by attorneys is likely to increase their mental well-being, health, and levels of job satisfaction. Dotson, E., Brody, D. C., & Lu, R. (2020). *An exploratory study of occupational and secondary traumatic stress among a mid-sized public defenders' office*. *Journal of Criminal Justice and Law*, 4(1), 22-39.

Studies and Reports on Lawyer and Public Defender Well-Being

2024 Well-Being Report: The Divide Between Health & the Legal Industry, can be [downloaded here](#).

In this data-driven report, Bloomberg Law analysts combine data from the bi-annual Workload & Hours Survey and Bloomberg Law's exclusive Attorney Well-Being Survey to provide information in understanding attorney well-being. The report explores the disconnect between the importance attorneys place on well-being and how "well" attorneys actually are.

Here are some notable findings within this report:

- 4 in 10 respondents indicated that their well-being stayed about the same, while more respondents indicated that their well-being at least slightly improved (31%) than those who said it had at least slightly worsened (26%).
- Attorneys felt burned out almost half of the time at work in the second half of 2023. And with the average number of hours worked every week hovering just around 50 during this period, it comes as no surprise.
- Female attorneys said they experienced more burnout in their jobs (53% of the time) than male attorneys reported (41%).

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- Respondents who have children under the age of 18 in the home experienced more burnout (50%) than those who do not (46%).
- Despite saying that they took an average of nine days off during the second half of 2023, over three-quarters of the respondents said that they worked on about half (or more) of their days off. Though, on a positive note, respondents also report spending, on average, 6.9 hours per week on self-care, a number which has continued to increase in the past two years—though self-care hours for female attorneys (6.4) still lag behind the hours for male attorneys (7.7).
- Attorneys are experiencing disrupted sleep and anxiety at majority levels, which can lead to a slew of mental and physical health issues and prevent them from performing at the levels desired by their firms and clients.
- From trouble focusing, to imposter syndrome, to feelings of loneliness and isolation, most attorneys expressed dealing with at least one such issue this year.
- The challenges most frequently selected by attorney were “trouble focusing on work tasks” and an “inability to disconnect from work”—almost half of the respondents said these were issues.

Focus Groups and Findings: A Trauma-Informed Care Audit Report to the Capital Defense Community and Advocacy Movement, by Sage Wellness Group, 2023

The purpose of the audit was to answer the following questions related to stakeholder experiences within their respective organizations and in their current roles:

What is my /our understanding of trauma and trauma behaviors as an organization or solo practitioner?

What would becoming trauma-informed look like for me/our organization?

What challenges are faced in meeting these goals?

How are these challenges addressed?

Method: Information collected by survey and focus groups from 20 individual stakeholders consisting of attorneys, mitigation specialists, communications, and activists who have all worked on preventing executions. Stakeholders represented people who worked within organizations and those who worked independently within the death penalty movement.

“The main observations from both the survey and focus groups found that the overwhelming majority of stakeholders are both committed to and traumatized by this work.”

Recommendations for organizations:

1. Executive Coaching/Training for Agency Organization Administration and Supervisors.
2. Trauma-informed Care Trainings and Self-Care Sessions for Stakeholders.
3. Inclusion of Organizational Commitment to Trauma-Informed Care in Written Policies and Other Forms of Communication.

Recommendations for organizations and stakeholders engaged in the movement:

1. Peer Support Opportunities.

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2. Specialized Trauma Trainings: Opportunities Focused on Language to Speak to Funders and Other Stakeholders, Trauma-Informed Care from an Organizational Lens, and Trauma-Informed Approaches for Organizations that are Constantly Experiencing Trauma.
3. Self-Care Sessions: Myth versus Reality

Recommendations for self-employed, activists, or others outside of organizations

1. Specialized Trainings for Stakeholders who are Self-Employed.

[Professionals, and Profit Centers: The Connection between Lawyer Well-Being and Employer Values](#), by Patrick R Krill, Nikki Degeneffe, Kelly Ochocki, Justin J Anker. June 3, 2022.

62% of lawyers reported feeling most valued for their personal or professional attributes
28% of lawyers reported feeling most valued for attributes like productivity and responsiveness
10% of lawyers who believed their employers did not value them or did not receive enough feedback had the poorest mental and physical health

[Traumatized defendants, troubled attorneys: The impact of vicarious trauma on the defense attorney-client relationship](#), by Charise Peters (2022).

