

ARTICLE

**Trauma-Informed Legal Practice in Aotearoa New Zealand:
Managing the Impact of Traumatic Material in the Legal
Profession**

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Over the last 20 years, many human services have adopted a professional approach recognising the prevalence and effects of trauma. This model of service delivery (trauma-informed practice) has not yet been integrated into the mainstream legal profession. This article advocates for the adoption of trauma-informed practice within the New Zealand legal profession to protect lawyers' emotional well-being and mitigate vicarious trauma. Trauma is manifest in all aspects of the law, and international research highlights the increased risk of vicarious trauma lawyers face due to exposure to emotionally sensitive material. The risk of vicarious trauma in the law also implicates employer liability. This article highlights the need for legal organisations to support their employees through a trauma-informed approach. A trauma-informed organisation educates staff about trauma, recognises its effects, and implements supportive policies, including self-care strategies, using Continuing Professional Development to educate lawyers on trauma, and supervision. This article also discusses the work of Māori scholars which highlight the shortfalls of trauma-informed practice in New Zealand. Given New Zealand's unique legal landscape and the distinct trauma experiences of Māori, it is important to recognise intergenerational trauma and collective identity in adopting trauma-informed legal practice. Further research is required to identify how trauma-informed principles can be woven with tikanga to create a kaupapa Māori approach to trauma-informed practice. Despite likely resistance, implementing trauma-informed practice is essential for the well-being of New Zealand's lawyers and a more compassionate, equitable, and effective legal system.

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I Introduction

Over the last 20 years, psychologists, social workers, healthcare providers and educators have adopted a professional approach that seeks to recognise the prevalence of trauma in the general population and understand its effects on the individuals they serve. This model of service delivery is referred to as trauma-informed practice.¹ While the origins of trauma-informed models of care are found within the mental health sector, the reach of trauma-informed practice has spread to other human services.² However, the legal profession is seldom viewed as a human service, and training and professional development tend to exclude the valuable soft skills lawyering requires.³ As a result, it has been noted that the “legal profession may be the last of the human services to acknowledge” the relevance of a trauma-informed approach within its practices.⁴ Some legal workplaces and educational institutions have begun to embrace lawyer well-being, with leading organisations encouraging their practitioners to seek external mental health support when required.⁵ However, the wider New Zealand legal profession has not yet taken up the distinct approach of trauma-informed practice.

A trauma-informed approach to service provision refers to a model that seeks to educate its practitioners about the prevalence of trauma in the general population, the signs of a potentially traumatised person and the manifestation of trauma within interpersonal relationships. The mantra developed by trauma-informed practitioners signals a shift from asking “*What’s wrong with you?*” to “*What’s happened to you?*”.⁶ While contemporary attitudes within the legal profession might be resistant to acknowledging the emotional side of lawyering,⁷ there is clear evidence that equipping lawyers with a trauma-informed model of practice can have significant benefits for both the lawyer and their client.⁸

There is ample international research outlining the risks associated with caring professions, where one’s work involves regular interaction with traumatised individuals.⁹

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- 1 Maxine Harris and Roger D Fallot “Envisioning a Trauma-Informed Service System: A Vital Paradigm Shift” (2001) 89 *New Directions for Mental Health Services* 3.
 - 2 Wendy Donaldson *Trauma-Informed Care: Literature Scan* (Te Pou o te Whakaaro Nui, April 2018).
 - 3 Rachel Kim “An Exploration of New Zealand Crown Prosecutors’ Experiences of Working with Potentially Traumatic Materials and Emotions in the Courtroom” (MSc Forensic Psychology Thesis, Victoria University of Wellington, 2021) at 85–86; and Daniela Ravera “A qualitative examination of the experiences of defence lawyers in working with emotional material in the criminal law” (MSc Forensic Psychology Thesis, Victoria University of Wellington, 2022) at 90–91.
 - 4 Colin James “Towards trauma-informed legal practice: a review” (2020) 27 *Psychiatry, Psychology and Law* 275 at 284.
 - 5 “Student Wellbeing” College of Law <www.collaw.ac.nz>; “Help for you” New Zealand Bar Association <<https://nzbar.org.nz>>; and “Practising Well” New Zealand Law Society <www.lawsociety.org.nz>.
 - 6 Sandra L Bloom “Essay on Trauma Theory” in *Final Action Plan: A Coordinated, Community-Based Response to Family Violence* (Commonwealth of Pennsylvania Office of Attorney General, 5 October 1999) 261 at 271.
 - 7 James, above n 4, at 276.
 - 8 Cathy Kezelman and Pam Stavropoulos *Trauma and the Law: Applying Trauma-Informed Practice to Legal and Judicial Contexts* (Blue Knot Foundation, 2016).
 - 9 Gianni Pirelli, Dana Formon and Kelsey Maloney “Preventing Vicarious Trauma (VT), Compassion Fatigue (CF), and Burnout (BO) in Forensic Mental Health: Forensic Psychology as Exemplar” (2020) 51 *Professional Psychology: Research and Practice* 454; Sophie Isobel and Margaret Thomas “Vicarious trauma and nursing: An integrative review” (2022) 31 *International Journal of Mental Health Nursing* 247; and Lynette Joubert, Alison Hocking and Ralph Hampson

Such professionals are often provided with appropriate training to keep themselves and their clients safe in this environment. However, there is also extensive evidence indicating that lawyers are prone to developing symptoms of vicarious trauma as a result of the emotional and highly sensitive material they encounter as part of their work.¹⁰ In particular, criminal, family, and immigration law present complex issues where lawyers are faced with matters of death, violence, exploitation, abuse and neglect.

Whether an individual has sought the help of a lawyer for an employment matter, a separation, a child custody dispute, or because they are being charged with a serious criminal offence, it is unavoidable that lawyers often meet their clients amid crisis. In contrast to the traditional approach to legal practice, a trauma-informed model does not shy away from this reality. It instead attempts to provide lawyers with the resources required to interact with clients in a mutually safe way. As Australian legal academic Colin James puts it, “[r]ecognising the specific risks of lawyers’ exposure to clients’ trauma is not ‘buying in’ to one side of a controversy but accepting responsibility to act.”¹¹ A model of trauma-informed legal practice needs to reflect the unique role a lawyer plays in the lives of the client in comparison to other human service providers. A lawyer is neither a counsellor nor a friend, but a professional working within the narrow scope of a client’s legal needs.

The “toughen up” mentality often held by lawyers is ineffective,¹² and a new approach is required to ensure they can thrive personally and maintain longevity in their careers. This article presents an argument in favour of the widespread adoption of trauma-informed practice within the New Zealand legal profession as a way of enhancing lawyers’ mental well-being and introducing a much-needed shift in attitude towards the emotional impact of their job.

Part II begins by introducing the concept of trauma-informed practice broadly, and discussing its history in mental health services. It then introduces the specific definition of trauma used within this article. Part II also exemplifies how trauma can manifest in the life of a client by drawing on the facts of a New Zealand family’s immigration dispute. The facts of this case will identify how multiple traumatic events can be relevant to a legal issue presented by a client, and how the lawyer would benefit from being equipped with a trauma-informed lens.

Part III discusses vicarious trauma as a form of secondary trauma. This draws on international and New Zealand-based research to highlight the risk of vicarious trauma faced by lawyers and outlines ways in which a trauma-informed practice may benefit them.

“Social Work in Oncology—Managing Vicarious Trauma—The Positive Impact of Professional Supervision” (2013) 52 *Social Work in Health Care* 296.

10 Grace Maguire and Mitchell K Byrne “The Law Is Not as Blind as It Seems: Relative Rates of Vicarious Trauma among Lawyers and Mental Health Professionals” (2017) 24 *Psychiatry, Psychology and Law* 233; Natalie K Skead, Shane L Rogers and Jerome Doraisamy “Looking beyond the mirror: Psychological distress; disordered eating, weight and shape concerns; and maladaptive eating habits in lawyers and law students” (2018) 61 *International Journal of Law and Psychiatry* 90; Line Rønning, Jocelyn Blumberg and Jesper Dammeyer “Vicarious traumatisation in lawyers working with traumatised asylum seekers: a pilot study” (2020) 27 *Psychiatry, Psychology and Law* 665; and Jennifer Brobst “The Impact of Secondary Traumatic Stress among Family Attorneys Working with Trauma-Exposed Clients: Implications for Practice and Professional Responsibility” (2014) 10 *J Health & Biomed L* 1.

11 James, above n 4, at 290.

12 At 276.

Alongside these benefits, Part III discusses an Australian judgment as an example of treating the risk of vicarious trauma as an occupational hazard.¹³

Part IV explores how the trauma-informed movement has developed within legal practice overseas. Drawing on the experience of legal professionals adopting trauma-informed practice and interdisciplinary research, this article proposes a model of trauma-informed legal practice. This model includes the practical steps an employer could adopt to support an organisation-wide stance to train trauma-informed lawyers and other firm staff. Part IV sets out the importance of employers adopting an organisation-wide trauma-informed approach to legal practice as a vital step in shifting the legal culture's current attitude toward mental health needs in the workplace. This Part also discusses the limitations of Employee Assistance Programmes (EAP) as an employer's only response to their employee's mental health needs. Following the discussion in Part III regarding the risk of vicarious trauma, Part IV also highlights the important role of law schools and professional legal educational institutions in providing support to aspiring lawyers at the beginning of their career and contributing to an industry-wide cultural shift towards trauma-informed values in the legal profession.

