

**An Analysis of Effects of Vicarious Trauma among Attorneys: A Descriptive
Qualitative Approach to Develop Training Programs Focused on Reducing
Vicarious Trauma Among Attorneys**

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I have no known conflict of interest to disclose.

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ABSTRACT

Vicarious trauma refers to exposure to another person's traumatic experience. Professionals working within the criminal justice system, policing, courts, or mental health are regularly exposed to traumatic events. The idea or expectation that a person can be exposed to this every day and not be affected is unrealistic. A new approach to mitigating and preventing exposure to adverse impacts of vicarious trauma is vital to these employees' mental health. This article focuses on attorneys who work with vulnerable populations and how vicarious trauma affects their everyday professional and personal lives. This paper will discuss the Adverse Childhood Experiences (ACEs), what they are, the importance of understanding them, how they can make an individual more susceptible to the negative effects of vicarious trauma. This study will shed light on preventative training that can help decrease the risk of one developing vicarious trauma, along with educational programs to teach healthy coping mechanisms to mitigate the negative effects of vicarious trauma.

Keywords: ACEs, adverse childhood experiences, attorneys, criminal justice, trauma, vicarious trauma

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Lord, thank you for the support system you have blessed me with. Proverbs 18:22 says: "He who finds a wife finds what is good and favor from the Lord." My favor has resulted in my best friend, Johana, who has blessed me with two loving boys. Johana-- thank you for all of the late-night talks, considerations, and support. JJ and AJ-- thank you for your love and inspiration.

God has had his hand in our lives and on our nation for some time--something that this world, at times, forgets.

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Trauma Training Programs to Reduce Employees Impact

Chapter 1: Introduction

Overview

According to Molnar et al. (2017), criminal justice professionals are exposed to traumatic events regularly. Exposure to these traumatic events is considered an occupational hazard for those working in the criminal justice system, especially attorneys (Molnar et al., 2017). The traumatic events that these professionals are exposed to can be firsthand experiences, like witnessing a car accident or being shot. These traumatic experiences can also be experienced by aiding a victim who tells the employee's firsthand account of their trauma. This sort of secondary trauma is known as vicarious trauma (Zimering & Gulliver, 2003). The phrase "traumatic event" can include a wide array of events. For example, traumatic events can include mass casualty events like the September 11th terrorist attacks in 2001, the 2012 Boston Marathon bombing, or even the Capital Hill Raid in 2021. However, chronic exposure to incidents like suicides, domestic violence, child maltreatment, or sexual assault can also be included as traumatic events (Molnar et al., 2017). Vicarious trauma can lead to burnout or emotional fatigue among employees, increasing employee turnover rates. Vicarious trauma that has remained untreated can lead to alcohol or substance abuse. Remen (1996) stated, "the expectation that we can be immersed in suffering and loss daily and not be touched by it is unrealistic as expecting to be able to walk through water without getting wet" (p. 52).

Current research supports the idea that high levels of Adverse Childhood Experiences (ACEs) lead to depression, anxiety, burnout, and victimization (Oehme & Stern, 2018). Adverse childhood experiences include childhood neglect, physical, mental,

or sexual abuse, having a parent with an alcohol or substance abuse problem, or having a parent in jail. The idea is that a child who grows and develops in the kind of environment that exposes them to four or more of the experiences listed above are more likely to develop poor fight or flight reactions, leading to many mental illnesses in adulthood (Oehme & Stern, 2018).

Purpose and Significance

Vicarious trauma has contributed to the growing concern of suicide and mental illness among criminal justice professionals. Part of the criminal justice culture nearly always includes sustaining emotional control, and this typically restricts one's ability to express any emotions, even those that could aid in stress reduction (Burruss et al., 2017). Moreover, this culture often discourages professionals from discussing their issues or experiences with family, friends, or mental health professionals (Burruss et al., 2017). As a result of this toxic culture, employees may hide their feelings, leading to poor physical and psychological health (Burruss et al., 2017).

