

# JUDICIAL TRAUMA

## ALL IN A DAY'S WORK?

Acknowledging trauma risk in legal decision-making forums

# Order of business

- Where it all came from
- What we did
- What it found
- Where it's going

# Where it all came from

- A clinical impetus
- The literature: non-existent or hidden?
- The perils of disciplinary silos
- ‘Research’ as an intervention
- From *Oily Rag* to an ARC grant
  - Victoria
  - NSW
  - Australia
- How does it apply to me?

# What we did – our most recent study

- Formed advisory panels
- Survey, interviews, diary study
- 602 Survey responses 49% of all State and Territory Judicial Officers
- 84 Interviews
- About 10 diary studies
- Satisfaction — stress — what helps?

# What we found

- Levels of satisfaction
- Levels of stress
- Risk of trauma
- Content related issues: the nature of the matters being heard
- Process issues: the demands of the context in which they are heard

# Stress

## **“Stress”:**

the subjectively negative psychological, physiological and/or behavioral changes a person may experience in response to the demands or pressures they encounter.

There is no single definition of “stress” in psychological or medical research, and it is best understood as a broad umbrella term for a range of wide range of physiological, cognitive and affective phenomena.

Our project has adopted the above definition and measured three forms of stress:

### **“Non-specific psychological distress”**

General distress, not necessarily amounting to psychological ill-health (measured by the K10)

### **“Secondary traumatic stress”**

The development of PTSD-like symptoms (avoidance, arousal, intrusion) as a result of repeated exposure to traumatogenic material (measured by the STSS)

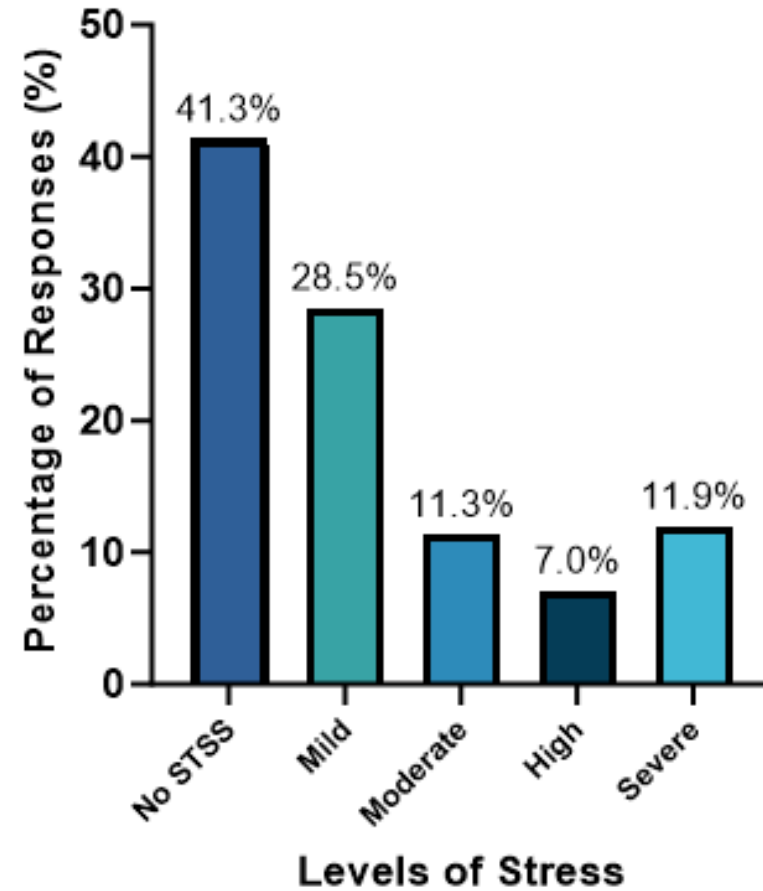
### **“Judicial stress”**

The subjective stress judicial officers derive from and attribute to aspects of their work and working environments (assessed by JAWS (developed by research team))