Part V discusses Aotearoa New Zealand's legal landscape as a unique context for the adoption of a trauma-informed approach to lawyering. As a colonised nation, New Zealand has a Crown-led criminal justice system and an overly incarcerated Indigenous population.¹⁴ However, the impact of colonisation reaches far beyond criminal justice. This Part examines the importance of acknowledging the impact of colonisation more broadly as a source of intergenerational trauma for tangata whenua. It specifically seeks to explore how Māori understandings of trauma differ from those of Pākehā-Tauīwi and how a model of trauma-informed practice may need to be altered accordingly. Additionally, this Part considers the work of Māori scholars who have contributed to the scholarship on trauma-informed care in the context of mental and physical health professions and have drawn on their cultural expertise to discuss how principles of tikanga are required to inform a more culturally safe model of trauma-informed practice.¹⁵

Despite the potential merits of trauma-informed practice, there are clear barriers to its widespread adoption among New Zealand's lawyers. Part VI explores these possible barriers. It highlights that legal workplaces must embrace trauma-informed practice due to the impact of potentially traumatic material and the ongoing risk of vicarious traumatisation that lawyers face. It is important that law firms and other legal organisations help support lawyer well-being and ensure that employees are not solely responsible for managing the impacts of their work.

A Positionality statement

Before turning to any substantial content, it is appropriate to acknowledge my position as the author of this article in reference to the legal profession, trauma-informed practice, and my place in Aotearoa New Zealand.

13 *Kozarov v State of Victoria* [2022] HCA 12, (2022) 273 CLR 15.

14 Tracey McIntosh and Kim Workman "Māori and Prison" in Antje Deckert and Rick Sarre (eds) *The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice* (Palgrave Macmillan, Melbourne, 2017) 725.

15 K McClintock and others *Kia Hora te Marino - Trauma Informed Care for Māori* (Te Rau Matatini, 2018); Kathleen Tereina Nelson "Kaupapa Māori approaches to Trauma Informed Care" (MA Thesis, Auckland University of Technology, 2021); and Leonie Pihama and others "Investigating Māori approaches to trauma informed care" (2017) 2 *Journal of Indigenous Wellbeing* 18.

I studied law at the University of Auckland and started my legal career in a commercial law firm in April 2025. Consequently, other than this short period as a law graduate and a previous three months as a summer clerk, my interaction with the legal profession has largely been from the perspective of a student. As a result, I have relied heavily on the experiences of practising lawyers and legal scholars, as conveyed through published literature. Prior to entering law school, I worked for eight months as an administrator for a non-profit organisation in the care and protection sector. The young people referred to this organisation had been involved with Oranga Tamariki to varying extents. This level of involvement with Oranga Tamariki ranged from one-off reports of concern to young people who were uplifted at birth and had spent their lives within the foster care system.

My former employer provided a working environment that implemented what I would now identify as trauma-informed values. My role was an entry level position with no interaction with the young people using the organisation's services. However, I was offered regular professional supervision sessions with a senior supervisor to discuss the details of the referrals I was processing. There was considerable acknowledgement that the details of these referrals were, at times, disturbing. I was encouraged to engage only with the level of detail required for me to do my job. This type of professional supervision was required for all staff members, many of whom were social workers and counsellors. I have since learned that this model of professional or clinical supervision is the industry standard for social workers, psychologists, and other mental health and addiction support workers.¹⁶

Once at law school, I undertook a year-long criminal law course, much of which was taught remotely due to the series of COVID-19 lockdowns that took place across New Zealand in 2021. At times, the content being taught was confronting, and the ongoing global pandemic added an element of peripheral stress that appeared to impact all students. I soon realised much of the content taught had parallels to the content of the referrals I had been processing at my former job. It dawned on me that a lawyer will often interact with the same populations that social workers and psychologists work with. I wondered what resources in place to support law students as they were faced with potentially traumatic course material. I was particularly interested in the impact of the course on students with lived experiences of trauma.

I also explored whether the legal profession reflected the supervisory culture I had experienced in the non-profit organisation, and whether lawyers with lived experience of trauma could thrive in the legal profession. I quickly realised that the legal profession's culture differed markedly from social work and mental health professions, leading me to focus on trauma-informed legal practice as the framing concept for this article.

In addition to being a law student, my position as a Pākehā woman is particularly relevant to the content of this article. Since I attempt to present New Zealand as a distinct legal landscape within which the discussion of trauma-informed legal practice is taking place, this article requires the acknowledgement of Māori as the Indigenous people of New Zealand and their unique relationship with the New Zealand legal system. I consider myself tangata Tiriti, or a person of the Treaty of Waitangi. Therefore, my engagement with the values of te ao Māori throughout this article has been guided by the work of Māori scholars, rather than by personal experience or expertise.

16 Te Pou *Supervision for support workers: Evidence summary* (April 2022).

II Defining Trauma and Trauma-Informed Practice

The term “trauma-informed” was coined in 2001 by two clinical psychologists working in mental health and addiction services.¹⁷ The work of Maxine Harris and Roger Fallot helped practitioners recognise that the prevalence of trauma within the communities they served was not a coincidence, but rather an important factor that needed to be understood in order for services to be appropriately and effectively delivered. Since then, the trauma-informed care approach has been adopted by other human service or care-based professions, including social work, healthcare and education.¹⁸ It is important to note that trauma-informed practice differs from trauma-informed care as, despite the practitioner engaging with traumatic work or traumatised clients, trauma-informed practice has no therapeutic goals.¹⁹ Therefore, while the approach to lawyering will be different, the work of a trauma-informed lawyer does not differ from that of a traditional lawyer.

While adapted across professions to suit their own purposes, the United States Substance Abuse and Mental Health Services Administration (SAMHSA) identified four core assumptions underpinning a trauma-informed professional framework.²⁰ Known as the “four ‘R’s”, these assumptions can be adapted within the legal profession. The “four ‘R’s” are to realise, recognise and respond to trauma, and resist re-traumatisation.²¹ The application of these key assumptions is discussed at length in Part IV of this article.

While each of these principles is important, the desired combined effect is to help practitioners develop:²²

... an appreciation of the potential for trauma holistically ... not with the goal of diagnosis or treatment, but rather with the goal of expanding our own empathy for those we serve, and creating a feeling of safety for all who participate.

While it is pivotal that clients feel a sense of safety when engaging with legal support, there is ample research discussing the importance and benefits of trauma-informed legal practice from the perspective of a client.²³ Therefore, this article will focus on the benefits

17 Harris and Fallot, above n 1.

18 Pirelli, Formon and Maloney, above n 9; Isobel and Thomas, above n 9; and Joubert, Hocking and Hampson, above n 9.

19 Sarah Katz “We need to talk about trauma: Integrating trauma-informed practice into the family law classroom” (2022) 60 Family Court Rev 757 at 760; and Helgi Maki and others (eds) *Trauma-Informed Law: A Primer for Lawyer Resilience and Healing* (American Bar Association, Chicago, 2023) at ch 6.

20 SAMHSA’s Trauma and Justice Strategic Initiative *SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach* (Substance Abuse and Mental Health Services Administration, July 2014) [SAMHSA].

21 At 9–10.

22 Katz, above n 19, at 760.

23 Melanie Randall and Lori Haskell “Trauma-Informed Approached to Law: Why Restorative Justice Must Understand Trauma and Psychological Coping” (2013) 36 Dal LJ 501; Talia Kraemer and Eliza Patten “Establishing a Trauma-Informed Lawyer-Client Relationship (Part One)” (2014) 33 Child Law Practice 193; Miriam S Gohara “In Defence of the Injured: How Trauma-Informed Criminal Defence Can Reform Sentencing” (2018) 45 Am J Crim L 1; Kezelman and Stavropoulos, above n 8; Emily Stannard “Trauma Informed Lawyering” (2021) 22 The Family Advocate 14; Sarah Watt “‘Crossover Young Adults’: The Case for a Neurodevelopmentally-Aware, Trauma-Informed Approach to Sentencing Young Adults with Criminal Justice and Care and Protection Involvement” (LLM Thesis, University of Auckland, 2022); and Maki and others, above n 19, at ch 2.

that trauma-informed legal practice may have for the lawyer themselves, with the understanding that there will be positive flow-on effects for their clients.

When examining a trauma-informed approach to service delivery, it is important to first establish the definition of trauma that will anchor this discussion. While there are various ways to define trauma, this article conceptualises trauma as an adverse experience “which render[s] an individual’s internal and external resources inadequate, such that the individual cannot effectively cope”.²⁴ An individual can be traumatised by a one-off experience such as being involved in a serious car accident, or from a series of “chronic, repeated and prolonged” events such as being subjected to childhood abuse.²⁵ Although there are no recent studies on the prevalence of trauma among the New Zealand population,²⁶ a 2010 study suggested that over 60 per cent of the general population reported having experienced a traumatic event during their lifetime.²⁷ Of this number of New Zealanders, nine per cent had recently experienced a traumatic event.²⁸

The definition of trauma used within this article is broader than the definition of post-traumatic stress disorder (PTSD) found in the widely used Diagnostic and Statistical Manual of Mental Disorders (DSM-5).²⁹ Trauma-informed scholarship most commonly defines trauma in public health terms instead of the drawing on the descriptive and symptom-focused definition used in clinical settings.³⁰ Similarly, I have adopted the common approach used in trauma-informed literature and chosen not to discuss the neurological or biological drivers behind traumatic responses.³¹ Instead, I have chosen to focus on the psychological and emotional impacts of trauma as an enduring response following exposure to a disturbing or distressing experience, as this approach is most relevant to a lawyer’s work.³² A lawyer is not required to diagnose or treat a client’s symptoms of trauma, but simply recognise potential trauma resulting from a distressing event and understand its possible impact on the client and themselves.³³

It is important to note that exposure to a negative experience alone does not necessarily result in traumatisation. The definition of trauma outlined above is premised on the work of leading trauma psychologist Dr Bessel van der Kolk, who observed that “[t]raumatization occurs when both internal and external resources are inadequate to cope with external threat.”³⁴ In this context, internal resources refer to a person’s ability to regulate their emotions, such as through breathing techniques, or reconnecting with reality by paying attention to one’s bodily sensations.³⁵ External resources include physical

24 Katz, above n 19, at 763.

25 Ros Lethbridge, Nicole Sadler and David Forbes “Wellbeing special edition: Trauma-informed practice: Increasing awareness” (2022) 96 L Inst J 22 at 22.