This study explored whether an individual with a history of adverse experiences will be at a higher risk of suffering from vicarious trauma than those who do not have a history of adverse experiences. It explored the need for policies and training programs that should be implemented throughout law school programs and law firms. These training programs will benefit employees' mental health along with their professional and personal relationships. In response to a study completed by Levin and Greisberg (2003), attorneys reported that a lack of education regarding the effects of vicarious trauma was a significant contributor to the development of vicarious trauma.

This study explored the need for programming that mitigates and prevents the negative impacts of vicarious trauma; instead of focusing on how to help or ‘fix’ individuals after they have reached a point in their suffering. Mitigating and preventing the impacts of vicarious trauma on employees can help researchers understand how vicarious trauma affects job performance.

It is essential to provide researchers and public health officials with crucial information needed to push for the development and implementation of training programs to mitigate the effects of vicarious trauma. Training programs are essential because the healing of employees is crucial for them to render good services to others.

Training should also include how to implement proper coping mechanisms. Teaching proper coping mechanisms is vital for the sustainability of this field of work. This is because providing employees with the tools needed to keep themselves safe from the negative impacts of vicarious trauma will help these organizations combat turnover rates of employees.

Statement of the Research Problem:

Currently, many studies focus on how vicarious trauma impacts police officers, corrections officers, and mental health professionals (Oehme & Stern, 2018). However, another category of criminal justice professionals is required to deal with traumatic incidents daily. That category is attorneys and even law students (Oehme & Stern, 2018). Attorneys' have one of the highest drug and alcohol abuse rates among criminal justice professionals. These substance abuse rates maybe because there is currently not enough research that shows how attorneys' are affected by vicarious trauma, how the negative effects of vicarious trauma can influence job performance, stress, and depression rates, or

how to mitigate and prevent these effects among attorneys and law students (Oehme & Stern, 2018). This study aims to answer three questions: 1. How does vicarious trauma hinder the effectiveness of attorneys and law students? 2. Does a higher Adverse Childhood Experience (ACE) score relate to an increased risk of vicarious trauma? 3. How will the development and implementation of training programs impact vicarious trauma on attorneys? Once these questions are answered, professionals will better understand what training or programs are beneficial in preparing law students with healthy coping mechanisms for a successful law career.

Chapter 2: Literature Review

Background of Vicarious Trauma

Attorneys specializing in criminal law cases such as homicide, domestic violence, sexual assault, and child abuse are exposed to trauma almost every day. These events may not be experienced firsthand but may be experienced by aiding a victim who tells the attorney about their firsthand traumatic experience. This type of secondary trauma is called vicarious trauma (Zimering & Gulliver, 2003). In 1980, Post Traumatic Stress Disorder (PTSD) was officially added to the Diagnostic and Statistical Manual of Mental Disorders – Third Edition (Oehme & Stern, 2018). Before 1980, Post Traumatic Stress Disorder symptoms such as flashbacks, upsetting memories, and sleep disturbances were referred to as "shell shock" and viewed as a soldier's weakness (Oehme & Stern, 2018). Following this inclusion of PTSD in 1980, the interest in trauma and its effects within the mental health field has significantly increased. Nearly two decades later, the mental health community finally recognizes the possible effects of working with a trauma victim on a helping professional (Levin & Greisberg, 2003).

Traumatic events can be chronic exposure to incidents such as sexual assaults, child maltreatment, and domestic violence (Molnar et al., 2017). It is crucial to find ways to understand, prevent, and mitigate the negative impacts of vicarious trauma on attorneys. This information could lead to the development and implementation of training programs that will aid attorneys in noticing warning signs of vicarious trauma and learning healthy coping mechanisms to control the impacts of vicarious trauma. This thesis aims to discuss the need to develop training programs to mitigate various trauma among attorneys. This training should start as early as the first year of law school and continue throughout the attorney's career.