# Secondary Traumatic Stress Scale (STSS)

17 questions, scored 1-5

Distribution of Secondary Traumatic Stress Scale (STSS) Scores



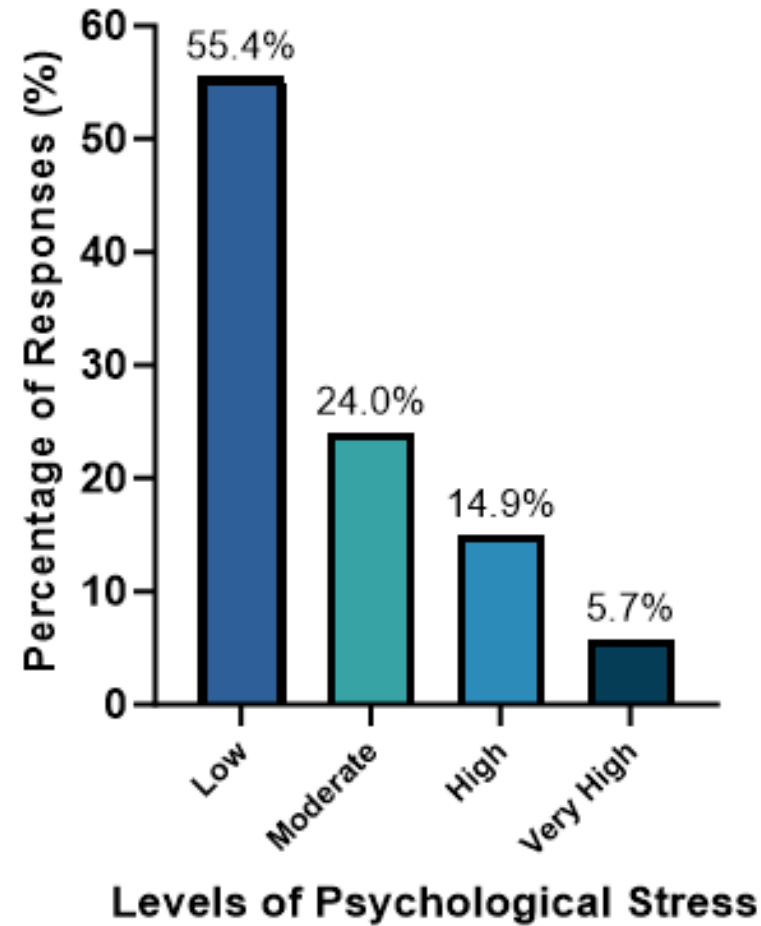
No STSS	Mild	Moderate	High	Severe
27 or less	28-37	38-43	44-48	49 or above

# Non-specific psychological distress

## K-10 Scale

10 questions, scored 1-5

Distribution of Psychological Stress (K-10) Scores



Low	Moderate	High	Very High
Less than 15	16-21	22-29	30-50

# Sources of Stress

Workload (*Endorsed: 51.7%; Top 3: 10.9%*)

Self-represented litigants (*Endorsed: 54.3%; Top 3: 7.3%*)

Pace at which I am required to work in order to complete my workload (*Endorsed: 48.9%; Top 3: 6.7%*)

Formulating reasons and/or writing judgments (*Endorsed: 51.5%; Top 3: 6.6%*)

Availability and/or adequacy of rehabilitation programs or referral pathways for offenders (*Endorsed: 53.3%; Top 3: 4.3%*)