26 Chloe Howard and others “The Broad Inventory of Specific Life Events (BISLE): Development, Validation, and Population Prevalence” (2022) 51 NZJP 59 at 60.

27 Nikolaos Kazantzis and others “Traumatic Events and Mental Health in the Community: A New Zealand Study” (2010) 56 International Journal of Social Psychiatry 35 at 39.

28 At 39.

29 American Psychiatric Association *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5)* (5th ed, American Psychiatric Publishing, Washington DC, 2013) at 271.

30 Maki and others, above n 19, at ch 2.

31 At ch 3.

32 James, above n 4, at 276.

33 Maki and others, above n 19, at ch 6.

34 Bessel A van der Kolk “The Compulsion to Repeat the Trauma: Re-enactment, Revictimization, and Masochism” (1989) 12 Psychiatric Clinics of North America 389 at 393.

35 Bessel A van der Kolk *The Body Keeps the Score: Brain, Mind and Body in the Healing of Trauma* (Penguin Group, New York, 2015) at 206–210.

and emotional safety through accessing one's support network, engaging in physical touch within a safe context, or mobilising one's self through physical activity or hobbies.³⁶ There are certainly instances where an individual is exposed to an adverse experience, but has adequate resources to cope without experiencing traumatisation.

The definition of trauma used in this article also mentions "coping". In this context, to "cope" means to access the ability to process one's adverse experience, effectively navigate associated negative feelings, and manage any stress brought on by the traumatic experience.³⁷ To cope does not mean to completely forget a traumatic experience, or eliminate any sign of its impact in one's life. While much of the psychology-based literature refers to this as a state of "resilience", I have chosen to avoid the use of the term due to its connotations with a "toughen up" attitude.³⁸ The colloquial use of the term "resilience" seems to be removed from a necessary source of the resilience itself, and is instead discussed as a character trait one can develop through effort.³⁹ As explored later on, these simplified approaches to trauma are particularly prevalent within the legal profession, and thus the regular use of the term "resilience" has become divorced from the realities of coping. Instead, I will refer to effective emotional management in the context of dealing with the impacts of trauma.

Defining trauma as an adverse experience "which render[s] an individual's internal and external resources inadequate, such that the individual cannot effectively cope" is a comprehensive and helpful approach when applied to the legal context.⁴⁰ With the aid of this definition, it is easy to imagine how the various legal issues a client presents to a lawyer could be linked to or solely comprise of traumatic events. In our society, the intervention of the law is frequently the chosen method of regulating people's behaviour when a societal norm has been breached. Consequently, a client is likely to seek the help of a lawyer at a time when they face a crisis in their life and are likely to find themselves vulnerable.⁴¹ This is particularly true for certain areas of legal practice, such as criminal law and family law. However, one can also imagine an employment dispute, an immigration case or a personal insolvency matter that could have an adverse impact on the parties involved.

The following example is based on the facts of a New Zealand family's immigration dispute. It illustrates the compounding areas of trauma that may appear in the life of a client seeking legal help.⁴² Naomi, a mother of eight children, migrated from Tonga in 2014. In 2010, she served a manslaughter sentence for running over her husband with her car in Tonga. She was helped by the Salvation Army in bringing her seven children to New Zealand. Two years later, she married Peter, and they had a son, Sia, now five. In 2021, Naomi was diagnosed with an untreatable, aggressive form of stomach cancer and has been unable to work. The family struggles financially, and it has come to light that Peter's work visa has expired, and he is now living in New Zealand illegally. Immigration

36 At 210–219.

37 Ahron Friedberg and Dana Malefakis "Resilience, Trauma, and Coping" (2018) 46 *Psychodynamic Psychiatry* 81 at 83.

38 Jane Fisher and Emma Jones "The problem with resilience" (2024) 33 *International Journal of Mental Health Nursing* 185 at 186.

39 At 186.

40 Katz, above n 19, at 763.

41 Sarah Katz and Deeya Haldar "The Pedagogy of Trauma-informed Lawyering" (2016) 22 *Clin L Rev* 359 at 361.

42 See, for example, Lincoln Tan "Cancer mum's past returns to haunt her in Immigration NZ visa consideration" *The New Zealand Herald* (online ed, Auckland, 11 July 2019).

New Zealand is unwilling to renew his visa due to Naomi's past conviction. Naomi is concerned that her children will be left without parents if this is to happen, as her health is rapidly declining, and she believes she does not have long to live.⁴³

This case involves a relatively simple immigration law issue. However, the surrounding circumstances are incredibly complex. This situation provides various areas of possible traumatisation within the family: a prior conviction, the death of a loved one, the difficulties of migration, the effects of poverty, a terminal illness and possible deportation. A trauma-informed lawyer would be able to identify behaviours demonstrated by their client that are better understood through a trauma-focused lens. They would be able to speak to clients in a way that avoids re-traumatisation.⁴⁴ Most importantly, for the purposes of this article, they would be able to access emotional management tools if they found themselves ruminating on the situation. Naomi's story also illustrates the definition of trauma used within this article, since she and her family face an adverse experience. This experience may render their resources inadequate and leave them without the ability to effectively cope with their situation. Similarly, Naomi's lawyer may find themselves without adequate resources to cope with the emotional impact of working on her case.

III Vicarious Trauma in the Law

Vicarious trauma is a form of secondary traumatisation resulting from ongoing or repetitive exposure to details of another person's trauma. Despite having not experienced the trauma directly, vicarious trauma manifests through symptoms of PTSD and can become equally as debilitating.⁴⁵ In 2013, the DSM-5 introduced an additional category of PTSD with specific reference to exposure to the details of a traumatic event, particularly within a work environment, as recognition of the impact of vicarious trauma.⁴⁶

Some scholarship discusses vicarious traumatisation, burnout and compassion fatigue as distinct forms of secondary traumatisation.⁴⁷ For the purposes of this article, I focus on the impacts of vicarious trauma as a prevalent form of secondary trauma faced by legal professionals.⁴⁸ The risk of experiencing vicarious trauma depends on:⁴⁹

... the frequency and duration of time spent working with traumatic material, the nature and intensity of that material, [and] the perceived control over the exposure to the source of the stress.

Despite common misconceptions,⁵⁰ especially among the legal profession, those who develop symptoms of vicarious trauma as a result of exposure to distressing material are not particularly weak.⁵¹ Additionally, it is overly simplistic to interpret vicarious

43 Lincoln Tan "Cancer mum's anguish for her eight kids as deportation looms for partner" *The New Zealand Herald* (online ed, Auckland, 10 July 2019).

44 Kezelman and Stavropoulos, above n 8, at 5.

45 Maguire and Byrne, above n 10, at 233.

46 James, above n 4, at 277.

47 Pirelli, Formon and Maloney, above n 9.

48 Kezelman and Stavropoulos, above n 8, at 16.

49 Lethbridge, Sadler and Forbes, above n 25, at 24.

50 James, above n 4, at 282–283; Kim, above n 3, at 102; Ravera, above n 3, at 80–81; and Maki and others, above n 19, at ch 2.

51 Laurie Ann Perlman and James Caringi "Living and Working Self-Reflectively to Address Vicarious Trauma" in C A Courtois and J D Ford (eds) *Treating Complex Traumatic Stress Disorders*:

traumatisation as a sign that one is unfit for their job.⁵² Instead, the prevalence of vicarious traumatisation experienced by lawyers needs to be understood as “an occupational hazard [and] a cost of doing the work” that is inherent to the challenging nature of practicing law.⁵³

There is extensive international evidence showing an increased risk of vicarious trauma among lawyers including those in legal jurisdictions similar to ours, such as Australia.⁵⁴ In particular criminal, family and immigration lawyers are most at risk of experiencing vicarious trauma as a result of their work.⁵⁵

At present, international research supports the widespread anecdotal experiences of lawyers: that alcohol and recreational drugs are commonly used as maladaptive coping mechanisms and that lawyers struggle to maintain a healthy work-life balance. A 2020 literature review from the Australian National University highlights the numerous well-being studies conducted on Australian lawyers which reveal that they manage work-related stress through drug and alcohol consumption, experience poor sleep, and struggle to maintain supportive relationships.⁵⁶ Similarly, two small-scale New Zealand-based studies involving Crown prosecution and criminal defence lawyers discuss the “heavy drinking culture” within New Zealand’s legal profession as a method of processing unwanted emotions associated with working as a criminal lawyer.⁵⁷ The use of drugs and alcohol as a coping mechanism for lawyers has been described as “lawyer-specific vulnerabilities [that] have been identified cross-culturally”.⁵⁸ Thus, it is no surprise that such a culture exists within the New Zealand legal profession.