Understanding ACE Scores

In order to answer the proposed research questions, it is necessary to understand what the ACE (Adverse Childhood Experiences)—scores are and what they mean. According to the ACE study conducted by the Center For Disease Control, there is a link between childhood trauma and chronic diseases like heart disease, depression, violence, or being a victim of violence in adults (Stevens, 2017). The ACE study is a questionnaire that individuals can take, asking questions about different experiences one had during childhood and adolescence. Once finished, this questionnaire gives those individuals a score between one and ten based on how many types of adverse experiences they reported experiencing. This test looks at three different categories: childhood abuse (psychical, sexual, and emotional abuse), neglect (physical or emotional neglect), and household challenges (households with substance abuse, mental illness, violent treatment of a parent, parental separation/divorce, or an incarcerated household member). The common thought among experts now is that those who score four or more ACEs are at an increased risk of

mental illness or distress in adulthood, especially if those ACEs are unresolved (Oehme & Stern, 2018). ACEs can increase sensitivity to and decrease the ability to properly handle everyday and workplace stressors (Oehme & Stern, 2018).

Research focusing on adverse childhood experiences (ACEs) began in the 1980s. During this time, a doctor studying weight loss found that many female patients had been victims of childhood sexual abuse (Oehme & Stern, 2018). The CDC then launched an investigation and found a link between childhood adversity and adult disfunction (Oehme & Stern, 2018). The CDC refers to ACE scores as a “basis for much of adult physical and emotional health problems” (Oehme & Stern, 2018 p. 1325). In fact, “the impacts of ACEs have been linked to problems such as chronic health conditions, mental illness, health risk behaviors, and even premature death (Oehme & Stern, 2018 p. 1325). Consequences of ACEs include alcohol and drug abuse, intimate partner violence, and suicide attempts.

Recent studies have focused on neuroscience's explanations on how childhood adverse experiences influence outcomes in adults. This idea is linked to the idea of nature versus nurture (Oehme & Stern, 2018). These neuroscience explanations discuss the idea that children raised by nurturing adults and in safe environments typically have brains that fully develop important skills like empathy, anger management, impulse control, and problem-solving skills. The idea is that these kids develop the skills needed to be resilient in the face of trauma (Oehme & Stern, 2018). However, other experts believe that when a child grows in an environment where they continuously feel unsafe, their brains develop responses to threatening situations. These responses are called “fight-flight-freeze” responses (Oehme & Stern, 2018 p. 1327). When a developing brain experiences stress, a psychological stress response is triggered; stress hormones like cortisol flood the brain

during this response. These stress hormones can cause severe effects on the brain and affect brain development when experienced in large amounts over extended amounts of time (Oehme & Stern, 2018). This extended exposure to adverse experiences can cause abnormal development of the amygdala and prefrontal cortex, both of which are crucial for what is referred to as "humans' executive management" (Oehme & Stern, 2018 p. 1327). This executive management area affects impulse control and emotional regulation, such as anger management and decision making. The American Bar Association noted that the amygdala and prefrontal cortex are vital to a lawyers' functioning (Oehme & Stern, 2018).

Vicarious Trauma Among Law Students and Attorneys

Researchers have concluded a severe lack of research when studying the effects of vicarious trauma among attorneys. Attorneys specializing in domestic violence, child abuse, sex crimes, or homicides are exposed to trauma at a higher rate than attorneys who specialize in contracts or real estate. This higher risk of exposure correlates with a higher risk of suffering from the effects of vicarious trauma (Levin & Greisberg, 2003).

According to one expert, "attorneys are among the most depressed people in America" (Oehme & Stern, 2018 p. 1317).

A significant concern for attorneys suffering from vicarious trauma is that they are notorious for not using proper coping mechanisms (Levin & Greisberg, 2003). Research shows that attorneys demonstrate higher rates of alcoholism, drug abuse, mood disorders, and suicide than the general public (Oehme & Stern, 2018). One study of roughly 13,000 attorneys found that between twenty-one percent and thirty-six percent were problem drinkers, twenty-eight percent struggled with depression, and nineteen percent had anxiety (Oehme & Stern, 2018). This could be due to the lack of research

regarding the amount of trauma that an attorney working with special populations are exposed to daily, the lack of required counseling for attorneys working within these specializations, or even a lack of training about vicarious trauma and healthy coping mechanisms (Levin & Greisberg, 2003).