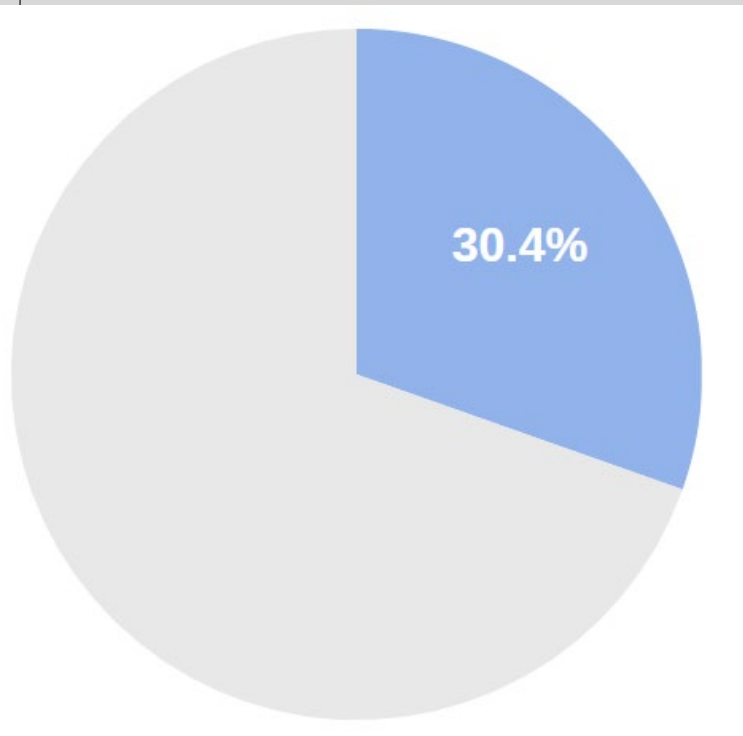
SOURCES OF STRESS

**Endorsed:** Ranked as 'often' or 'almost always' a source of stress

**Top 3:** Chosen as one of the top 3 sources of stress

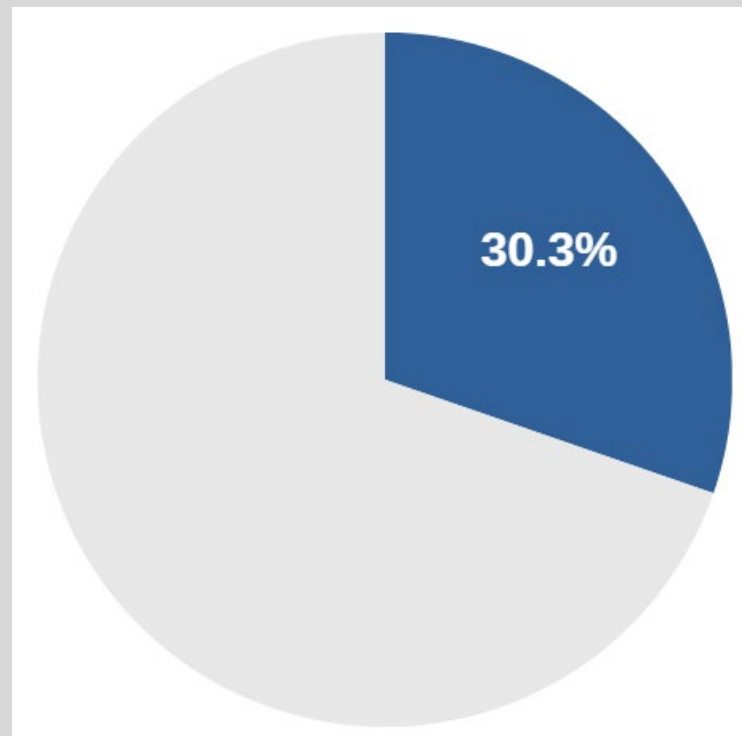
# Stress: PTSD

Of this sample, **30.2%** of judicial officers *warrant formal assessment for PTSD* (scores of 38 or above on the STSS). This is consistent with findings using similar measures of stress.



**Schrever et al., (2019) 5 Courts**

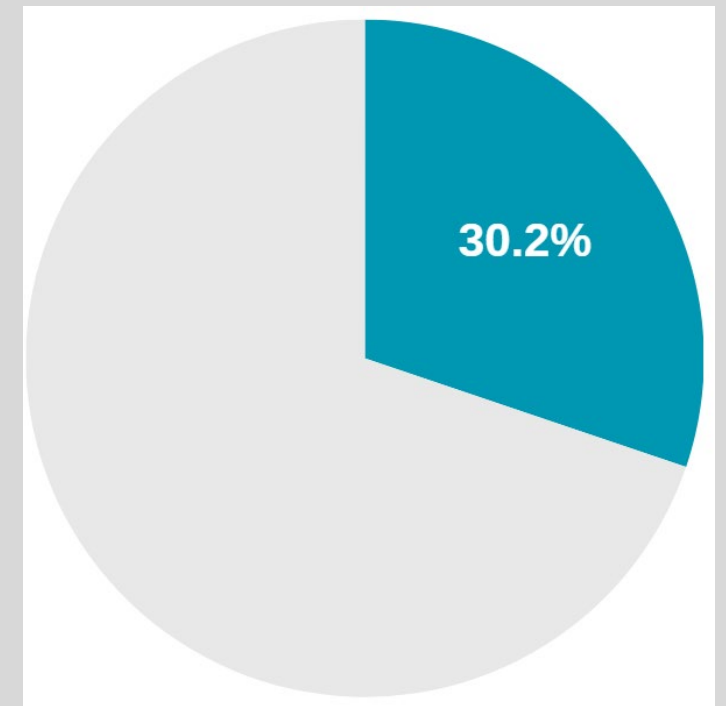
\*Secondary Traumatic Stress Scale (STSS)



**O'Sullivan et al., (2022) NSW**

**Sample**

\*Traumatic stress: Impact of Events Scale-Revised IES-R)