Bačak, Valerio and Lageson, Sarah and Powell, Kathleen, [The Stress of Injustice: Public Defenders and the Frontline of American Inequality](#) (December 12, 2020). Available at SSRN: <https://ssrn.com/abstract=3765714> or <http://dx.doi.org/10.2139/ssrn.3765714>

Using semi-structured interviews, researchers at Rutgers University and Drexel University applied a series of tools to assess the “social and psychological demands of working in a punitive system with laws and practices that target and punish those who are the most disadvantaged” to a sample of 87 public defenders across the United States.

They found three “major stressors” of injustice that affected the emotional health of those practicing indigent defense just as definitively as the individuals they defended:

- (1) penal excess
- (2) economic divestment and
- (3) the criminalization of mental illness.

While the researchers said their study was not designed to suggest policy, they noted their findings implied approaches that could mitigate public defenders’ occupational stress. Possible approaches included:

Increase funding for public defenders;
Provide assistance with secondary trauma as soon as an attorney starts a job;
Introduce workplace interventions for overworked attorneys to reduce occupational stress;
Educate young attorneys about stress management early in their careers, or even in law school.

[Public Defenders Suffer From the ‘Stress of Injustice’: Study](#), The Crime Report, January 26, 2021 (this brief article summarizes the study, the [study itself is at this link](#)).

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Dotson, E., Brody, D. C., & Lu, R. (2020). [An exploratory study of occupational and secondary traumatic stress among a mid-sized public defenders' office.](#) *Journal of Criminal Justice and Law*, 4(1), 22-39.

This exploratory study examines whether indigent defense attorneys suffer from occupational stress and secondary traumatic stress. A survey of attorneys from a mid-sized public defender's office were found to have symptoms of severe occupational stress as well as high levels of secondary traumatic stress. Furthermore, regression analyses indicated that secondary traumatic stress and severe occupational stress had significant negative impacts on attorney job satisfaction.

This study includes a terrific summary of other relevant research.

OCCUPATIONAL STRESS

- Among the various areas of law, representing indigent criminal defendants is perhaps the most stressful (Elwork, 1995, p. 22; Schenker, Eaton, Green, & Samuels, 1997) These stressors include frequent conflict with prosecuting attorneys and judges; high caseloads; numerous jury trials; dissatisfied, cynical, and untrusting clients; lack of support from the public; and vicarious trauma (Lynch, 1997).
- A 1987 study by Lisa McIntyre reported on numerous interviews with both current and former attorneys from the Cook County Office of Public Defense. The study found high levels of stress, cynicism, and disillusionment they experienced on the job. Factors leading to these conditions included high caseloads; disrespect by clients, adversaries, judges, and society; and frustration with the criminal justice system (McIntyre, 1987).
- In the late 1990s David Lynch published several studies that examined the occupational stress experienced by public defenders. In a qualitative study that focused on public defenders in New York state and the Carolinas, Lynch (1998) reproduced extensive quotes from interviews conducted with public defense attorneys. The interviews revealed several recurring causes of stress, including conflicts with clients, arguments with unreasonable prosecutors, and high caseloads (Lynch, 1998, p. 476).
- Paul Wice (2005) published the results of an in-depth qualitative study of the Essex County, New Jersey, Regional Public Defender's Office. Wice found the office's attorneys to be suffering from high levels of stress. He concluded that the stress was caused by many factors, including heavy caseloads, unreasonable demands to complete cases expeditiously, and clients' negative stance toward their appointed counsel (Wice, 2005).
- In 1997, surveying a sample of public defenders in New York state, David Lynch focused on two questions: what stressors do public defenders experience most frequently, and what is the intensity of each stressor. These items were an excessive amount of work to do, the unpredictability of trials occurring, the absence of a viable defense at trial, the need to satisfy conflicting parties, upset and angry clients and families, arguments with prosecutors, and the lack of a realistic option to take cases to trial due to draconian sentences (Lynch, 1997, p. 26-27).
- Choo, Shulman, and Selva (2009) surveyed public defenders in Tennessee about occupational stress. Much of their research focused on the relationship between public defenders' occupational stress and several demographic characteristics. They found that new attorneys and veteran attorneys experienced relatively high levels of stress when compared to attorneys at

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mid-career (Choo, Shulman, & Selva, 2009, p. 975). The researchers also observed that compared to non-white attorneys, white public defenders experienced significantly higher levels of stress from heavy caseloads, insufficient resources, and the inability to make a difference in a client's life. With regards to gender, while the authors found that both male and female attorneys suffered from high occupational stress, the specific items causing high stress differed by gender. Women reported more frustration and stress regarding corruption in the system while male defenders had higher stress scores related to having too many cases and working too many hours (Choo, Shulman, & Selva, 2009, p. 977.)