A study on law students identifies that more than twenty-five percent of students had at least one diagnosed mental illness (Oehme & Stern, 2018). The study found that 43% percent of law students reported binge drinking, 23% percent suffered from mild or moderate anxiety, while 17% percent had some level of depression. Six percent had suicidal ideations (Oehme & Stern, 2018). These levels of depression, anxiety, and excessive drinking have often been blamed on the competitive nature of law school, the stress of paying off student loan debt, and the stress of finding a new job after graduation (Oehme & Stern, 2018). Another study found that students focused on external recognition such as grades or class rank are more likely to have trouble with mental health than those who were more focused on intrinsic rewards like satisfaction with learning (Oehme & Stern, 2018). It is believed that law students do not seek help for the aforementioned mental issues because of the stigma surrounding mental health and the prevalent culture of the criminal justice system. Experts believe the negative stigma surrounding mental health is directly correlated with the lack of knowledge and education about mental health (Oehme & Stern, 2018).

Allegretti (1993) explained the critical need for increased training programs tailored towards attorneys that work with special victims. This training should focus on face-to-face interactions and attorneys' long-term and intense personal relationships (Allegretti, 1993). This research pointed out a dire need for creating and implementing

educational programming targeted at law students and attorneys that focus on the warning signs, effects, and healthy coping mechanisms related to vicarious trauma on themselves.

Training to Prevent Vicarious Trauma

Burke (2019) argued that it is crucial to deal with vicarious trauma head-on instead of ignoring it and allowing it to turn into full-fledged Post Traumatic Stress Disorder, as it is easier to prevent vicarious trauma and post-traumatic stress disorder than treating it. Burke (2019) found that modifying training programs to include awareness of vicarious trauma and stress management techniques will protect criminal justice professionals from vicarious trauma (Burke, 2019).

One recommendation for new training to prevent vicarious trauma is implementing desensitization training to enhance resiliency among criminal justice professionals (Burke, 2019). Desensitization training includes continuous exposure to redundant scenarios. Burke (2019) explained that desensitization training could reduce vicarious trauma symptoms, physiological reactivity, and emotional distress. Desensitization training was the most effective rehabilitation tool among mental health professionals working with vicarious trauma patients (Burke, 2019). This study also explained that on-duty stressors that have been linked to vicarious trauma also indicate that desensitization training will help law enforcement officers reduce vicarious trauma (Burke, 2019). It is important to note that Burke (2019) also emphasized that desensitization training should be used as a proactive training tool rather than a response to trauma.

Oehme and Stern (2018) argued the importance of sleep, nutritious food, exercise, and even pharmaceutical intervention when necessary to promote healing and correct

chemical imbalances. The authors also believe that law schools should implement a “safe space” for students to discuss their trauma experiences (Oehme & Stern, 2018). The "Report," published by the National Task Force on Lawyer Well-Being, called for changes within the American Bar Association Model Rule of Professional Conduct and Professional Education. These changes include standardized exams and accreditation requirements for law schools (Oehme & Stern, 2018). The Report also called for the development and implementation of high-quality programs that educate future lawyers on job stress. These programs should include the warning signs of vicarious trauma and substance abuse, mental health disorders, finding appropriate help, self-assessment, approaching peers who may be suffering, and strategies for thriving as an attorney and managing stress (Oehme & Stern, 2018). The Report also called on law schools to educate staff on the warning signs of trauma and burnout among students and work to reduce the stigma around seeking help (Oehme & Stern, 2018). Oehme and Stern (2019) argued that law schools must also provide information regarding ACEs to law students. Educating students on what ACEs are and how they can affect students in the future can be highly beneficial to law students. Understand how their childhood may affect their future career could help students determine what type of law they want to practice (Oehme & Stern, 2018). For example, it is known that there is a direct relationship between a high number of reported ACEs and a higher risk of developing vicarious trauma or other mental disorder. This information could help students understand that criminal law, where they will likely be exposed to vicarious trauma almost every day, may not be the best career choice and may set them up for more significant job stress and mental disorder (Oehme & Stern, 2018). Harvard created the Education Law

Clinic/Trauma and Learning Policy Initiative. This initiative aims to educate students on trauma sensitivity to create better advocates for children who have experienced ACEs (Oehme & Stern, 2018). The University of Memphis partnered with the ACE Awareness Foundation to engage law students in developing policies that address ACEs (Oehme & Stern, 2018). Currently, the University of Memphis – Institute for Health Law and Policy Lab is the only clinic that emphasizes the need for students, faculty, and the public to understand ACEs and long-term health (Oehme & Stern, 2018). However, no law school currently deals specifically with law students' or attorneys' ACEs (Oehme & Stern, 2018).