Another coping mechanism identified by the New Zealand-based study of criminal defence lawyers is the common use of dark humour within “water-cooler” conversations between colleagues.⁵⁹ While dark humour may be perceived as less harmful than the use of substances, Daniela Ravera discusses the limitations of obscuring the emotional management of potentially traumatic case material in dark humour.⁶⁰ Ravera’s study highlighted that criminal defence lawyers are acutely aware that moments of emotional

An Evidence-Based Guide (Guilford Press, New York, 2009) 202 at 205 as cited in Kezelman and Stavropoulos, above n 8, at 16.

52 James, above n 4, at 282–283; Kim, above n 3, at 102; Ravera, above n 3, at 80; and Maki and others, above n 19, at ch 2.

53 Kezelman and Stavropoulos, above n 8, at 16.

54 Kelley Burton and Amanda Paton “Vicarious trauma: Strategies for legal practice and law schools” (2021) 46 *Alt LJ* 94 at 95; Maguire and Byrne, above n 10; Carly Schrever, Carol Hulbert and Tania Sourdin “The Psychological Impact of Judicial Work: Australia’s First Empirical Research Measuring Judicial Stress and Wellbeing” (2019) 28 *JJA* 141; Sharon Medlow, Norm Kelk and Ian Hickie “Depression and the Law: Experiences of Australian Barristers and Solicitors” (2011) 33 *Syd L Rev* 771; Lila Petar Vrklevski and John Franklin “Vicarious Trauma: The Impact on Solicitors of Exposure to Traumatic Material” (2008) 14 *Traumatology* 106; and R T Michalak *Causes and Consequences of Work-Related Psychosocial Risk Exposure: A Comparative Investigation of Organisational Context, Employee Attitudes, Job Performance and Wellbeing in Lawyers and Non-Lawyer Professionals* (PsychSafe Pty Ltd, 2015).

55 James, above n 4, at 276.

56 At 288.

57 Rachel Kim, Nichola Tyler and Yvette Tinsley “‘Wading through the worst that humanity does to each other’: New Zealand Crown prosecutors’ experiences of working with potentially traumatic material in the criminal justice system” (2023) 14 *Frontiers in Psychology* 1; and Ravera, above n 3 at 76–77 and 89.

58 Kim, Tyler and Tinsley, above n 57, at 11.

59 Ravera, above n 3, at 80.

60 At 80.

vulnerability are regarded as weakness, and opening up to colleagues may be used against them and impact their professional opportunities.⁶¹ Although this was a small-scale study focusing on criminal defence lawyers specifically, it provides valuable insights into the legal profession's attitude regarding the emotional side of lawyering. Similarly, Kim's study investigating the coping mechanisms of New Zealand Crown prosecutors discusses the "gold standard" of desensitisation required to remain in their role.⁶² Participants of this study explained that the standard of desensitisation was reinforced through the attitudes held by firm partners and senior lawyers who appeared to be unaffected by the potentially traumatic material they were exposed to in the course of their work. As a result, prosecutors internalised this standard and perceived immunity to emotions as being a requirement of their job.⁶³

A Vicarious trauma and employer liability

While various authors have highlighted the importance of mitigating the risk of vicarious traumatisation for the benefit of employees,⁶⁴ including improved workplace productivity,⁶⁵ there is a shift towards viewing the issue as one of employer liability and workplace health and safety. *Kozarov v State of Victoria* exemplifies this increasing attention on vicarious trauma as an occupational hazard within particular forms of trauma-based work.⁶⁶ This was a 2022 judgment of Australia's federal High Court, the apex court within the Australian judicial system, after having been considered by the State-level Supreme Court and the Court of Appeal. This case concerns the appellant, Ms Kozarov, who worked as a solicitor in the Specialist Sexual Offences Unit (SSOU) of the Victorian Office of Public Prosecutions (OPP) from 2007 to 2012.

Without delving into unnecessary detail regarding the nature of Ms Kozarov's work with the OPP, it is sufficient to say that the SSOU dealt with issues of an extremely violent and disturbing nature, including numerous cases involving child victims. During the course of her employment, she was repetitively exposed to sensitive video and audio evidence, and required to occasionally meet with complainants. This resulted in her developing symptoms of chronic PTSD and major depressive disorder towards the end of her employment. Ms Kozarov brought a claim for damages against the OPP, alleging that she had obtained a workplace-related psychiatric injury as a result of her former employer's negligence.⁶⁷

The High Court ultimately found in favour of Ms Kozarov and held that the OPP breached their duty of care in respect of Ms Kozarov by failing to take proactive measures to reduce her risk of psychiatric injury as a result of the inevitable vicarious trauma experienced by those in her line of work.⁶⁸ While the decision itself was unanimous amongst the seven High Court Justices, five of the judges held that this duty of care was triggered at the start of Ms Kozarov's employment with the OPP,⁶⁹ whereas the remaining two judges held that the duty of care was triggered when the OPP was put "on notice" of

61 At 80–81.

62 Kim, Tyler and Tinsley, above n 57, at 9.

63 At 9.

64 Kezelman and Stavropoulos, above n 8; and Lethbridge, Sadler and Forbes, above n 25.

65 James, above n 4, at 283.

66 *Kozarov*, above n 13.

67 *Kozarov v Victoria* [2020] VSC 78.

68 *Kozarov*, above n 13, at [6].

69 Per Kiefel CJ, Keane, Gordon, Edelman and Gleeson JJ.

her impending psychiatric injury, as signalled by the various manifestations of vicarious trauma that she was experiencing.⁷⁰

As this case concerns the respondent's negligent failure to prevent the psychiatric injury of an employee, the Court turned its mind to measures that were in place for OPP employees in recognition of the potentially traumatic material they encountered on a daily basis. OPP had a Vicarious Trauma Policy in place from 2008. This policy recognised vicarious trauma as an occupational health and safety issue particularly pertinent to those working with survivors of trauma, such as members of the Specialist Sexual Offences Unit.⁷¹ The Vicarious Trauma Policy outlined a number of protective measures that were to be implemented for the safety of staff, but the Court held that these measures were not given effect.⁷²

The SSOU's policy on vicarious trauma was discussed in *Kozarov* as a "lively appreciation of the serious risk to Ms Kozarov's mental health posed by her work within the SSOU".⁷³ However, the lack of adherence to the policy meant the SSOU failed to effectively mitigate the risk of vicarious trauma as an occupational hazard.⁷⁴ The Court's stance on this issue is a clear signal to employers that the presence of a vicarious trauma policy is insufficient on its own in the context of psychiatric injury in the workplace. Instead, employers must be "proactive in the provision of measures to enable the work to be performed safely by the employee".⁷⁵

Additionally, in 2009, OPP staff were required to attend a one-day workshop with the objective of training SSOU staff on working with the victims of trauma.⁷⁶ A similar "resilience training" session conducted by a clinical psychologist was held for staff in 2011.⁷⁷ Finally, OPP employees were notified of the free (but limited) counselling sessions available to them through EAP should they wish to access them.⁷⁸ However, as highlighted by Kiefel CJ and Keane J:⁷⁹

None of the protective measures identified in the VT [Vicarious Trauma] Policy, or indeed any other reasonably available preventative or protective measures, were implemented by Ms Kozarov's managers within the SSOU.

Thus, the measures described above were also deemed insufficient to reduce the effect of the psychiatric injury Ms Kozarov faced.⁸⁰

Considering the law's historical reluctance to broaden tortious liability in the context of psychiatric injury, and this case's added complexity as a claim against an employer, *Kozarov* represents a significant shift in this area of law.⁸¹ However, the Australian High Court has sent a clear signal that liability for workplace psychiatric injuries cannot be avoided simply by the presence of a workplace policy, especially in an employment context

70 At [80].

71 At [71].

72 At [8].

73 At [7].

74 At [8].

75 At [6].

76 At [33].

77 At [42].

78 At [77].

79 At [8].

80 At [86].

81 Kay Wilson and Ian Freckelton "Work Stress, Vicarious Trauma and the Public Mental Health Framework: *Kozarov v Victoria* [2022] HCA 12 and Its Aftermath" (2023) 30 JLM 641 at 647–648.

where the chance of experiencing vicarious trauma is increased.⁸² Additionally, the majority of Justices outlined the importance of a proactive approach to risk mitigation for employees. As summarised by Gordon and Steward JJ, the OPP's duty was "'not merely to provide [a] safe system of work' but to 'establish, maintain and enforce such a system'".⁸³

Kozarov represents a significant shift in the area of employer liability regarding psychiatric injury. The fact that the details of this case concern a legal practitioner is all the more significant for the purpose of this article. This case symbolises an important cultural change within the legal profession regarding perceptions of vicarious traumatisation as an inherent occupational risk as opposed to a moral failing or character weakness.⁸⁴ While a case mirroring these facts has not yet been brought before a New Zealand court, *Kozarov* would hold considerable authority should our judiciary be faced with a comparable claim. Thus, this case holds significance for the New Zealand legal profession.

IV Implementing a Trauma-Informed Workplace

In James's literature review of trauma-informed legal practice, three graduating levels of trauma-based organisational policy are highlighted: a trauma-sensitive approach, a trauma-responsive approach and a trauma-informed approach.⁸⁵ A trauma-informed workplace is the most desirable of these levels. A trauma-informed employer is one who has:⁸⁶

... ensured that all personnel, including professional, management and support staff, are aware of trauma and its adaptations, and that all practices in the system are responsive to trauma, including its direct and indirect effects.