SECONDARY TRAUMATIC STRESS

- Secondary traumatic stress (STS) is “the natural consequent behaviors and emotions resulting from knowing about a traumatizing event experienced by a significant other—the stress resulting from helping or wanting to help a traumatized or suffering person” (Figley, 1995, p. 7). STS can afflict professionals who have empathy for their traumatized clients and invest much of themselves in trying to help the traumatized person or people. Symptoms associated with STS closely parallel those experienced by individuals suffering from post-traumatic stress disorder, including intrusive thoughts, sleep disturbances (difficulty with sleep onset, nightmares), hypervigilance, withdrawal, avoidance, lessened affect, and increased tension (Albert, 2009; APA, 2013; Figley, 1995).
- Attorneys who work closely with traumatized clients and work in an adversarial environment on a daily basis are especially vulnerable to STS. Specifically, attorneys whose practices focus on family law (Borbst, 2014), immigration law (Piwowarczyk et al. 2009), and criminal defense (Murray & Royer, 2004) are at significant risk of STS.
- Levin and Griesberg (2003) compared levels of STS experienced by attorneys from public defender offices, as well as from agencies specializing in domestic violence and criminal law, to levels found in social workers and mental health professionals who work with victims of child abuse. Researchers found that the attorneys had much higher levels of STS than the mental health professionals and social workers.
- As stated by Vrkleviski and Franklin (2008, p. 107), “[p]ublic defenders feel the impact of trauma on a daily basis. Overwhelming emotions, injustice, despair, rage, self-harm, are other self-destructive behaviors are exposed and reenacted in intricate detail in the hallowed halls of justice (Murray & Royer, 2004).”
- In addition to vicariously experiencing trauma, public defense attorneys must also deal with the reality that they possess limited ability to help clients overcome trauma. Although trained to remain detached from the emotions being experienced by clients, in practice these attorneys must engage and empathize with them sufficiently so that the client feels able to trust and confide in their attorney (Ellman, 1992). While it is normal for attorneys to show empathy toward their clients and crime victims, and in fact very helpful to their clients, such feelings may have a detrimental impact on an attorney's psyche and negatively impact their representation (Murdoch, 2000). Attorneys have an ethical obligation to zealously represent their clients. The role of zealous advocacy forces attorneys to subordinate their emotional response to the more objective needs of the case (Norton, Johnson, & Woods, 2015). Such repression increases the impact stressors have on a person (Bandes, 2006). Moreover, individuals who have a greater

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capacity for empathy for a traumatized client are at greater risk to suffer from STS due to this inner conflict (Figley, 1995; Ludick & Figley, 2016).

- The nature of the work, when combined with extremely high caseloads maintained by most public defenders, provides a ripe environment for STS. This is exacerbated by the fact that individual attorneys and public defender offices lack the resources to effectively address the needs of traumatized clients. Moreover, due to a lack of training or education concerning how to deal with trauma public defenders are placed in the position of having to personally work through client trauma and emotional needs without the time or capacity to do so.

JOB SATISFACTION

- Several studies have examined the levels of job satisfaction experienced specifically by public defenders. For example, Donna Hall (1995) found that overall, both male and female public defense attorneys had similar levels of job satisfaction. The components of their jobs that proved satisfying, however, differed across gender. While the level of job satisfaction felt by female attorneys centered around the issues of promotional opportunities and manageable workloads, male attorneys were more concerned with support from their co-workers and perceived level of prestige associated with public defense work (Hall, 1995, p. 131).

ABA 2018 [Well Being Toolkit](#) for Lawyers and Legal Employers, by Anne Brafford.