Chapter 3: Methodology

Research Methods

Auerbach (2007) described qualitative research as research that includes interpreting and analyzing interviews or observations to uncover patterns of a particular phenomenon. According to Rich and Ginsburg (1999), qualitative research is beneficial and should be done when exploring the context and motivation of a phenomenon. Rich and Ginsburg (1999) also claimed that qualitative methods are beneficial when observing, interviewing, receptively listening, evaluating, integrating data from multiple sources, and analyzing information. Auerbach (2007) claimed that a qualitative method should be utilized when studying people's subjective experiences for clinical or policy reasons. Likewise, Magilvy and Thomas (2009) stated that "qualitative research is inquiry in the natural setting, an exploratory study of experience-as-lived and everyday life in the world" (p. 298). They also stated that a qualitative study should be used to "produce a detailed description and in-depth understanding of the phenomenon in interest, the cultural or lived experience of people in natural settings" (Magilvy & Thomas, 2009, p. 298). Qualitative research can help researchers better understand a topic or aid

researchers in exploring a new perspective on a topic (Broeder & Donze, 2010). Lambert and Lambert (2012) stated that "the goal of qualitative descriptive studies is a comprehensive summarization, in everyday terms, of specific events experienced by individuals or groups of individuals" (p. 255). Qualitative research can be beneficial when explaining difficult-to-understand or sensitive information (Broeder & Donze, 2010).

This study also used an exploratory case study approach. The case study method is considered the most widely used qualitative approach (Baskarada, 2014). This study focused on previously conducted cases to determine where there is currently a lack of research and how to conduct more specific research in the future. For example, out of seven studies focused on attorneys or law students and vicarious trauma, two focused on ACE scores among attorneys or law students. These two studies discussed that it is extremely important for law students and attorneys to understand their ACE scores and how they affect their job performance. When analyzing these two articles, a gap in research was found. This gap is related to information that could verify a direct link between law students' and attorneys' ACE scores and their predisposition to suffering from the harmful effects of vicarious trauma.

This thesis reviewed literature from four studies that discussed different programs that have been implemented to help and prepare law students with coping mechanisms to mitigate and prevent the effects of vicarious trauma. These articles helped determine what kind of training is most beneficial for employees when entering a profession that often works with vulnerable populations susceptible to vicarious trauma. Finally, the

study examined the impact of vicarious trauma on a person's professional associations and accomplishments.

Analysis and Discussion

Seven cases were chosen for this study. These were chosen because they each helped answer the research questions of this study—four studies directly related to how attorneys or law students are affected by vicarious trauma. Two studies focused on the importance of law students and attorneys understanding their ACE scores. These articles were studied to determine where research could be improved to create new training programs and policies to help current and future attorneys succeed within their careers. A study conducted by Oehme and Stern (2018) found that 28% of 13,000 attorneys suffer from depression, between 21% and 36% were at risk for alcohol abuse, and 19% suffered from anxiety.

The final study compared vicarious trauma rates among lawyers to mental health professionals (Maguire & Byrne, 2017). This study found that ninety-five percent of the thirty-six lawyers who responded reported suffering from stress, anxiety, and depression. All of which are symptoms of vicarious trauma (Maguire & Byrne, 2017).