James's approach to a trauma-informed organisation is two-fold; educate staff about trauma and implement relevant policies to support them.⁸⁷ The SAMHSA's "four 'R's'" model provides a similar framework for assuming a trauma-informed approach to work. This Part draws on James's definition of a trauma-informed employer and SAMHSA's "four 'R's'" to describe the policies a legal workplace could adopt in pursuit of a trauma-informed organisation. This Part also discusses the benefit of introducing a trauma-informed approach to law at an earlier stage of one's legal career, such as within law schools and legal profession courses.

A *Realising and recognising trauma*

As mentioned in Part II, the SAMHSA has developed an approach to trauma-informed workplace policy referred to as the "four 'R's'".⁸⁸ SAMHSA's "four 'R's'" (realise, recognise, respond and resist re-traumatisation) can be adapted for use in the legal profession.⁸⁹ The first of the "four R's" is "realise", which emphasises the importance of understanding

82 At 666.

83 *Kozarov*, above n 13, at [83].

84 Kezelman and Stavropoulos, above n 8, at 16.

85 James, above n 4, at 284.

86 At 284.

87 At 284.

88 SAMHSA, above n 20.

89 Katherine J McLachlan *Trauma-Informed Criminal Justice: Towards a More Compassionate Criminal Justice System* (Palgrave Macmillan, Melbourne, 2024) at 117.

the prevalence of trauma within the general population and its impacts.⁹⁰ For the purposes of legal practice, this could include educating lawyers on the potentially traumatic nature of the scenarios their clients face and the prevalence of vicarious trauma among lawyers. The second R, “recognise”, also has an educational component.⁹¹ Alongside realising the prevalence of vicarious trauma in the law, lawyers would also benefit from learning to recognise the signs of it in themselves.⁹²

Legal workplaces can play a valuable role in supporting their employees by educating them about the prevalence and the warning signs of trauma and vicarious trauma. However, the responsibility of trauma-informed legal training also rests with law schools and professional legal studies courses. It is important to introduce a trauma-informed approach to law at the law school stage, as law students are also exposed to potentially traumatic material. Although the work of a student is not yet client-facing, students are required to read through difficult case material alongside coping with the stresses of university study. A significant amount of research is available regarding the high levels of psychological distress, depression, anxiety and burnout law students experience internationally.⁹³ Therefore, they would benefit from understanding the impacts of vicarious trauma and adopting tools to help manage the emotional impacts of undertaking their studies.

Additionally, it is possible that the early introduction of methods for effectively managing the impacts of potentially traumatic material and teaching students tools to maintain a healthy work-life balance could initiate an important cultural shift within the law. Trauma-informed training could initiate that necessary shift whereby the emotional impact of lawyering is simply viewed by the next generation of lawyers as an occupational risk that can be mitigated with the right tools.

The early introduction of trauma-informed training has been implemented by the University of Dundee in Scotland. Since the first semester of 2024, the University of Dundee has offered a trauma-informed practice course to students with the hope of “forg[ing] more fully rounded new lawyers”.⁹⁴ The elective course has been designed to help students understand and recognise vicarious trauma in the legal profession and consider what law firms and other legal organisations can do to support practitioners.⁹⁵ At present, some New Zealand lawyers have expressed that their law school curriculum left them feeling unprepared for the emotional and mental impact of their roles.⁹⁶ There is a clear opportunity for law schools to adopt a trauma-informed course, such as that which is offered at the University of Dundee.

In addition to completing a law degree, practicing lawyers in New Zealand are required to undertake a professional legal studies course. Professional legal studies courses provide an additional, albeit more restricted, avenue for trauma-informed training. New Zealand’s two professional legal studies providers, the College of Law and

90 SAMHSA, above n 20, at 9.

91 At 9.

92 Kezelman and Stavropoulos, above n 8, at 16; and James, above n 4, at 282–283.

93 Norm Kelk and others *Courting the Blues: Attitudes towards depression in Australian law students and lawyers* (University of Sydney Brain & Mind Research Institute, Sydney, January 2009); Sarah Katz “The Trauma-Informed Law Classroom: Incorporating Principles of Trauma-Informed Practice into the Pandemic Age Law School Classroom” (2020) 25 UC Davis Social Justice Law Review 17 at 18; and Burton and Paton, above n 54, at 98.

94 Elizabeth Comerford “Trauma-informed from the outset” (2023) 68(12) J Law Soc Sc 43.

95 At 43.

96 Kim, above n 3; and Ravera, above n 3, at 90–91.

Institute of Professional Legal Studies, already implement well-being modules as part of their courses.⁹⁷ However, their curriculum remains highly regulated, and the number of course objectives providers are required to achieve is immense.⁹⁸ This has left professional legal studies institutions with limited ability to introduce a more extensive well-being curriculum that includes trauma-informed principles effectively.⁹⁹ Therefore a hybrid approach would be beneficial, whereby trauma-informed education begins in law schools, continues in professional legal training, and is embraced by employers to support the lawyer throughout their career.

B Responding to trauma

The third SAMHSA “R”, “respond”, implores legal organisations to “fully integrat[e] knowledge about trauma into [its] policies, procedures and practices”.¹⁰⁰ SAMHSA emphasises that these policies must have an organisation-wide reach, ensuring all employees benefit.¹⁰¹ This is particularly relevant to legal practice, as various levels of staff are engaged with work involving potentially traumatic material, and therefore an organisation’s trauma-informed stance must capture the work being done by support staff as well as lawyers and managers.¹⁰² Further, drawing on the work of Katherine McLachlan regarding correctional services and police work, the perception of an unsupportive or uncaring employer can act as a cause for work-related stress itself.¹⁰³ In contrast, a supportive and trauma-informed environment may act as a factor mitigating the risk of vicarious traumatisation at work by increasing employee well-being.¹⁰⁴

Although self-care has become a commonly used phrase synonymous with rest and relaxation, self-care strategies play a meaningful role in work health and safety, and an employer’s associated liability.¹⁰⁵ However, as James highlights, due to the legal profession’s competitive and adversarial nature, law firms have been slower to adopt self-care policies in comparison to other human service providers.¹⁰⁶ James also describes self-care as an important duty whereby a lawyer must “tak[e] effective action to protect themselves from indirect trauma ... and [maintain] professional competence”.¹⁰⁷

However, this duty must not rely solely on individual responsibility.¹⁰⁸ For example, one of the most important self-care practices is maintaining a healthy work-life balance.¹⁰⁹ This may fall outside employee’s control. Therefore, introducing an organisation-wide policy ensuring staff workloads are manageable and employees have adequate time to

97 “Understanding Wellbeing and Resilience for Professionals – On Demand” College of Law <www.collaw.ac.nz>; and “Course Options” IPLS <www.ipls.org.nz>.

98 “Work of the Council” New Zealand Council of Legal Education <www.nzcle.org.nz>; and Professional Legal Studies Course Assessment and Standards Regulations 2002.

99 E-mail from Rose Glue (College of Law Programme Director) to Elizabeth Muir regarding College of Law’s Wellbeing Curriculum (19 March 2024).

100 SAMHSA, above n 20, at 9.

101 At 10.

102 Kezelman and Stavropoulos, above n 8, at 17; and James, above n 4, at 284.

103 Katherine McLachlan “Trauma-informed Criminal Justice: Good practice or oxymoron?” (seminar presented as part of Waikato University Te Puna Haumarū series, online, April 2024).

104 Lethbridge, Sadler and Forbes, above n 25, at 24.

105 Kezelman and Stavropoulos, above n 8, at 17.

106 James, above n 4, at 284.

107 At 287.

108 Ravera, above n 3, at 90.

109 At 89–90; and Katz, above n 19, at 770.

spend doing what they enjoy outside of work is a meaningful and effective way of mitigating the impact of working with potentially traumatic material.¹¹⁰ Additionally, law firms and other legal employers should more readily embrace Continuing Professional Development (CPD) as a method of training lawyers with the skills to manage work-related emotions effectively. Lawyers are required to undertake 10 hours of CPD activities per year, including personal skills training and developing stress management techniques.¹¹¹ Incorporating self-care into CPD could include employers hosting emotional management training sessions, whereby employees learn the protective benefits of implementing mindfulness or therapeutic strategies to help process traumatic client information.¹¹²

C Resisting retraumatisation

The fourth SAMHSA “R”, “resisting retraumatisation”, is closely linked to the third “R”, “responding to trauma”.¹¹³ Typically, a trauma-informed organisation seeks to resist the retraumatisation of clients and staff who have themselves experienced a traumatic event in the past.¹¹⁴ However, in trauma-informed legal practice, a workplace should seek to resist the vicarious traumatisation of its staff as they engage with traumatic client information.¹¹⁵ Resisting vicarious traumatisation among lawyers can be achieved through the introduction of a trauma-informed supervision policy.

In the employment context, supervision refers to the mode of professional development where a staff member meets regularly in a formal setting with a senior supervisor or therapist, with the purpose of reflecting on the challenging aspects of one’s role.¹¹⁶ Supervision is one of the most discussed tools within the trauma-informed legal practice literature as it is a proven method of supporting employees in the management of potentially traumatic material.¹¹⁷ There are also clear links between supervision and the prevention of vicarious trauma among lawyers.¹¹⁸ Despite its obvious merits, providing lawyers with supervision opportunities is not yet a widespread practice within New Zealand.¹¹⁹ However, the Public Defence Service has begun providing its lawyers with “access to professional supervision with qualified specialists who treat potential secondary trauma issues associated with the role”.¹²⁰

Supervision must retain several key characteristics to be effective in the legal profession. First, supervision for lawyers cannot be an opt-in process. As discussed throughout this article, the legal profession maintains a level of stigma and judgement

110 Ravera, above n 3, at 89-90; Lethbridge, Sadler and Forbes, above n 25, at 25; and McLachlan, above n 89, at 116.

111 “Continuing Professional Development (CPD) Requirements” (23 June 2020) New Zealand Law Society <www.lawsociety.org.nz>.