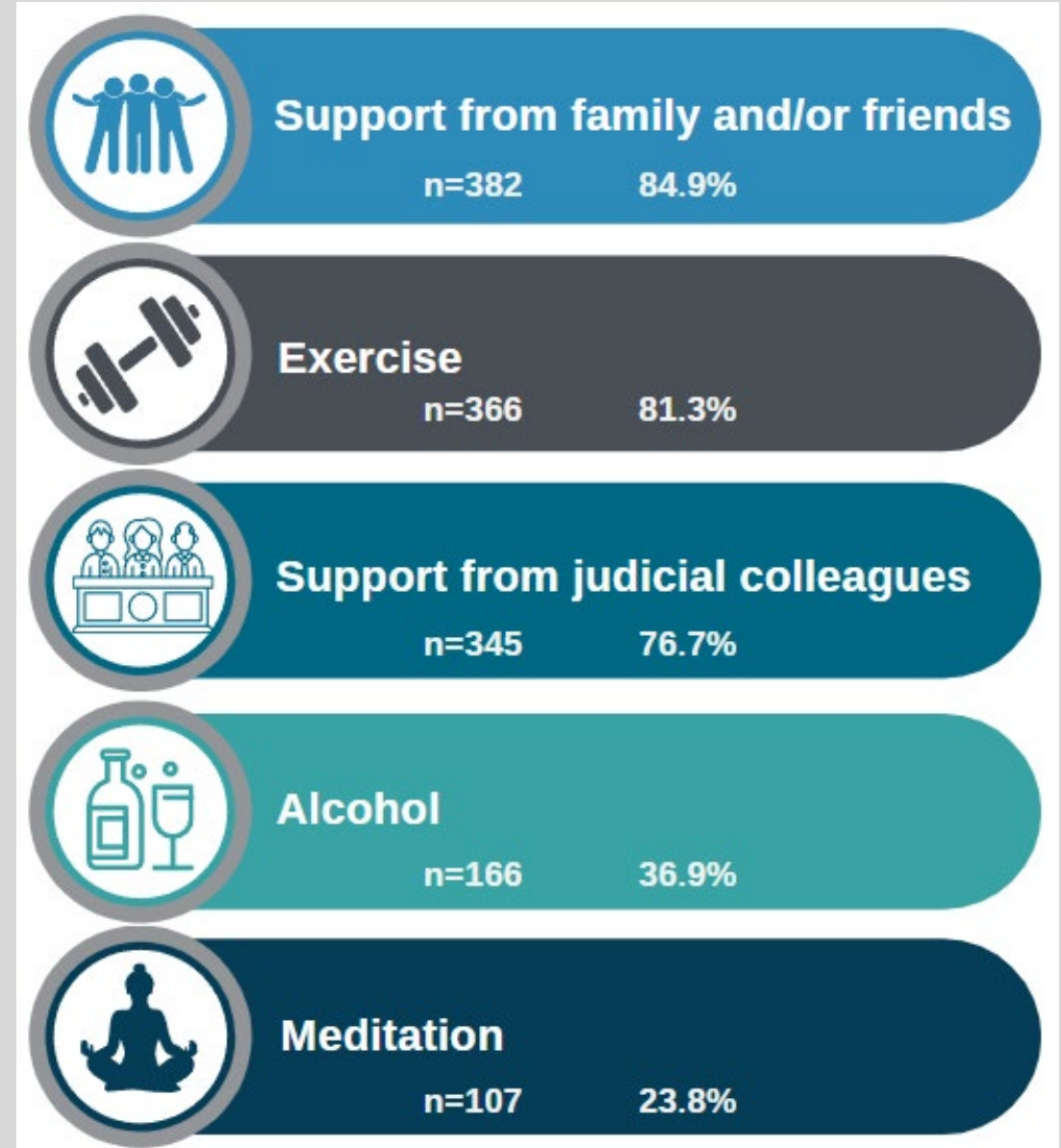


**Present National Survey (2023)**

\*Secondary Traumatic Stress Scale (STSS)

# Coping

When asked to select what **activities/coping mechanisms** judicial officers engage in to **cope with stress**, the most frequently selected were:



# Where it's going

- Conversations that were not previously held
- A greater willingness to speak out and seek help
- UN recognition — Nauru Declaration
- Website resources (intranet and internet)
- Publication and dissemination
- Reflective practice groups
- Individual therapy / counselling — **not** EAP
- Panel of clinicians for the Federal Court
- ANZAPPL Seminar

# Legal action (Scott and Freckleton 2024)

- **Court Services Victoria**

- Guilty of failing to provide and maintain a safe workplace as per legislation
- \$380,000 fine

- **Kozarov v Victoria**

- Victorian OPP failed to take note of Ms Kozarov's risk of psychiatric injury (High Court of Australia)
  - Scott and Freckleton 2024

# The Dead-Beat

He dropped—more sullenly than wearily  
Lay stupid like a cod, heavy like meat,  
And none of us could kick him to his feet;  
—Just blinked at my revolver, blearily;  
—Didn't appear to know a war was on;  
Or see the blasted trench at which he stared

...

We sent him down at last, out of the way.  
Unwounded;—stout lad too, before that strafe

...

Next day I heard the doc's well-whiskied laugh;  
“That scum you sent last night soon died. Hooray!      (Wilfred Owen, 1917)

Thank you for attending and listening  
If there are any questions, I'm happy to try and answer them