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### **Traumatized defendants, troubled attorneys: The impact of vicarious trauma on the defense attorney-client relationship**

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Traumatized defendants, troubled attorneys: The impact of vicarious trauma on the defense  
attorney-client relationship

A Thesis Presented in Partial Fulfillment of the Requirements for the Degree  
of Master of Arts in Forensic Psychology  
John Jay College of Criminal Justice  
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Charise Peters

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This Thesis has been presented to and accepted by the Office of Graduate Studies, John Jay College of Criminal Justice in Partial Fulfillment of the Requirements for the Degree of Master of Arts in Forensic Psychology.

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### **Abstract**

Approximately 90% of justice-involved youth have experienced some form of trauma by the time they become involved in the justice system, and attorneys report being negatively impacted by their work with trauma-exposed populations generally. Yet, research has not focused on how varying degrees of youth trauma can impact attorney decisions and if that differs based on youth race. This study, therefore, explored vicarious trauma and its impact on juvenile defense attorneys, including how an attorney's experience of vicarious trauma impacts case handling and perception of their youth client and how that differs based on client race and trauma history. We recruited 144 active juvenile defense attorneys via email listservs to partake in an online survey utilizing a vignette about a Black or White youth with either a severe or moderate trauma history, with the attorney answering a questionnaire about the decisions they would make as the youth's attorney. Youth race did not predict attorney case handling, however, attorneys reported they would expend significantly more effort on behalf of a severely traumatized youth client compared to a moderately traumatized youth. Years of experience, but not percentage of traumatized clients, significantly predicted vicarious trauma symptomatology, with attorneys with more years of experience demonstrating elevated trauma levels. Furthermore, when controlling for youth race, an attorney's own history of vicarious trauma did not moderate the relationship between youth trauma history and attorney case handling. This study contributed to the small body of research that investigates the relationship that attorneys have with their trauma-exposed youth clients and may further influence policy work and trauma-informed training for attorneys in the future.

***Keywords:* vicarious trauma, secondary trauma, juvenile justice, attorneys**

**Traumatized defendants, troubled attorneys: The impact of vicarious trauma on the defense attorney-client relationship**

Research has identified the impacts of working with trauma-exposed clients for a variety of helping professions, such as mental health professionals (Baum, 2016), judges (Jaffe et al., 2003), and probation officers (Lewis et al., 2013). However, less research has examined the effects of vicarious trauma—the transformation and disruption of belief systems of the self and others as well as avoidance, intrusion, and arousal symptomatology that one demonstrates once they are indirectly exposed to traumatic material disclosed by others (McCann & Pearlman, 1990)—with attorneys. Compared to other helping professions and the general population, attorneys have higher rates of mental health issues such as depression (Clarke, 2015) and unhealthy substance use (Krill et al., 2016). Specifically, attorneys who worked within family and criminal courts experienced more secondary traumatic symptoms, such as intrusive memories and avoidance of reminders of traumatic material that their client expressed compared to mental health professionals (e.g., social workers) (Levin & Greisberg, 2003). Exposure to the traumatic material disclosed by clients over time appears to diminish overall work performance and can lead to negative client perceptions, such as feelings of revulsion (Levin, 2008), apathy, or cynicism towards their client (Salston & Figley, 2003; Tosone et al, 2012).

Despite this, prior literature has not extensively considered how a defense attorney's work with trauma-exposed youth clients affects the attorney and how attorneys perceive traumatized youth. Approximately 90% of justice-involved youth have reported experiencing a traumatic event, and most youth have experienced multiple types of trauma (Dierkhising et al., 2013). Furthermore, given youths' developmental immaturity, they have diminished capacity to make legal decisions themselves, thereby relying more on the judgement and advocacy of their



attorneys (Fountain & Woolard, 2016) in comparison to adult clients. Thus, attorneys who work with trauma-exposed young clients may be at an additional risk due to their unique role.

When left unaddressed, effects of vicarious trauma can lead to detrimental consequences that not only harm the attorney, but can also affect the relationship they have with their client. To the best of our knowledge, only one, now dated, study (Goldman, 2005) has investigated the effects of vicarious trauma with attorneys who work with trauma-exposed youth clients. Youth of Color, specifically Black youth, are at an increased risk of being systematically disadvantaged and are perceived to be more culpable and more adult-like than they are (Goff et al., 2014) which may influence the way in which they are counseled and perceived by their attorney. To our knowledge, no research has explored the relationship between client race and attorney perceptions of a traumatized client, which may influence how an attorney perceives and responds to client trauma. Thus, more research is needed on attorneys who work with trauma-exposed youth clients, including the impact on case decisions and how they counsel their clients. This study, therefore, will explore vicarious trauma and its impact on juvenile defense attorneys, including how an attorney's experience impacts their decision making and perception of youth clients and if that differs based on client race and trauma history.

### **Vicarious Trauma and Helping Professionals**

Over the years, research has discovered the effects of vicarious trauma on psychological and physical functioning in helping professionals who work with trauma-exposed clients (Cohen & Collens, 2013). Like attorneys, mental health professionals, probation officers, and judges are frequently exposed to individuals with trauma histories (Iversen & Robertson, 2021). These helping professionals may even work with the very same clients that an attorney may represent.

Research with these professionals, then, may be informative in understanding the likely impact of vicarious trauma on attorneys.