99 page tool kit on supporting a healthy workplace, healthy work habits and lifestyle choices. Some useful things this 99 page Toolkit contains are: An Introduction to why lawyer well-being should be a priority; A definition of Lawyer Well-Being; A definition of a Healthy Workplace; An 8-Step Action Plan for Legal Employers; Guidance for a Policy & Practice Audit to evaluate what supports and harms well-being; Recommendations for Activities & Events and for Education & Development to include as part of your Action Plan; Ideas for Assessments to track progress on wellbeing goals; Online Resources & Technology to help start and develop well-being initiatives; Book Recommendations; A list of Partners, which are organizations that already focus on lawyer well-being and can assist legal employers in their efforts; A list of Speakers and Consultants to contribute to well-being initiatives; An Activity Workbook that contains Worksheets with hands-on activities and checklists for enhancing well-being that can be used individually or collectively as part of organization level initiatives.

[The Path to Lawyer Well-Being](#): Practical Recommendations for Positive Change. Report from the National Task Force on Lawyer Well-Being, ABA 2017:

This report's recommendations focus on five central themes:

(1) identifying stakeholders and the role each of us can play in reducing the level of toxicity in our profession, (2) eliminating the stigma associated with help-seeking behaviors, (3) **emphasizing that well-being is an indispensable part of a lawyer's duty of competence**, (4) educating lawyers, judges, and law students on lawyer well-being issues, and (5) taking small, incremental steps to change how law is practiced and how lawyers are regulated to instill greater well-being in the profession.

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[Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, \(2016](#)

Ford Foundation study for ABA), Krill, Patrick R. JD, LLM; Johnson, Ryan MA; Albert, Linda MSSW, Journal of Addiction Medicine: January/February 2016 – Volume 10 – Issue 1 – p 46–52. A sample of 12,825 licensed, employed attorneys completed surveys, assessing alcohol use, drug use, and symptoms of depression, anxiety, and stress. Substantial rates of behavioral health problems were found, with 20.6% screening positive for hazardous, harmful, and potentially alcohol-dependent drinking. Levels of depression, anxiety, and stress among attorneys were significant, with 28%, 19%, and 23% experiencing symptoms of depression, anxiety, and stress, respectively. The “parade of difficulties” includes suicide, social alienation, work addiction, sleep deprivation, job dissatisfaction, a “diversity crisis,” complaints of work-life conflict. Younger lawyers in the first ten years of practice experience the highest rates of problem drinking and depression.

[Keeping Legal Minds Intact: Mitigating Compassion Fatigue Among Legal Professionals, ABA 2014](#)

Organizational Contributions to Compassion Fatigue:

Heavy caseloads-Long Hours
Inefficient administration
Excessive paperwork
Inadequate resources to meet the demands
Lack of supportive supervision.

Research-based suggestions for improving mood, increasing life satisfaction and mitigating CF:

Recognize the risks for yourself
Find a way to debrief distressing material-especially through connection/community
Work on self-awareness every day
Take an inventory of how balanced your life is--be intentional about balancing it out
Evaluate your tension reducing behaviors
Be intentional about protecting yourself

Summary article: [The Toll of Trauma](#), by Dianne Molvig, Wisconsin Lawyer, December 2011.

Very readable 7 page summary of the findings of Linda Albert’s 2011 study of Wisconsin State Public Defenders. Findings: PDs had significantly higher levels of **compassion fatigue** (the cumulative physical, emotional, and psychological effects of continual exposure to traumatic stories or events when working in a helping capacity) than the general population, by measuring symptoms of **Depression** (loss of interest in pleasure, disturbed sleep, loss of appetite, low energy, poor concentration, feelings of guilt or low self-worth); **Post-traumatic Stress Disorder** (flashbacks, nightmares, severe anxiety, uncontrollable thoughts); **Functional Impairment** (interference with functioning in work, social/leisure life and family/home life); **Secondary Trauma Stress** (“cost of caring” about another person who had experienced trauma; symptoms similar to PTSD). **75% PD Attorneys** report that their work has **negative impact** on their lives as whole.

