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Let's debate: The need for vicarious trauma training to support the Legal Profession

“For students who were undertaking our pro bono clinical legal education project, we identified a need for providing Vicarious Trauma (VT) training. From that experience, four years later, we argue that providing VT training is a must in legal education and for the profession more widely. “

By Emma Curryer, Lecturer in Law, and Gillian Mawdsley, Associate Law Lecturer, Criminal Justice Clinic, the Open University.

During the project, our students' work was to scrutinise evidence in reviewing convictions in criminal appeals cases such as murder and manslaughter within the Criminal Justice Clinic (CJC) at the Open University (OU). The nature of the evidence is frequently sensitive and distressing, and we needed to support our students.

According to the British Medical Association, vicarious trauma is “a process of change resulting from empathetic engagement with trauma survivors. Anyone who engages empathetically with survivors of traumatic incidents, torture, and material relating to their trauma, is potentially affected”¹.

“VT does not respect boundaries. Lawyers too working within legal practice are not immune. Today, there is greater significance with ever more challenging and demanding clients where maintaining and respecting professional boundaries remains. Leaving that problem at work is not easy but necessary for lawyers' own wellbeing. Lawyers, as with our students, must look after themselves.”

Lawyers like to think they are robust and invincible. If they weren't, they could not bring professional empathy in handling their clients' cases successfully. Obtaining #black letter# knowledge of the law is a university requirement in passing examinations, but the development of softer skills of client handling also need developing.

¹ BMA 2022) 'Vicarious Trauma: signs and strategies for coping' available at <https://www.bma.org.uk/advice-and-support/your-wellbeing/vicarious-trauma/vicarious-trauma-signs-and-strategies-for-coping> accessed 12th January 2024

Lawyers are influenced by their background, personal experiences, education and their inherent strengths and weaknesses. Circumstances of certain cases may impact them more than others. Often working with cases where the outcome is not what was expected can have an impact, particularly when dealing with the injustices within the criminal justice system.

Lawyers must be supported to undertake their role successfully which is crucial for society as they have a responsibility to others as well as themselves. This includes supporting colleagues under stress.

Understanding the term vicarious trauma is merely step one, but it does not stop there. Recognising that they are suffering from vicarious trauma comes next, and a willingness to seek help and use coping methods. But without knowledge of what vicarious trauma is, or how to deal with it, there is the gap which we identified with our students. **It is essential to raise awareness of VT and to support those affected to seek assistance.**

Attending events and delivering talks on vicarious trauma are important, but these are limited in their outreach. There are some objectors within the legal profession that neither understand nor consider that vicarious trauma training is required. They coped with all that law thrown at them in the past and so should others!

Is that stoicism commendable?

It is not the way forward and does not reflect the demands of modern society. Consider those involved in harrowing cases such as Lucy Lethby involving multiple baby deaths. How should they be supported? If we fail to protect them and ourselves, there is a recognisable risk to both them and to the profession.

Admitting to being affected by work content is not a weakness. If suffering from vicarious trauma, seek support. You should not walk alone.

We have now trained over 200 students. Most moaned when they realised that the vicarious trauma training was mandatory, but by the end of the project they appreciated the ongoing benefits of such training. Vicarious trauma training has proved to be insightful and important. Vicarious trauma training and support must be here to stay and evolve, commensurate and proportionate to students' and their needs as future professionals.

Moving on the discussion regarding vicarious trauma training is vital. We owe it to future legal professionals to equip them with the necessary tools to best contribute and successfully undertake their professional practice going forward. We can equip our students with vicarious trauma training but that is only a drop in the ocean. We have a duty to prevent future legal professionals suffering in silence, as others have done in the past, or in isolation from effects of vicarious trauma.

How should they be equipped? We want to encourage a debate within the legal profession which considers how to ensure that they can be appropriately trained and equipped. To start with that includes those involved at law school at undergraduate and then post graduate level. Then the legal profession should seek to develop, and embed, vicarious trauma teaching in ongoing training to support everyone affected; lawyers and non-legal staff. The need for vicarious trauma training is a systemic issue where the legal profession in the United Kingdom has been rather late to recognise the need. Let's address that now.

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