Mental health professionals who work with trauma-exposed clients demonstrate signs of intrusive thoughts or images when reminded of a client's trauma and are more likely than professionals who do not work closely with trauma-exposed clients to have functional difficulties that interrupted daily functioning (Baum, 2016). Additionally, some professionals may internalize their client's trauma, which can result in symptoms from stressor related disorders (i.e., anxiety, depression, PTSD) and affect the way they are able to work with their client, such as attorneys being more likely to develop emotional exhaustion that affects the amount of effort, quality, and care they can put into their work (Wilson, 2016).

Probation officers, like mental health professionals, work closely with trauma-exposed individuals (Lewis et al., 2013). Specifically, probation officers who supervised offenders who recidivated displayed more secondary traumatic symptomatology compared to colleagues who did not supervise offenders who recidivated. Probation officers are at risk of potentially experiencing traumatic events, such as being physically assaulted, violently threatened, or reading traumatic caseload material that depicts egregious behavior, such as violent or sexual acts. Likely at least partly because of this environment, the effects of vicarious trauma are expected to become elevated and extend for as long as probation officers continue to work under those conditions (Lewis et al., 2013).

Judges, like mental health professionals and probation officers, are also susceptible to the effects of vicarious trauma. Jaffe and colleagues (2003) discovered that judges engage in externalizing and internalizing coping mechanisms due to the exposure of traumatic material during a case. For instance, judges were more likely to feel angry, cynical, and hostile towards

others, displayed a lack of faith in humanity and their spirituality, and even had PTSD-like symptoms (e.g., intrusive thoughts, flashbacks, etc.) regarding traumatic case material.

Other symptoms of vicarious trauma reported by helping professions manifest physically, including a change in breathing or heart rate, chest pain, and other distressing symptoms during exposure to or reminder of the traumatic material that was disclosed (Tyler, 2012; Zwisohn et al., 2019). In light of these findings, helping professionals can be negatively impacted when working with trauma-exposed individuals—and the effects of the exposure may affect their ability to support their clients. To curb these symptoms, helping professionals were more likely to engage in avoidance or withdrawal behaviors from their clients or support systems to avoid reminders of what their clients have disclosed (Ludick & Figley, 2017).

Although a majority of the literature on vicarious trauma has not examined experiences of attorneys, attorneys are exposed to sensitive case material and often hear traumatic experiences from their clients, similar to the helping professions discussed above (Léonard et al., 2020). However, other helping professionals, such as individuals who work in mental health, are more likely to have resources and specific trauma-focused training to help combat the effects of working with a trauma-exposed population (Maguire & Byrne, 2017) whereas attorneys normally do not. Thus, attorneys may be even more susceptible to the effects of vicarious trauma (Parker, 2014).

## **Risk and Protective Factors for Trauma-Exposed Attorneys**

### ***Structural Risk Factors***

#### **Organizational Factors**

Attorneys are immersed in a workplace environment that can put them at further risk for experiencing the effects of vicarious trauma. Attorneys who practiced criminal law reported

higher PTSD-like symptoms, such as avoidance, intrusions, and hyperarousal, compared to attorneys who practiced civil law due to the nature of their work with justice-involved individuals (Vrlevski & Franklin, 2008). This may lead attorneys to avoid a trauma-exposed client or decrease time spent with the client, or experience other debilitating symptoms that can affect their ability to function because of reminders of what their client has disclosed (Vrlevski & Franklin, 2008). Indigent defense attorneys face a number of challenges, such as receiving insufficient pay yet working with clients who need more of their effort, and 78% of public defenders reported moderate or higher levels of secondary traumatic stress (Dotson et al., 2020). Taken together, these findings suggest that attorneys who practice criminal law and public defenders representing indigent clients have direct exposure to trauma-exposed clients and are more at risk of experiencing the effects of vicarious trauma compared to attorneys in other areas who presumably have less exposure to client trauma.

### **Caseload**

An attorney's caseload can make them more likely to experience the effects of vicarious trauma. Direct exposure to traumatic material increases an attorney's chance of experiencing symptoms of vicarious trauma over time (Levin et al., 2012). Amount of direct exposure can depend on caseload, and the more time that attorneys worked with trauma-exposed clients, the greater their risk of developing PTSD, having an increase in the severity of symptomatology that would need intervention, and having a decrease in self-care and sense of safety/security compared to attorneys who did not work with trauma-exposed clients (Leclerc et al., 2019). Notably, many attorneys—including public defenders—may have little or no control over the size of their caseload or length of the work week. Given these findings, research is especially needed on vicarious trauma among attorneys with high caseloads and caseloads with substantial

numbers of traumatized clients, including defense attorneys representing youth clients (Fountain & Woolard, 2018).

Not only the size of the caseload but also case content can be expected to impact attorneys, such that cases with more trauma-related content or higher stakes are more emotionally exhausting. For example, one attorney reported working with primarily Black and Brown juvenile lifers and extending empathy towards those clients regarding their life circumstances (e.g., poverty, trauma, etc.), and how this was necessary to providing trauma-informed representation yet was also draining (Miller, 2022). As a result, attorneys may further extend themselves to advocate against the systemic oppression that their clients experience, which may put them at an even increased risk of vicarious trauma symptomatology that impacts their well-being. One attorney described the intangible “cost” of her care for her young clients, describing her work with youth as having more of a strain compared to working with adult clients (Smith, 2006). In addition, attorneys are continuously exposed to not only preexisting client trauma but also their client facing traumatization from the unfairness of the system; one attorney recounted that she has not represented a client that did not experience any form of trauma that would continue beyond the attorney-client relationship (Carroll, 2021), demonstrating that attorneys work closely with individuals experiencing serious amount of trauma and discuss those traumatic experiences. Youth trauma and race may both shape attorney experiences of representation, and both should be accounted for in determining attorney responses to cases with trauma.