Another study with 89 participants found that 47% scored four or more ACEs (Rinfrette et al., 2021). However, it remains unclear if higher ACE scores relate to an increased risk of vicarious trauma. Research has shown that higher ACEs are related to an increased risk of mental and psychical issues in adulthood and decreased ability to handle stress. There is not enough evidence to determine if higher ACE scores directly relate to higher rates of vicarious trauma. The research has demonstrated that vicarious trauma can lead to personal and professional issues like burnout and fatigue. Burnout and

fatigue can lead to higher turnover rates for employers, increased rates of depression, anxiety, and even alcohol or substance abuse among employees who can hinder the job capabilities of attorneys. The development and implementation of education and training programs that start in law school and continue throughout an attorney's career will equip attorneys with proper coping mechanisms and preventative techniques to help prevent the development of vicarious trauma.

While there was no direct link between higher ACE scores and the susceptibility of vicarious trauma found within the articles studied, this article determined an indirect link. It was found that higher ACE scores lead to stress, anxiety, burnout, depression, victimization, and symptoms of vicarious trauma include stress, anxiety, depression, and victimization. Therefore, this article found that higher ACE scores are indirectly related to vicarious trauma.

Chapter 4: Recommendations and Conclusion

Recommendations

This study found that integrating new policies and programs to training curricula for all criminal justice professionals is crucial for the continued growth of these professions. It is recommended to implement pro-active training to prevent vicarious trauma rather than wait to try and treat it. These prevention techniques can include desensitization training to prepare employees for instances they may see throughout their time on the job, the warning signs of vicarious trauma, more regular debriefings, increased mandatory counseling hours for each professional, and training on how to use healthy coping mechanisms. These pro-active techniques could allow law students to understand what consequences they could face if they practice criminal law. Knowing these possible consequences will allow students to pursue a different law practice such as

contracts or civil law to avoid the negative effects of vicarious trauma often attached to working with victims of heinous crimes within the realm of criminal law.

This study found that vicarious trauma does hinder the effectiveness of criminal justice employees. Vicarious trauma can lead to personal and professional issues like burnout and fatigue, leading to increased turnover rates for employers, increased rates of depression and anxiety, and an increased likelihood of substance or alcohol abuse.

Limitations of the Study

Challenges that this study faces include the lack of in-depth research. There is not much research focuses on attorneys, mental health professionals, or police officers who only work with vulnerable populations. Most research on vicarious trauma among police officers focuses on all law enforcement officers does not focus on police officers who work homicides, sexual assault, child trafficking, and more. Additionally, there is limited research regarding attorneys that focus on domestic violence, sexual assault, child abuse, or homicide.

Another challenge that this study will likely face is the lack of reporting of vicarious trauma symptoms or the dishonesty of how severe the symptoms may be. This can be because criminal justice professionals are uneducated on vicarious trauma's signs, symptoms, and effects. If these professionals are unaware that they are suffering from vicarious trauma, they would be unlikely to report it. Also, law enforcement officers are less likely to report their issues related to vicarious trauma due to fear of "looking weak" to their peers. Police officers often keep their feeling bottles up because they must be both physically and mentally tough to retain their tough image among their peers. Burke (2019) also discussed that most law enforcement leaders ignore vicarious trauma, which plays a role in reporting vicarious trauma symptoms.

Other limitations to this research can include a lack of participation. The lack of participation can lead to small sample size. A small sample size makes it difficult to generalize the findings among law enforcement officers, court system employees, or mental health professionals. On the other side, an unexpected increase in participation could lead to issues in data interpretation. For example, an unexpected increase in participation can lead to skewed data.

Conclusion

More research must be conducted on the effects of vicarious trauma among attorneys. Research that determines if having a high ACE score (four or more) predisposed law students or attorneys to the negative effects of vicarious trauma they are exposed to throughout their day-to-day job requirements could be beneficial in creating successful programs that prepare these professionals to mitigate the vicarious trauma effects. These programs should include discussing vicarious trauma as a whole, noticing the warning signs among yourself and your peers, the possible effects of vicarious trauma, healthy coping mechanisms for dealing with the effects of vicarious trauma, and techniques to aid in the prevention of vicarious trauma.

It is vital to understand that these solutions are not one-size-fits-all. New policies should be implemented throughout different work environments. Attorneys should be required to spend a specific amount of time each month with a counselor. This is extremely important because there are currently no such requirements, and attorneys correlate stress and substance abuse. The amount of substance abuse could likely decrease if attorneys had better support and counseling services.

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