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Study: **Secondary Traumatic Stress in Attorneys and Their Administrative Support Staff Working With Trauma-Exposed Clients**, by Andrew P. Levin, Linda Albert, Avi Besser, Deborah Smith, Alex Zelenski, Stacey Rosenkranz, and Yuval Neria, The Journal of Nervous and Mental Disease, Vol. 199, Number 12, Dec. 2011. A study in which the Center for Epidemiological Studies Depression Scale, the Impact of Event Scale-Revised (PTSD), the Sheehan Disability Scale (functional impairment) and The Professional Quality of Life Scale Version 5, were administered to attorneys, investigators and support staff at the Wisconsin State Public Defender, an agency that at that time had over 250 lawyers/474 total staff in offices at 38 locations.

[At this link](#), the 2011 study is included and begins at page 84.

[VIDEO: The Toll of Trauma](#): Linda Albert and Deb Smith discuss the 2011 WI study (4 min video)

Resources:

[Institute for Well-Being in Law](#) In August 2017, the Task Force published a comprehensive report titled The Path to Lawyer Well-Being: Practical Recommendations for Positive Change. The release of the report resulted in a national movement among stakeholders in the legal profession to take action to improve well-being. In December 2020, the Institute for Well-Being in Law (IWIL) was formed to carry on the movement launched by the National Task Force. The Institute for Well-Being in Law is a 501(c)(3) non-profit charitable organization that evolved from the National Task Force on Lawyer Well-Being.

[National Task Force on Lawyer Well Being](#): formed in 2017.

[Lawyer Well Being](#) YouTube channel: created by Anne Brafford, includes yoga and meditation practice videos as well as videos about connecting with clients and other well being video content.

[The Indigent Defense Research Association](#) A virtual, interdisciplinary community of practitioners, researchers, funders, and policy analysts who care about using data to improve public defense.

Articles:

“What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success,” by Lawrence S Krieger and Kennon M Sheldon, 83 George Washington Law Review 554 (2015), FSU College of Law, Public Law Research Paper No. 667, Posted: 22 Feb 2014 Last revised: 13 May 2015.

Books:

[Books on Lawyer Well Being](#) Library of titles from ABA Publishing

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Well-Being Research and Reports [General, Not Specific to Public Defense or Legal Work]

Studies and Reports on General Well-Being
<p>The Surgeon General’s Framework for Workplace Mental Health and Well-Being (2022) Workplace Well-Being Resources</p> <p>The Surgeon General’s Framework for Workplace Mental Health and Well-Being emphasizes the connection between the well-being of workers and the health of organizations. It offers a foundation and resources that can be used by workplaces of any size, across any industry. Sustainable change must be driven by committed leaders in continuous collaboration with the valued workers who power each workplace. The most important asset in any organization is its people. By choosing to center their voices, we can ensure that everyone has a platform to thrive.</p>
<p>Long working hours increasing deaths from heart disease and stroke: WHO, ILO, World Health Organization study, May 17, 2021</p> <p>The study concludes that working 55 or more hours per week is associated with an estimated 35% higher risk of a stroke and a 17% higher risk of dying from ischemic heart disease, compared to working 35-40 hours a week.</p>

Yoga

Yoga is a Sanskrit word that translates as “yoke” or “union.” This is sometimes translated as a goal of aiming to join the body, mind and spirit. Yoga originated in India, and is widely known in the U.S. today as a system of physical postures (*asanas*) and breathing exercises (*pranayama*) that promote physical well-being and relaxation.

In public defense work, yoga can be a valuable practice for stress management, physical health, meditation and relaxation.

Yoga is also one of the movement practices used [as a somatic therapy for healing trauma](#).

The benefits of yoga include	
<ul style="list-style-type: none">-reduces stress, anxiety, fatigue and depression-increases relaxation-reduces cortisol levels-reduces inflammation-improves hearth heath and risk factors for heart disease-may reduce chronic pain and migraines-promotes sleep quality-improves flexibility, balance, breathing	

Deciphering yoga descriptions	
<p>If you want to take a class but are confused by the titles and terminology, here is a chart of common class titles/styles.</p> <p>My recommendation is this: before deciding whether yoga is a useful practice for you, try three different styles and three different teachers to get a sense of whether a class, or a teacher, or even yoga as a practice, is a good fit for you. The experience can vary dramatically by teacher and style, so if you're interested, don't give up just because one class was disappointing. There's a lot of yoga out there—saying you don't like it after 1 class is like saying you don't like music after hearing 1 song.</p>	
Ashtanga	Athletic, demanding, series of poses linked with breath, practiced in the same order.
Bikram, hot yoga	26 poses practiced twice, always in the same sequence, in a heated room.
Flow/power/vinyasa	Flowing practice that links movement and breath, sometimes in a heated room.
Hatha	Broad term for teaching yoga postures. Often more gentle and with alignment instruction.
Iyengar	Practice of postures with meticulous attention to alignment and frequent use of props
Jivamukti	Physical practice, often with music, that incorporates spiritual elements (chanting and scripture).