### **Lack of support and training**

Despite the time spent with trauma-exposed clients, attorneys still often report feeling ill-equipped to work with clients with trauma histories, including concern they may not have

received the proper education and resources prior to practicing, making them even more likely to experience symptoms (Ludick & Figley, 2017). The stressful and demanding nature of being an attorney exemplifies how vicarious trauma can develop and continue to persist over time.

Attorneys self-reported that their occupational stress was due to unsatisfactory work conditions, such as an imbalance of life between work and home as well as insignificant recognition of their work that negatively impacted their job satisfaction (Teichmann et al., 2015). As attorneys are working within an environment that does not meet their needs or satisfaction, a workplace that is not lessening the overwhelming feelings that attorneys are already feeling from their work with their clients can further exacerbate the secondary stress that attorneys have. These risks extend beyond public defenders: Attorneys who own a private practice may not be able to collaborate and receive resources from an employer or mentor to help lessen the stress they feel and can face challenges with the responsibility of finding these resources themselves (Maguire & Byrne, 2017). Unfortunately, these findings indicate that workplace conditions, which are often difficult for the attorney to change, may reduce attorney resilience and therefore may contribute to an attorney being at risk of experiencing the effects of vicarious trauma as well as extend attorney symptomatology for as long as they continue their work under conditions that lack proper support.

### ***Personal Risk Factors***

Attorneys are closely exposed to explicit material, such as sexual assault, homicide, child abuse, and more when working with justice-involved individuals. Exposure to these aspects of their work likely impacts some attorneys more than others; low social support and high emotional stress can contribute to and worsen one's experience of vicarious trauma symptoms (Salston & Figley, 2003). Although reactions to psychological and emotional stressors are

individualistic, an individual's personality traits may place them more at risk for being affected by vicarious trauma. In a study of 36 attorneys working in criminal and family law, Maguire and Byrne (2017) identified that individual attorneys who scored high on Neuroticism and low on Emotional Stability were more susceptible to the effects of vicarious trauma, suggesting that tendency toward intense emotions of anger, frustration, jealousy, fear, guilt, and other inhibiting emotions that are hard to regulate can worsen the impact of secondary trauma exposure. Additionally, attorneys who displayed feelings of hopelessness and pessimism towards their work may be at more risk of experiencing the effects of vicarious trauma (Maguire & Byrne, 2017). Therefore, some attorneys may have difficulty managing the workload and may take on more than they should when working with trauma-exposed clients. Specifically, Maguire and Byrne (2017) discovered that when surveyed, attorneys reported difficulty managing the content of their work when dealing with clients, which often left attorneys feeling helpless and hopeless, at a higher rate compared to the mental health professionals (i.e., psychologists and social workers) within the study. Nonetheless, these findings indicate that attorneys may be suffering from the effects of vicarious trauma, however, it seems that they self-sacrifice and continue their work, despite its consequences.

Not only do certain personality traits of attorneys make them more likely to experience vicarious trauma, their level of empathy and their investment to their clients can play a major role in how much of their well-being is at stake when working with trauma-exposed clients. A sample of public defenders were interviewed regarding multiple factors that keep them in the workforce, with many identifying that their indigent clients are in need of protection against injustices within the system (Baćak et al., 2020) and understanding how their life experiences have led them to where they are is essential in advocating for them. Considering this level of

investment that some attorneys take, they are likely to hear disturbing details about client trauma. Though this perception has not been heavily researched in youth defenders, specifically, attorneys representing young clients, specifically young, traumatized clients, may hold similar viewpoints regarding a youth's trauma and its impact on the youth's life trajectory. Furthermore, this may put youth defenders at a more appreciable risk of experiencing more pervasive vicarious trauma, as they may attempt to invest more in youth who are already facing disadvantage within the system, such as Black boys (Henning, 2012) that may increase the emotional toll and complex feeling attorneys experience when handling their cases.

### ***Structural Protective Factors***

Although vicarious trauma is sometimes inevitable when working with trauma-exposed clients, there are structural protective factors that an attorney can seek out within the workplace to help mitigate its effects. Levin and colleagues (2011) found that attorneys who have ample administrative support and/or supervision were less likely to experience the effects of vicarious trauma. In addition to support from employers, opportunities to gain experience and increase awareness can reduce the risk of experiencing vicarious trauma (Newell & MacNeil, 2010). When attorneys are given proper foundational education and resources to help manage working with trauma-exposed clients, they could be further protected from the long-term effects of vicarious trauma (Branson, 2019).

### ***Personal Protective Factors***

Attorneys high in resiliency, commonly referred to as the process of adapting well and being able to grow even when faced with an adversity such as hearing or being exposed to traumatic material (Hernandez-Wolfe et al., 2015), report lower symptoms of vicarious trauma (Preston et al., 2014). In addition, attorneys who seek out social support from friends, family, or



colleagues are at reduced risk of experiencing the effects of vicarious trauma (Maguire & Byrne, 2017). Currently, some organizations and programs provide attorneys with resources to help promote resiliency and offer support, such as State Bars Mental Health Assistance and even some universities providing classes dedicated to vicarious trauma (Morgillo, 2014). However, available research surrounding attorneys and vicarious trauma communicates that despite these efforts, problems persist (Léonard et al., 2020).