112 James, above n 4, at 279.

113 SAMHSA, above n 20, at 10.

114 At 10.

115 McLachlan, above n 89, at 117.

116 Te Pou, above n 16.

117 James, above n 4, at 286; Kim, above n 3, at 103-104; Ravera, above n 3, at 92-93; Lethbridge, Sadler and Forbes, above n 25, at 25; Katz, above n 19, at 770; and McLachlan, above n 89, at 115.

118 Katz, above n 19, at 770.

119 Kim, above n 3, at 103-104.

120 E-mail from Elaine Hines (New Zealand Public Defence Service Deputy Director Operations and Performance) to Elizabeth Muir regarding the support provided to Public Defence Service lawyers (15 March 2024).

towards emotional vulnerability and the mental health impacts of engaging with traumatic material.¹²¹ To combat this stigma, the legal profession needs to undertake an industry-wide cultural change in contrast to relying on individual volunteers.

At present, New Zealand defence lawyers have reported “feeling like they have a very limited support network and must carry the burden of their work alone” due to the current structure of support systems within the legal profession.¹²² However, supervision has been described as “promising in its normalisation of professionals’ emotional reactions” since it creates a regular and reoccurring space to discuss the potentially traumatic material legal practitioners encounter.¹²³ Supervision sessions should be regular and pre-scheduled, to prevent feelings of insecurity among staff who attend them, and normalise discussion of emotional and mental health within the legal profession.

Finally, law firms and other legal employers must not rely on EAP in place of clinical or professional supervision. EAP provides three to six free counselling sessions in which employees can discuss personal or work-related issues.¹²⁴ While most law firms and organisations will provide access to an EAP service, the New Zealand Law Association also provides New Zealand lawyers with three free counselling sessions.¹²⁵ However, EAP has clear limitations for lawyers. In addition to the apparent short-term nature of the service, EAP has been described as “inflexible, and lacking profession-specific knowledge among counsellors”.¹²⁶ There are also accessibility issues whereby lawyers feel that accessing the service requires too much effort, or employees may have to speak to a partner and further risk facing the stigma associated with asking for help.¹²⁷

There are multiple policies employers can implement in the broader adoption of an organisation-wide trauma-informed stance. These include self-care policies such as ensuring workloads are manageable, embracing emotional management skills as part of a lawyer’s required CPD hours, and introducing a regularly scheduled supervision model to help combat the stigma of asking for help and normalising the discussion of emotions among New Zealand lawyers.

V Te Ao Māori and Trauma-Informed Practice

As trauma-informed frameworks evolve internationally, it would be inappropriate for a single framework to be directly applied to the New Zealand legal landscape. New Zealand has a unique legal context shaped by its colonial history and the presence of Māori as its Indigenous people. This context must be acknowledged and incorporated into any trauma-informed framework for it to hold relevance and act effectively within the country’s legal profession.

The following Part is not an attempt to design a kaupapa Māori trauma-informed framework. It would be more appropriate for this work to be undertaken by those with the relevant expertise and in-depth understanding of te ao Māori and tikanga Māori. There is a clear opportunity for future research that explores how tikanga principles could

121 James, above n 4, at 282–283.

122 Ravera, above n 3, at 81.

123 Kim, above n 3, at 109.

124 “How EAP Works” EAP Services <www.eapservices.co.nz>.

125 “Professional Practice – Practising Well – Free Counselling Service” (23 February 2024) New Zealand Law Society <www.lawsociety.org.nz>.

126 Ravera, above n 3, at 93.

127 Kim, above n 3, at 109.

be woven with trauma-informed principles. Instead, this Part endeavours to summarise what Māori scholars have said about trauma-informed practice in other care-based professions. This Part also explores how a New Zealand-based model would need to adapt its understanding of trauma to adequately accommodate our legal profession's distinct nature.

While there is not yet any literature regarding the development of trauma-informed legal practice from a te ao Māori perspective, Māori scholars have commented on the use of trauma-informed models of care within professions such as public health, social work and mental health.¹²⁸ As discussed earlier, trauma-informed practice differs from trauma-informed care as it has no therapeutic goals, despite the practitioner engaging with traumatic work or traumatised clients.¹²⁹ Despite the absence of law-specific commentary, the available te ao Māori critique of trauma-informed care still holds relevance for this article. The work of Indigenous scholars in the trauma-informed space has drawn attention to the limitations of how the current trauma-informed movement has developed in the Western world. I have aligned these limitations with SAMHSA's "four R's" model to highlight where this framework would need to be adapted to better suit the needs of New Zealand's legal profession.¹³⁰

A Realise

The first "R", "realise", emphasises the importance of understanding the impact and relevance of trauma within,¹³¹ in this instance, the Māori population. This article would be incomplete without this "realising" work. The complex relationship between Māori and the legal system is highly relevant when analysing the legal profession's approach to trauma.

The overrepresentation of Māori in New Zealand prisons has been described as "probably the most widely known social statistic in New Zealand".¹³² As of March 2024, 52.4 per cent of New Zealand's prison population is Māori.¹³³ However, Māori make up only 17.3 per cent of the general population.¹³⁴ Where an individual is imprisoned, there is a less visible community of whānau that is also affected.¹³⁵ Māori children are particularly impacted by the imprisonment of family members and it is understood as being likely that the majority of the 20,000 children who have one or both parents in prison are Māori.¹³⁶ The overrepresentation of Māori in the criminal justice system is even more exaggerated within youth offender statistics. In 2024, 71 per cent of children and young people with a finalised charge in the Youth Court were Māori.¹³⁷ The "hard pipeline"

128 McClintock and others, above n 15; Nelson, above n 15; and Pihama and others, above n 15.

129 Katz, above n 19, at 760; and Maki and others, above n 19, at ch 6.

130 SAMHSA, above n 20, at 9–10.

131 At 10.

132 McIntosh and Workman, above n 14, at 726.

133 "Prison facts and statistics – March 2024" Ara Poutama Aotearoa | Department of Corrections <www.corrections.govt.nz>.

134 "Māori population estimates: At 30 June 2023" (16 November 2023) Statistics New Zealand <www.stats.govt.nz>.

135 McIntosh and Workman, above n 14, at 733.

136 Catherine Savage and others *Hāhā-uri, hāhā-tea: Māori Involvement in State Care 1950-1999* (Ihi Research, July 2021) at 200.

137 "Table 9 - Children and young people with finalised charges in the Youth Court with orders" (19 September 2023) Ministry of Justice <www.justice.govt.nz>.

between state-based care and prison is a long established phenomenon.¹³⁸ This is evident in the family group conference system, whereby 81 per cent of the young people referred through the youth justice system have also had a care and protection report of concern made about them in the past.¹³⁹ This pipeline impacts Māori most severely, as Māori babies up to three months old are five times more likely to be uplifted by Oranga Tamariki.¹⁴⁰ Oranga Tamariki's own disparity and disproportionality statistics state that “[o]ver the past decade, tamariki Māori accounted for more than half of all children entering [State] care.”¹⁴¹ The 2018 Gluckman report highlighted that “offending patterns among youth with an out-of-home care history are more likely to be chronic and persistent into adulthood”.¹⁴² This form of chronic and persistent offending leads to the ongoing cycle of the involvement of Māori in the State care system, the youth justice system, and later, the adult criminal justice system.¹⁴³

The impact of colonisation underpins the many drivers of criminal offending, and imprisonment itself perpetuates the social harms experienced within Māori communities.¹⁴⁴ Yet, while the national focus lays squarely on Māori as perpetrators of crime, the prevalence of Māori as victims of crime has faded to the background of the national consciousness.¹⁴⁵ Māori are “significantly more likely” to be the victims of general crime compared to all other ethnic groups and are almost twice as likely to be the victims of interpersonal violence.¹⁴⁶ Māori women and children are overrepresented in intimate partner violence, child maltreatment and family violence-related deaths.¹⁴⁷ The stark reality of these statistics paints a clear image; that Māori experience crime, violence and other potentially traumatic life circumstances at higher rates than non-Māori. Therefore, their interaction with the New Zealand legal system is distinct. The rates of Māori as both perpetrators and victims of crime and the other impacts of colonisation must be recognised when designing a trauma-informed legal practice model for use in New Zealand.

B Recognise

The Māori scholars who have commented on the trauma-informed movement have spent significant time emphasising how the mainstream recognition of trauma is commonly

138 Tracey McIntosh *Brief of Evidence for Contextual Hearing — Royal Commission of Inquiry: Abuse in Care and Faith Based Institutions* (2019) at [32]–[33] and [35].

139 Sarah Richardson and Duncan McCann *Youth Justice Pathways: An examination of wellbeing indicators and outcomes for young people involved with youth justice* (Oranga Tamariki Evidence Centre, April 2021) at 8.

140 *Te Kuku O Te Manawa: Ka puta te riri, ka momori te ngākau, ka heke ngā roimata mo tōku pēpi* (Office of the Children's Commissioner, June 2020) at 40.

141 “Disparities and disproportionality experienced by tamariki Māori” (23 August 2023) Oranga Tamariki <www.orangatamariki.govt.nz>.

142 Peter Gluckman *Using evidence to build a better justice system: The challenge of rising prison costs* (Office of the Prime Minister's Chief Science Advisor, 29 March 2018) at 18.