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Kundalini	Uses movement, dynamic breathing, meditation and chanting to increase vitality and consciousness.
Restorative, yin	Passive poses, often using props, designed to soothe and rejuvenate.

Home practice sequencing								
There are many classes and theories about yoga sequencing. While they are useful, do not be intimidated about developing a home practice on your own. If you wish to develop a home practice, but wonder how to sequence the poses in a useful way, one possible outline for sequencing is below. It's just one possible starting point, try others too.								
Opening/ Intention	Warm up	Standing	Balancing	Seated	Backbend	Core/ Spine	Inversions	Rest/ Savasana
	Half/full Sun salutation (A + B)	Warrior 1,2, 3 Reverse warrior Side angle Triangle Crescent Chair	Tree Eagle	Forward bends and Twists	Bridge Wheel	Boat Twist	Legs up wall Shoulder- stand Headstand	Breathing meditation
	Cat/cow Thread needle Sideplank Childs pose		Arm balancing: Bakasana				Pigeon	

Yoga Practice Resources

[Desk Yoga Practice](#): guide with photos and instructions by Amy Pruett, from 2020 Lawyer Well Being Week.

[Gaia](#): online app with yoga, meditation, videos and other content. Subscription with free trial.

[Yoga with Adrienne](#): free YouTube channel with library of over 500 practice.

[Yoga with Omaid](#) Join Public Defender Investigator/CorePower Instructor Omaid as he takes you on a 14 min relaxing yoga experience. Omaid and fellow CorePower instructor Katie B designed this workout for our office as a quick break to stretch out your bodies while working at home during this pandemic.

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Try out some [desk yoga](#) or even some [bed yoga](#).

Articles:

[Yoga as Somatic Therapy for Healing Trauma and PTSD](#), by Molly Rae Benoit-Leach, Yogapedia, March 11, 2020.

Books:

[The Art of Vinyasa: Awakening Body and Mind through the Practice of Ashtanga Yoga](#), by Richard Freeman and Mary Taylor. Exploring Ashtanga Vinyasa yoga not as a gymnastic feat but as a meditative form.

[Every Body Yoga: Let Go of Fear, Get On the Mat, Love Your Body](#), by Jessamyn Stanley. “Jessamyn Stanley’s Every Body Yoga: Let Go of Fear, Get on the Mat, Love Your Body (Workman) is a clever memoir of a millennial woman’s search for self-acceptance hidden within a beginner’s guide to asana yoga.” —ELLE

[The Heart of Yoga: Developing a Personal Practice](#), by [T. K. V. Desikachar](#)

[Light on Yoga: The Bible of Modern Yoga](#), by B. K. S. Iyengar and Yehudi Menuhin

[May I Be Happy: A Memoir of Love, Yoga, and Changing My Mind](#), by Cyndi Lee

[Moving Toward Balance](#): 8 Weeks of Yoga with Rodney Yee

[Yoga Body, Buddha Mind: A Complete Manual for Physical and Spiritual Well-Being](#) from the Founder of the Om Yoga Center, by Cyndi Lee

[Yoga for Lawyers: Mind-Body Techniques to Feel Better All the Time](#), by Hallie N. Love and Nathalie Martin. “Yoga for Lawyers offers techniques that can be practiced at home, in the office, and even while taking a break in court. This book can help you improve your law practice by sharpening your ability to concentrate and bettering your overall state of mind and well-being.”

[Yoga Mala](#), Sri K. Pattabhi Jois

TED talks and other video resources:

[The Power of Breath](#): Yoga's Psychological Benefits, Anjali Mehta, TEDxYouth@SAS

[Yoga and its connection to mental health](#), Nikolai Blinow, TEDxSalveRegina

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