### **Trauma-Exposed Attorneys**

Attorneys reported that they were directly exposed to and closely reviewed case material from felony/misdemeanor criminal cases that depicted potentially traumatizing events, such as personal physical and emotional injury/impairment (e.g., battery, child abuse, homicide, etc.). Attorneys who worked with trauma-exposed populations, such as asylum lawyers, reported higher trauma the more time that they spent working with their clients (Piwowarczyk et al., 2009). These higher trauma scores were associated with attorney stress regarding the high stakes of the case, with the potential for their client to become deported from the country, which resulted in elevated levels of secondary traumatic stress (Piwowarczyk et al., 2009). Although attorneys are presented with material that may seem to be ephemeral on a case-by-case basis, it can lead to intrusions and avoidance behaviors that affect the attorney's daily functioning.

Perhaps unsurprisingly, attorneys commonly meet criteria for impairments related to working with trauma-exposed clients: one study found that 34% of attorneys met criteria for secondary traumatic stress and a staggering 74.8% met criteria for functional impairment (Levin et al., 2011). Moreover, as the number of hours worked and caseload increased, so did vicarious trauma-related attorney impairment affecting work, social, and family lives. Therefore, working directly with a trauma-exposed client can complicate the attorney's wellbeing for as long as they

continue their profession. When surveyed, attorneys often attributed these symptoms to their lack of experience and preparation to deal with trauma-exposed clients coupled with the lack of mental health support when mental health issues arose (Levin & Greisberg, 2003). These findings suggest that attorneys feel ill-equipped to deal with the complexities of servicing trauma-exposed clients, which places them at further risk for long-lasting ramifications.

One cross-longitudinal study has investigated the effects of vicarious trauma on the experiences of PTSD, depression, and functional impairment among attorneys over time (Levin et al., 2012). The attorney participants had an average caseload between 41-60 trauma-exposed clients in the past three months. Attorneys continued to display stable levels of intrusion, hyperarousal, and avoidance symptomatology over 10 months when compared to the initial baseline measurement; 73.8% of attorneys met the criteria for functional impairment, 40.2% met the criteria for depression, and 9% met the criteria for PTSD. These findings suggest that attorneys may disregard their own suffering to continue with their work, despite feeling 'powerless' to their caseloads (Levin et al., 2012). Attorneys may also be demonstrating that during this period of 10 months, any workload changes that may have occurred did not influence their symptoms, as they continued to persist regardless. Without effective coping strategies, attorneys are more susceptible to the effects of vicarious trauma that places them at further risk of poor psychological and professional functioning.

### **Vicarious Trauma and The Attorney-Client Relationship**

Vicarious trauma can permeate the attorney-client relationship, reaching beyond personally affecting the attorney and shaping how an attorney makes decisions for and interacts with their client. Attorneys spend a substantial amount of time with their clients and, although more time with a client may allow for more effective client counseling (Moore et al., 2020), it

can also mean more secondary trauma exposure. Ultimately, attorneys already impacted by secondary trauma may make more errors, have a decrease in the quality of their defense, experience indecisiveness, and face a decline in interpersonal relationships (Zwisohn et al., 2019). Given the relationship between vicarious trauma and case errors, an attorney's ability to effectively counsel their client may be directly impacted by the secondary trauma they have experienced previously.

In addition, experiences of exposure to traumatic material for long periods can alter an attorney's belief system, values, and thoughts, which impacts the nature of the attorney-client relationship (McCann & Pearlman, 1990). For instance, an attorney's sense of safety, trust, esteem, intimacy, and control can be disrupted the more they work with trauma-exposed populations (Baird & Kracen, 2006; Maguire & Byrne, 2017). Some attorneys may portray these disruptions as a sense of a loss of hope and self-confidence, or develop apathy or cynicism towards their client when exposed to or reminded of traumatic material and may even begin avoiding clients and/or colleagues (Norton et al., 2015). This can lead to consequences such as an attorney having a negative outlook on the world and finding it more challenging to find the good in people, even mirroring this negative perception to their client. These disruptions can appear as an attorney being more likely to not believe a client's recount of their traumatic experiences, overidentifying with a client's trauma, losing a sense of good in the world, feeling insecure, and more (Katz & Haldar, 2015). If an attorney is not willing to accept or has disbelief of their client's experience, it can affect the way the attorney chooses to represent their client.

On the other hand, if an attorney overidentifies with a client's traumatic experience(s), it could serve as a conflict of interest (Silver et al., 2015). These internalized feelings and reactions of the attorney related to the client's disclosure of traumatic material are clinically known as

countertransference (Silver, 1999; Salston & Figley, 2003; Tosone et al., 2012). An attorney could overextend for or refrain from their client, as it could potentially remind them of their trauma. Therefore, an attorney may be more likely to handle cases more favorably for certain clients and refrain from doing so with others. Yet, an attorney may not be cognizant of these subtle changes in their interaction with their client. Although unintentional, this may interfere with the attorney effectively counseling their client, which ultimately negatively influences the relationship between the attorney and client.