143 At 18.

144 McIntosh and Workman, above n 14, at 727–728.

145 Elizabeth Stanley and Riki Mihaere “Managing Ignorance About Māori Imprisonment” in Alana Barton and Howard Davis (eds) *Ignorance, Power and Harm: Agnotology and The Criminal Imagination* (Palgrave MacMillan, London, 2018) 113 at 128.

146 *Māori victimisation in Aotearoa New Zealand: Cycle 1 and 2 (March 2018 – September 2019)* (Ministry of Justice, April 2021) at 12.

147 McClintock and others, above n 15, at 7.

limited to Western conceptions of trauma and traumatic experiences.¹⁴⁸ It is apparent that taking a blanket approach to trauma-informed practice in New Zealand would be inadequate considering the unique experience of trauma that Māori face.¹⁴⁹ Leonie Pihama and others state that a trauma-informed model that is appropriate for Māori cannot succeed without “a clear critique and understandings of the limitations of imported individualistic western approaches that currently dominate the construct of *Trauma Informed Care* in Aotearoa”.¹⁵⁰ Te ao Māori comprises a distinctly collective worldview, so individualistic conceptions of adversity, trauma and healing are ill-fitting.¹⁵¹ The work of McClintock develops this critique by highlighting three forms of trauma: situational trauma, cumulative trauma and intergenerational trauma.¹⁵² Of these three forms of trauma, trauma-informed care has traditionally dealt with situational trauma only, with the focus on discrete events or “current harmful incident[s]”.¹⁵³ McClintock describes this focus on situational trauma only as “inadequate ... for Māori”.¹⁵⁴

For a trauma-informed framework to be relevant to Māori and, therefore, effective in New Zealand, it must also recognise cumulative and intergenerational forms of trauma. In addition to present-day adverse events, Māori experience trauma through experiences of “colonisation, dispossession and dislocation, as well as the trauma of on-going racism”.¹⁵⁵ These sources of collective trauma are rooted in colonial history, yet the “contemporary manifestation[s]” of systemic oppression remain prevalent within Māori communities today.¹⁵⁶ Interviewing Australian First Nations author Dixie Link-Gordon, journalist Calla Wahlquist describes the effects of intergenerational trauma on Indigenous families as building up “like layers of sediment since colonisation”.¹⁵⁷ It is important that any New Zealand-based trauma-informed framework is designed in such a way that forms of collective, cumulative and intergenerational trauma are adequately recognised and incorporated.

C Respond

The third of SAMHSA’s four “R’s” is “respond”.¹⁵⁸ In the context of a trauma-informed organisation, responding means implementing policies and procedures that meaningfully integrate knowledge about trauma.¹⁵⁹ For example, Part IV discussed workplace policies involving a sustainable work-life balance and self-care strategies as a way of mitigating the risk of vicarious traumatisation lawyers face. So far, this discussion has been centred on the emotional and mental well-being of the individual lawyer. However, the work of

148 McClintock and others, above n 15; Nelson, above n 15; and Pihama and others, above n 15.

149 Rebecca Wirihana and Cheryl Smith “Historical trauma, healing and well-being in Māori communities” in Cheryl Smith and Rāwiri Tinirau (eds) *He Rau Murimuri Aroha: Wāhine Māori insights into historical trauma and healing* (Te Atawhai o Te Ao: Independent Māori Institute for Environment and Health, Whanganui, 2019) 2 at 2.

150 Pihama and others, above n 15, at 25.

151 McClintock and others, above n 15, at 4; and Wirihana and Smith, above n 149, at 3.

152 McClintock and others, above n 15, at 6.

153 At 5.

154 At 5.

155 At 6.

156 Pihama and others, above n 15, at 23.

157 Calla Wahlquist “Dixie Link-Gordon: ‘Violence is woven into Australia’” *The Guardian* (online ed, Sydney, 22 November 2016).

158 SAMHSA, above n 20, at 9–10.

159 At 9.

McClintock suggests that any trauma-informed policy also needs to support the collective nature of the Māori worldview.¹⁶⁰ This could mean ensuring the principles of whanaungatanga and whakapapa are woven within self-care policies and employers also make the well-being of whānau a priority.¹⁶¹ This is just one example of how an employer or other legal institution could adopt te ao Māori-based values to protect their employees and better respond to the unique way in which Māori experience trauma.

D Resist retraumatisation

The final of the four “R’s” is particularly relevant to Māori as they navigate New Zealand’s legal system, either as clients or as practitioners.¹⁶² The history between Māori and the settler legal system has been described as a source of historical trauma.¹⁶³ Upon the arrival of settlers in Aotearoa New Zealand, the law was used as a tool of oppression: legitimising the confiscation of land, banning Māori customs and traditional knowledge, and marginalising the use of te reo Māori.¹⁶⁴ While New Zealand’s legal landscape has shifted since the establishment of settler colonies, Jacinta Ruru concisely states that “[t]he wrongs of the past are the wrongs of the present too.”¹⁶⁵

This Part now turns to discuss the realities for Māori working within the legal profession. Ani Mikaere describes the complex tension of being both Māori and a lawyer, as some Māori legal practitioners feel they “bear a particularly intimate kind of complicity when it comes to sustaining the colonial legal system”.¹⁶⁶ Given that the law has been used as a tool to oppress and dispossess tangata whenua, to be an agent within the law presents a unique tension other lawyers in Aotearoa do not face.¹⁶⁷ However, for some Māori lawyers, especially in criminal law, being a legal practitioner is a role taken on for the benefit of their people.¹⁶⁸ Given the underrepresentation of Māori in the legal profession, this is a significant responsibility.¹⁶⁹ It is clear that Māori practitioners face additional pressures during their legal careers further to the impact of managing the potentially traumatic material within their caseload.

Developing a culturally safe workplace environment could be one way of helping to resist the retraumatisation of Māori in the legal profession.¹⁷⁰ Cultural safety is a term that has arisen from the education and healthcare professions but has application to all workplaces.¹⁷¹ It describes an environment where individuals feel spiritually, socially and

160 McClintock and others, above n 15, at 16.

161 At 12, 15–16.

162 SAMHSA, above n 20, at 9–10.

163 Wirihana and Smith, above n 149.

164 Jacinta Ruru “First Laws: Tikanga Māori in/and the Law” (Shirley Smith Memorial Lecture, Wellington, 18 October 2017) at 221 and 223. See generally Tohunga Suppression Act 1907; Land Claims Ordinance 1841; Native Lands Act 1862; Native Lands Act 1865; Native Schools Act 1867; and New Zealand Settlements Act 1893.

165 Ruru, above n 164, at 223.

166 Ani Mikaere “Keeping ourselves honest: Māori lawyers and mana-based change” (Hui-ā-Tau Conference, University of Canterbury, 3 July 2021).

167 Mikaere, above n 166.

168 Morwenna Grills “Access to justice – A Te Ao Māori Perspective” (2021) 948 LawTalk 15.

169 Keely Gage “Māori underrepresentation in the legal profession” (2020) ELB 1.

170 McClintock and others, above n 15.

171 Robyn Williams “Cultural Safety – What Does It Mean for Our Work Practice?” (1999) 23 Aust NZ J Public Health 213.

emotionally safe, “where there is no assault, challenge or denial of their identity”.¹⁷² While cultural safety is an area of distinct scholarship, McClintock’s work describes a hybrid form of “culturally safe Trauma Informed Care ... that are cognisant of a Māori worldview and cultural experiences”.¹⁷³ It is important that employers of legal professionals in New Zealand provide a culturally safe environment for Māori and make active attempts to resist retraumatisation and recognise the unique pressures Māori lawyers face in their work.

SAMHSA’s “four ‘R’s” model provides a helpful starting point for imagining a trauma-informed legal organisation.¹⁷⁴ However, it is clear that this approach would have some limitations if introduced in New Zealand. By drawing on the work of Māori scholars who have analysed the trauma-informed approach to human services, it is evident that the mainstream trauma-informed movement has ignored important concepts such as collective identity, intergenerational trauma, and cultural safety.¹⁷⁵ Due to the unique relationship between Māori and New Zealand’s justice system, these concepts are essential to include within any trauma-informed organisation to ensure effective application within New Zealand’s legal profession.

VI Anticipated Areas of Resistance

Given the widespread adoption of trauma-informed practice among other human services and the gradual acknowledgement of mental health and well-being within the legal space, the adoption of trauma-informed legal practice is not a question of “if”, but a question of “when”. It is also a question of what degree of harm New Zealand’s legal profession will tolerate until this necessary shift takes place. This article has addressed the primary arguments in favour of adopting a trauma-informed approach, with a specific focus on its relevance to legal practice. However, despite the evident need for a trauma-informed approach to lawyering within New Zealand’s legal practice, there are predictable areas of resistance.¹⁷⁶ In anticipation of the likely areas of resistance against trauma-informed legal practice, I have depicted an imagined voice of opposition, each of which I address in turn.

A *“We must maintain professional boundaries with our clients. We are not social workers.”*

Concern for maintaining professional boundaries between the lawyer and the client stems from viewing trauma-informed practice as a dangerous form of engagement with a client’s emotional needs to the extent that it may impact the lawyer’s ability to manage a caseload and do their job well.¹⁷⁷ The lawyer who raises this concern believes trauma-informed legal practice may shift their focus away from the legal issue at hand. Instead, they feel a trauma-informed approach will require them to play the role of a social worker or mental health professional. However, as outlined in previous parts, trauma-informed practice is not designed to have a therapeutic effect or to “treat” traumatised clients.¹⁷⁸ Further, trauma-informed legal practice does not introduce any new responsibilities to the lawyer.