### *Youth Clients*

Youth clients are developmentally at a diminished capacity to make legal decisions themselves, thereby relying more on the judgement and advocacy of their attorneys (Fountain & Woolard, 2016) in comparison to adult clients. Thus, attorneys who work with trauma-exposed young clients may be at an additional risk due to their unique role. When left unaddressed, effects of vicarious trauma can lead to detrimental consequences that not only harm the attorney, but can also affect the relationship they have with their client. To the best of our knowledge, only one, now dated, study (Goldman, 2005) has investigated the effects of vicarious trauma with attorneys who work with trauma-exposed youth clients. Additionally, to our knowledge, no research has explored the relationship between client race and attorney perceptions of a traumatized client.

Attorneys, being aware of youths' diminished competence and developmental immaturity (Viljoen et al., 2010), nevertheless face pressure to effectively advise their client as quickly as possible, as legal processes happen quickly. Some attorneys reported only having an average of 46 minutes to spend with their client, some even having less than 30 minutes (Zottoli et al., 2016) to discuss legal procedures, such as the plea-bargaining process, with 35.7% of attorneys

indicating that extra time with their client is needed to properly inform them (Fountain & Woolard, 2018). In light of these findings, pertinent information that needs to be considered (e.g., consequences of pleading guilty) may not be communicated thoroughly by an attorney and thus may not be fully comprehended by the youth during the time allotted. Thus, an attorney's recommendation and other case related decisions may be affected by barriers such as their client's diminished comprehension and time constraint.

During the limited time that an attorney has with their client, they have reported that they focus on case-related factors to explain to their client, such as the disposition (sentence that a youth would receive) and what the charge at hand means and tend to place less of a focus on other implications, such as collateral consequences and what evidence can be used against them in trial (Fountain & Woolard, 2018). To help remedy the lack for a youth's proper decision-making capability, some attorneys reported spending extra time consulting and explaining the legal procedure with their client to encourage more autonomous decisions (Fountain & Woolard, 2018); however, this is not always a possible and plausible option. Even outside of time spent directly meeting with a client, attorneys may be exposed to secondary trauma through case material or records related to their client. As a result, even with the limited time that attorneys do spend with their clients, this is seemingly enough for them to become affected by what they are hearing from their client.

When examining the relationship between trauma and justice-involved youth, the majority of justice-involved youth have experienced some form of trauma (Dierkhising et al., 2013). In fact, justice-involved youth experience these traumatic instances at a significantly higher rate compared to the traumatic exposure of the general population (Dierkhising et al., 2013). Moreover, justice-involved youth of color, specifically Black and Latinx youth, have

increased rates of trauma exposure compared to White youth and reported experiencing polyvictimization (experiencing more traumatic events) during adolescence (López et al., 2017). Notably, research shows that other helping professionals, such as child welfare workers (Dombo & Whiting Blome, 2016) and probation practitioners (Lee, 2017), are impacted by working directly with trauma-exposed youth. Thus, a youth's trauma history may affect the way in which an attorney counsels, perceives, and interacts with their client when coupled with the attorney's historical experience of vicarious trauma.

Racial bias systematically places youth of color at a disadvantage that affects the way in which they experience the justice system. Prior research has indicated that non evidentiary factors, such as client race, can impact the way in which an attorney counsels and advises their client (Redlich et al., 2016). Specifically, an attorney's consultation with their client during the plea-bargaining process resulted in a longer plea sentence for Black adult clients compared to their White adult clients (Edkins, 2011). Similar to justice-involved adults of color, justice-involved youth of color are at an appreciable risk of being disadvantaged within the system. Black youth in the legal system experience an "adultification" and are viewed as older than they are and more culpable compared to justice-involved White youth (Goff et al., 2014). Therefore, this can lead others to view Black youth as less human-like, which can lead to a dehumanization effect that shapes not only the way in which youth move through the justice system (Birckhead, 2017) but may also impact how attorneys interact with their clients of color (Peck & Beaudry-Cyr, 2016).

Due to this bias, attorneys may be more likely to view traumatized White youth as more innocent and in more need of protection compared to Black traumatized youth, who may be seen as more mature and culpable (Henning, 2012). It is important to consider how an attorney

perceives their client and how their perceptions can affect their interactions and advisement of their client. Since youth are heavily influenced by the presence and advice from authority figures like an attorney (Cauffman & Steinberg, 2012), it is important to consider how the “adultification” of youth of color impacts an attorney’s perception of their client and whether this leads to a youth being dehumanized, which may affect an attorney’s case handling for their traumatized youth clients of color, specifically Black traumatized youth clients. An attorneys’ history of vicarious trauma may influence how an attorney perceives a traumatized young client, as trauma-exposed attorneys are more likely to develop and demonstrate distorted views of themselves and others (Maguire & Byrne, 2017) that may intermingle with the already present biases against Black youth that can further complicate the relationship with their attorney. Furthermore, perceived innocence and culpability of a youth are domains specifically related to justice-involved youth that may become influenced by an attorneys’ history of vicarious trauma or a youth’s trauma history. As attorneys work closely to advocate for the client for the best outcome possible, attorneys are privy to information that makes them aware of the innocence or culpability of their client. In that same vein, impacted trauma-exposed attorneys may be more apt to become more cynical of their clients, whereas attorneys may not be as understanding of the trauma that youth experience and perceive them only in relation to their offense and not holistically. This may occur differentially for White youth and youth of color, given attorney biases.

### **Current Study**

Given the frequency with which juvenile defense attorneys likely represent trauma-exposed clients, attorneys are likely negatively impacted by their work in ways that can affect the interactions with their clients. To the best of our knowledge, there is only one study to date

(Goldman, 2005) that has investigated the effects of vicarious trauma on attorneys who work with trauma-exposed youth clients, however, it has not been replicated or expanded upon in over a decade. Goldman (2005) measured secondary traumatic symptoms and the impact of life events among attorneys who represented trauma-exposed youth clients. In that study, attorneys did not report significant functional impairments due to the vicarious trauma they experienced, with even the highest scores demonstrating only a moderate impairment effect. In addition, attorneys did not demonstrate an unusually high rate of secondary traumatic symptoms and the measure of their symptoms was close to the general population. Attorneys did, however, report disruptions to their belief systems as a result of the secondary traumatic exposure from their clients, including disruption to self-esteem, self and other intimacy, and trust affecting an attorney's security in their own judgements, perceptions, self-control and decision-making capabilities. Furthermore, attorneys reported problems with self-reflection and difficulties feeling connected with others, which made them more likely to view others with contempt and disrespect.

Although the Goldman (2005) study ultimately concluded that attorneys did not experience significant functional impairments despite disruptions to their belief systems, subsequent studies (Levin et al., 2011; Levin et al., 2012) have demonstrated that vicarious trauma can negatively affect not only the belief systems but the functioning of attorneys who work with trauma-exposed adult clients. The present study provides more up-to-date research on vicarious trauma and the effects of working with trauma-exposed youth clients by using experimental manipulation of client trauma history (i.e., moderate or severe) and race (i.e., Black or White) in a case vignette. To the best of our knowledge, this study will be the first to experimentally explore whether a youth client's trauma history and race are associated with an impact on the attorney and attorney-client relationship. In addition to the impact that working



with a trauma-exposed population poses on the attorney, attorneys may make decisions related to their client's case outcome that are more favorable for White clients compared to Black clients. However, prior research has not been conducted on the varying degrees of trauma that a youth has experienced and how that not only impacts the attorney but the decisions that the attorney makes, ultimately affecting the attorney-client relationship.

### **Aims**

This study aims to examine:

- 1: If the severity of a youth's trauma history impacts attorney case handling and decision making and if that differs based on a youth's race or by an attorney's history of vicarious trauma.
- 2: Whether an attorney's vicarious trauma symptomatology has an impact on case handling.
- 3: Lastly, this study has an exploratory aim to examine whether trauma history changes an attorney's perception of a youth's culpability and adult-likeness.

We hypothesized that there would be a significant interaction of client race and trauma history such that attorneys would handle cases more favorably for White traumatized clients and less favorably for Black traumatized clients. Secondly, we hypothesized that attorneys who worked with a high percentage of trauma-exposed youth clients would demonstrate higher levels of vicarious trauma symptomatology. Finally, we hypothesized that vicarious trauma symptomatology would moderate the relationship between case handling and client trauma history such that higher levels of symptomatology would predict worse case handling for highly traumatized youth compared to moderately traumatized youth, controlling for youth race.

### **Method**

#### **Participants**

All participants for this study were active juvenile defense attorneys who were over the age of 18 and lived in the United States. Of the 242 participants who consented to the study, a total of 98 participants were excluded: 20 participants were excluded because they discontinued the survey immediately following consent and did not complete either manipulation or attention check questions, 28 participants completed the demographic questionnaire then discontinued the survey without completing manipulation or attention check questions, 26 participants were excluded as they failed one manipulation check question and 2 participants were excluded as they failed two manipulation check questions. Participants were not excluded if they failed the attention check question (youth age; 16 participants). Thus, a final sample of 144 participants who successfully passed both manipulation checks (i.e., youth race, and name) yet failed attention (i.e., youth age) check questions was used to complete data analysis.

Women made up 57.6% of the sample ( $n = 83$ ), and men made up 41.7% ( $n = 60$ ); 0.7% ( $n = 1$ ) of participants identified as non-binary/genderneutral/genderfluid/genderqueer. Most of the sample (91%,  $n = 131$ ) identified as White, followed by African American/Black (2.8%,  $n=4$ ), Latino/Hispanic/heritage from a Latin American country (2.8%,  $n=4$ ), Biracial/Multiracial (2.8%,  $n=4$ ), Other (Indian-Hungarian and Armenian-Asia Minor) (2.8%,  $n=4$ ), Asian/Asian American/Pacific Islander (1.4%,  $n=2$ ), and Middle Eastern/Arab/Turkish/Iranian (0.7%,  $n=1$ ). Five participants selected more than one race/ethnicity option: three participants identified as White and Asian/Asian American/Pacific Islander, one participant identified as White, Asian/Asian American/Pacific Islander, and Biracial/Multiracial, and one participant identified as Asian/Asian American/Pacific Islander and Indo-Caribbean. Most participants worked in a public defense office, and attorneys reported experience across misdemeanor and both non-

violent and violent felony cases. A summary of participant work settings, case experience, and percentage of clients with trauma histories is presented in Table 1.

### **Procedures**

The full study was conducted through Qualtrics, an online survey platform. Recruitment took place through various local and statewide email listservs for non-profit organizations and public defender offices, social media platforms (i.e., Facebook) and snowball recruitment. A total of 20 public defender offices/indigent defense commissions, 15 non-profit organizations, and 18 juvenile law school clinics were contacted from all regions within the United States. Interested attorneys were provided a link to the study on Qualtrics, which took a median of 14.56 minutes to complete. The CUNY Human Research Protection Program (HRPP)/IRB approved all study procedures.