172 At 213.

173 McClintock and others, above n 15, at 5.

174 SAMHSA, above n 20, at 9–10.

175 McClintock and others, above n 15; Nelson, above n 15; and Pihama and others, above n 15.

176 James, above n 4; Kim, above n 3; and Ravera, above n 3.

177 Ravera, above n 3, at 54–55.

178 Katz, above n 19, at 760; and Maki and others, above n 19, at ch 6.

While the practitioner may become more competent at recognising signs of trauma in themselves or their client, they are in no way required to treat such symptoms. Setting appropriate boundaries with clients is recognised as a factor that can mitigate the practitioner's risk of developing vicarious trauma and, thus, it is an integral part of the trauma-informed framework.¹⁷⁹ The concern that trauma-informed lawyering will turn the lawyer into a social worker is unfounded since the trauma-informed approach is designed to avoid therapeutic goals.

The concern voiced above also suggests that professional boundaries will become hard to maintain by adopting a trauma-informed approach to lawyering. However, the work of both Rachel Kim and Daniela Ravera highlights that New Zealand lawyers currently struggle to maintain professional boundaries when interactions with their clients become emotionally heightened.¹⁸⁰ As set out in Part IV, the adoption of trauma-informed legal practice has multiple benefits for the client, the practitioner and the legal organisation that employs such practitioners.¹⁸¹ One such benefit is the ability for practitioners to recognise and set useful barriers between themselves and their clients. United States-based scholarship suggests that a trauma-informed approach can support lawyers in better identifying the boundaries with their clients and can give them tools to enforce these boundaries to work within the appropriate scope of their role as a lawyer.¹⁸² Lynette M Parker's model of trauma-informed training for law students includes providing methods of defining and enforcing the role of the lawyer and identifying areas where additional professional support may be required for them to continue advising their client.¹⁸³ Therefore, the concern that trauma-informed practice will obscure professional boundaries is also unfounded. Trauma-informed practice can indeed act as a tool to help lawyers identify and maintain boundaries with their clients.

B *"There is [n]o place for emotions in the law"*¹⁸⁴

The assertion that there is "[n]o place for emotions in the law" reflects a belief that lawyers should practise emotional restraint at work. The concern here focuses on the effectiveness of a lawyer and the perceived threat that emotions pose to their ability to do their job well.¹⁸⁵ However, there are widespread arguments that the trauma-informed lawyer is a better, more effective lawyer.¹⁸⁶ Alongside the ability to manage one's own emotions in a healthy manner, trauma-informed legal practice allows the lawyer to build a trusting relationship with their client effectively.¹⁸⁷ This supports the lawyer to work more effectively and conscientiously in a psychologically safe environment,¹⁸⁸ develop an

179 Katz and Haldar, above n 41, at 392.

180 Kim, above n 3, at 54; and Ravera, above n 3, at 58.

181 Kezelman and Stavropoulos, above n 8, at 3.

182 Lynette M Parker "Increasing Law Students' Effectiveness when Representing Traumatized Clients: A Case Study of the Katherine & George Alexander Community Law Center" (2007) 21 Geo Immigr LJ 163.

183 At 182.

184 Ravera, above n 3, at 54.

185 Kim, above n 3; and Ravera, above n 3, at 54

186 Katz and Haldar, above n 41, at 387; James, above n 4, at 284; Ravera, above n 3, at 90-91; and Maki and others, above n 19, at ch 3.

187 Katz and Haldar, above n 41, at 387; and Ravera, above n 3, at 90-91.

188 James, above n 4, at 284.

increased level of emotional intelligence,¹⁸⁹ and overall “become smarter, happier, and more productive and ethical”.¹⁹⁰

Trauma-informed practice benefits the lawyer, the client and the legal organisation. Legal practice managers need not “fear opening a ‘Pandora’s Box’ of uncontrollable issues”.¹⁹¹ In contrast, maintaining an unemotive demeanour in the face of highly emotional work has been described as a form of “emotional labour” that can have a negative impact on the lawyer’s well-being, work satisfaction and effectiveness in their role.¹⁹² As mentioned in Part IV, vicarious traumatisation can be exacerbated by the belief that one’s place of work is not an emotionally supportive space. It is important that employers do not foster an emotionally hostile workplace.¹⁹³ Therefore, the concern that emotions are an unwelcome addition to the legal profession is misplaced. Instead, denying lawyers’ emotions within the workplace can achieve the opposite of the desired effect, as such an emotionally hostile environment has been shown to potentially undermine the lawyer’s ability to do their job well.¹⁹⁴

C *“We don’t have the time or resources.”*

While the first two likely areas of resistance described above relate to lawyers’ emotional well-being and mental health needs, the concern discussed here is centred on the time and resource constraints faced by practitioners within New Zealand’s justice system. Although this concern is certainly not unfounded, it can be overcome.

In July 2023, the Chief High Court Judge and Chief District Court Judge penned an open letter to all High Court and District Court Judges, Associate Judges, and relevant judicial officers regarding lawyer well-being.¹⁹⁵ In a self-described “unusual step”, Thomas J outlined the concerns raised by the New Zealand Law Society and practitioners within the family and criminal jurisdictions.¹⁹⁶ The main issues outlined in the letter include “immense workload pressure” and an associated “fragility and tiredness” amongst counsel.¹⁹⁷ The letter also discusses the time required to “adapt to new processes and procedures arising from the judiciary and legislation”.¹⁹⁸ It is entirely plausible that the introduction of a trauma-informed practice framework could be met by lawyers with the same fatigue and viewed as an additional requirement with which they must comply.

Many aspects of the legal profession face resource constraints and lawyers have limited capacity. However, providing trauma-informed training and appropriate support tools could help address these workload pressures and ultimately help to relieve the lawyer shortage. Within other human service professions, there are clear evidential links between the mitigation of vicarious traumatisation, the prevention of professional burnout and increased longevity in the career.¹⁹⁹ While there is not yet any available

189 Ravera, above n 3, at 90–91.

190 Maki and others, above n 19, at ch 3.

191 James, above n 4, at 284.

192 Ravera, above n 3, at 8 and 34–35.

193 McLachlan, above n 103.

194 McLachlan, above n 89, at 119.

195 Letter from Chief High Court Judge and Chief District Court Judge to High Court and District Court Benches regarding wellbeing in the legal profession (25 July 2023).

196 At 1.

197 At 1.

198 At 2.

199 Candace Roberts and others “You’re carrying so many people’s stories: vicarious trauma among fly-in fly-out mental health service providers in Canada” (2022) 17 International Journal

literature regarding the links between trauma-informed legal practice and increased longevity in the career of lawyers, there is clear evidence that the emotional pressure placed on lawyers can lead to burnout.²⁰⁰ Therefore, while seemingly counterintuitive, introducing trauma-informed workplaces could help relieve the lawyer shortage described in Thomas J's letter to the District and High Court Judges.²⁰¹

VII Conclusion

Trauma-informed legal practice is growing in momentum overseas, and its adoption within New Zealand's legal profession is critically needed, particularly given the profession's traditional resistance to emotional well-being. An industry-wide cultural shift is required.

This article explored the prevalence of trauma within legal work and highlighted the increased risk of vicarious traumatisation that lawyers face. Referencing the Australian judgment *Kozarov*, it discusses vicarious trauma as an area of employer liability and frames the recognition of lawyer well-being as a legal requirement rather than a nice-to-have stance for employers.²⁰² By drawing on SAMHSA's guidelines for establishing a trauma-informed organisation, this article has set out several trauma-informed policies that a legal organisation could adopt.²⁰³ These recommendations support an organisation-wide trauma-informed stance, which will benefit all employees who engage with potentially traumatic material.

However, while the work of SAMHSA provides a helpful starting point, New Zealand is a unique legal landscape.²⁰⁴ It is essential to recognise the increased prevalence and distinct manifestations of trauma among Māori, both lawyers and legal clients alike. The unique relationship between Māori and New Zealand's justice system necessitates an understanding and recognition of collective identity, intergenerational trauma and cultural safety when adopting a trauma-informed legal practice. The work of Māori scholars who have examined the trauma-informed approach through a te ao Māori lens concludes that trauma-informed practice will not be effective for Māori without these key considerations.²⁰⁵ There is a clear opportunity for future research that explores which trauma-informed principle could be woven with tikanga principles to create a holistic kaupapa Māori framework of trauma-informed legal practice.

Despite potential resistance, the benefits of a trauma-informed approach are significant. Adopting this approach does not transform lawyers into social workers or therapists, but rather, equips them to navigate the impacts of trauma inherent in legal work. Implementing trauma-informed practice within the legal profession is, therefore, essential to fostering a more compassionate, equitable, and effective legal system, and to safeguarding the well-being of lawyers in New Zealand.

of Qualitative Studies on Health and Wellbeing 1; and Nancy J Petersen "Intrinsic and Extrinsic Experiences Supporting Career Longevity for Certified Sex Offender Counsellors" (PhD Dissertation, Capella University, 2022).

200 Ronald Tyler "The First Thing We Do, Let's Heal All the Law Students: Incorporating Self-Care into a Criminal Defence Clinic" (2016) 21 Berkeley J Crim L 1 at 5-6.

201 Letter from Chief High Court Judge and Chief District Court Judge, above n 195, at 2.

202 *Kozarov*, above n 13.

203 SAMHSA, above n 20.

204 SAMHSA, above n 20.

205 McClintock and others, above n 15; Nelson, above n 15; and Pihama and others, above n 15.