This study utilized a 2 (client trauma history: *moderate/severe*) x 2 (client race: *Black/White*) between-subjects design. Participants were randomly assigned to one of four case vignette scenario conditions: Black client/moderate trauma history, Black client/severe trauma history, White client/moderate trauma history, and White client/severe trauma history. Participants viewed vignette scenarios describing a 16-year-old Black youth named Jamal or a 16-year-old White youth named Brad. In the vignette scenario, the youth was accused of an armed robbery and participants were asked to imagine that they were the youth's attorney and indicate how they would counsel or advise the youth throughout the various stages of the legal process. Armed robbery was chosen as the youth's offense was based on prior literature surrounding attorney decision making (Redlich et al., 2016) examining how attorneys make decisions when plea bargaining on behalf of their client. In addition to being consistent with past attorney decision making research, armed robbery was selected because it was a serious felony

offense that could alter an attorney's perception of their young client and may ultimately impact how they chose to make decisions on their behalf. The client's race was primed using a textual description of the youth's race as well as a racially stereotypical name (Bertrand & Mullainathan, 2004; Ewens et al., 2014). To depict the varying degrees of trauma, a brief story about the youth's life experiences was included and the number of traumatic experiences were varied to create an obvious (i.e., noticeable to an attorney) difference in trauma severity between the two conditions. The vignette scenario was not developed to demonstrate clinically defined moderate and severe trauma history but was instead constructed to demonstrate distinguishable levels of trauma based on attorney perceptions, given the baseline of trauma history among virtually all youth in the legal system. Moreover, the trauma history was based on prior literature surrounding common trauma types among justice-involved youth (Dierkhising, 2013). To depict a "severe" trauma history, a direct near-death experience was described, along with childhood neglect, abuse, witness of community violence, and experience of police harassment, as well as the display of intrusion and avoidance symptomatology. To depict a "moderate" trauma history, the near-death experience as well as the childhood neglect and abuse were removed; the description of witnessing community violence and police harassment were included, as well as avoidance symptomatology. Although it was important to vary the number of potentially traumatizing experiences the youth had to represent a greater severity so differences would be detectable by attorney participants, holding the experiences described as constant as possible across conditions resulted in a vignette depicting common experiences for legally involved youth, who are often from impoverished neighborhoods where there is an increased likelihood for trauma exposure (Baglivio et al., 2017).

The vignettes used in this study were derived from vignettes that were previously pilot tested using a sample of 100 participants with the equivalent of a graduate level education recruited from Prolific to partake in the Qualtrics survey. Pilot participants were compensated with \$1 for their time. Pilot study participants (n = 100) were randomly assigned to view one of eight different vignette scenarios that depicted varying degrees of severity for the youth's trauma history by number of traumatic experiences of the youth (two vignettes were intended to depict mild trauma history, three moderate trauma history, and three severe trauma history to a lay audience with no clinical training). The youth that the participants read about had a race-neutral name (i.e., Chris) and race of the youth was not indicated so race would not influence participant answers. After reading the vignette scenario, pilot study participants were then asked to answer a series of questions related to the believability and realness of the vignette scenario they read (e.g., "How real did the story seem to you?" and "How clear was the scenario?") In addition, participants were also asked to rate how traumatic the things that the youth experienced were based on a scale 0-10 (0 = not at all traumatizing; 10 = the worst trauma that I could imagine). Lay perceptions were used for determining trauma levels in the pilot study so that differences in trauma level would be recognizable to attorneys who work very closely with trauma-exposed youth, who generally have no clinical training or background. Participants were also asked questions based on their perception of the youth within the vignette scenario (e.g., "How responsible is the youth for what happened to him?" and "Do you believe that the challenges the youth has faced should be taken into account when he is charged with a crime?"). Vignette scenarios were selected for the present study based on pilot data; vignettes were chosen that received high ratings of believability and clearness, as well as the severity of the youth's trauma

history being correctly interpreted by the participants. See Appendix A for vignette text for the present study.

After reviewing the vignette, participants were asked a series of questions pertaining to their experience of working with a trauma-exposed population as well as questions about attitudes/beliefs about youth in general. Participants were also asked to answer two manipulation check questions (about the client's race and name) and one attention check question (about the client's age) to confirm that they fully read the vignette scenario. In addition, attorneys were also asked to rate how traumatizing the story they read about seemed ("When you read about the experiences of Jamal/Brad, how traumatizing did they seem to you?") on a scale of 0-100, which served as a manipulation check for youth trauma history; analyses comparing the ratings between the two trauma conditions are reported in the Results section. Data for those who did not answer the manipulation check questions correctly were not included in analyses. In addition, participants were asked to answer questionnaires that measure the symptomatology of vicarious trauma and perceptions of the youth, described below. Lastly, participants were asked a series of demographic questions. Upon completion of the survey, participants were given the option of compensation with a \$5 anonymous donation directly to a non-profit juvenile justice organization of their choice from a pre-selected list.

## **Measures**

Upon completion of reading a case vignette scenario, each participant answered questions regarding their decision making to compute an attorney case handling composite variable, a culpability scale, an innocence scale, two measures of vicarious trauma, and demographic questions.

### ***Attorney Case Handling***

Attorney case handling was measured with questions about effort expended in representation of the youth, perceptions of the case and appropriate outcomes for the case, and perceptions of the youth. Variables derived from this questionnaire are described below.

**Case Handling Effort.** Participants answered six multiple-choice questions designed to assess the effort the attorney would expend on the youth's case, including questions about the amount of time they would spend with this client, how many times they would meet with this client, what they would discuss in their meetings with this client, what case information they would seek, and how much perceived effort they would put towards this case. Responses to these items were combined by assigning point values to the question options to reflect the perceived effort that the attorney would expend, and adding together the points across the six items to create a total effort expended score for each participant. For the question, "How much time would you spend meeting with Jamal/Brad over the course of the case?" a point value of 0 was assigned to the answer "less than one hour," a point value of 1 was assigned to the answer "1-2 hours," a point value of 2 was assigned to the answer "3-4 hours," and a point value of 3 was assigned to the answer "5+ hours." For the question, "How many times would you meet with Jamal/Brad?" a point value of 0 was assigned to the answer "1 time," a point value of 1 was assigned to the answer "2-3 times," a point value of 2 was assigned to the answer "4-5 times," and a point value of 3 was assigned to the answer "5+times." For the question, "Compared to an average case that you've handled, does this case deserve more or less of your time?", a point value of 4 was assigned to the option "more time," a point value of -4 was assigned to the option "less time," and a point value of 0 was assigned to the option "about the same time;" and were coded as such because the more time attorneys spend with their client, such as meeting for additional time or giving the case more of their time, the more effort they would expend for their

client and the case at hand. For the question “What other information would you seek out before moving forward with this case?” a point value of .5 was assigned to each possible option, for a total of 3 possible points. For the question “How much effort would you expend trying to negotiate a generous plea offer, compared to the average case?”, participant answers were on a scale of 0-100; however, to create a score that fit the scale for other items, we subtracted 50 from participant answers and then divided by 10 to result in a final scale of -5 to 5, with a total possible score of 5. This score was calculated in this way to avoid this question having undue weight in determining case handling score. Data for write-in responses of the question “What other information would you seek out before moving forward with this case?” were not scored, given the difficulty with assigning point values to the qualitative answers. Thus, these questions combined had a total of 18 points possible, with higher scores indicative of more effort expended.

**Perception of Appropriate Case Outcome.** Participants answered five questions designed to assess the attorney’s perception of what an appropriate case outcome would be, given what was presented in the vignette scenario. Attorneys were asked whether Jamal/Brad should be detained, about the likelihood of pre-adjudicatory detention, the most likely disposition, and what they believed would be an appropriate disposition. Though attorneys themselves do not make detention or disposition decisions and would advocate against detention in every case, these questions about attorney perceptions of just outcomes were used to measure how attorneys perceive youth and their likelihood to have future justice involvement (e.g., re-offending) or other negative outcomes. These questions were expected to reflect potential biases that attorneys may have regarding the increased culpability of a certain demographic of youth. Question text and answer choices are provided in Appendix B. Responses to these questions are



presented as descriptive data to contextualize attorney case handling and perceptions of the youth.

**Perceptions of Youth.** Participants answered three questions designed to assess their perception of their client, rating how much the youth's story bothered them and both the likelihood of the youth re-offending and of not showing up to court if released, ranging from 0 (*very unlikely/not at all*) to 100 (*very likely/extremely*). How much the story bothered the attorney was coupled with the perception of the youth re-offending and not showing up to court because the youth's trauma story signified a contextual basis for the youth's behavior, rather than specifically focusing on the youth's offense and imagined behavior regarding future offenses and presence at court without regard for the impact of life experiences and environment. These questions were combined into a single score of the attorney's perception of their client by averaging these three values to create an average perception score, with higher average scores indicating that attorneys perceived their youth client more negatively compared to lower scores.

### ***Youth Culpability***

This self-report scale was developed to measure the perceived culpability in a criminal context of a justice-involved youth taken from Goff et al. (2014). Consisting of 4 items, respondents are asked to indicate their perceptions of the youth (e.g., "How responsible is he for his own actions?" and "How likely is it that he did NOT intend the negative consequences of his actions?"). However, this scale was modified for the purpose of this study, so that statements reflected the youth depicted in the case vignette scenario. Respondents were asked to indicate how likely the statements were (e.g., "How responsible is Jamal/Brad for his own actions?") on a scale of 1 (*not at all*) to 7 (*extremely*). In the original scale (Goff et al., 2014), labeled anchors were not provided for the scale criteria but the rating options were the same as in this study. Higher ratings on the scale indicated higher levels of perceived innocence. The item "How likely

is it that he did NOT intend the negative consequences of his actions?” was reverse coded. The Culpability Scale has good scale reliability, with a Cronbach’s alpha of .71 (Goff et al., 2014). However, robust data is not available on this measure’s validity.

### ***Youth Innocence***

This self-report, 7-item scale (Goff et al., 2014) was developed to measure factors related to innocence perceptions of justice-involved youth. On the original scale, respondents provide innocence ratings for youth of the same race as the youth presented in the randomized vignette (e.g., “How much are Black 14- to 17-year-olds a danger to others?”, “How much do Black 14- to 17-year-olds need protection?”). This scale was modified for the purpose of this study, removing the limited age range from the original items and providing a general age-based descriptor to represent the age range of the youth that attorneys read about in the vignette (e.g., “How much do Black teenagers need protection?”) and providing labeled anchors for participants, using on a scale of 1 (*not at all*) to 7 (*always*). Attorneys who read about a Black youth (i.e., Jamal) were given questions regarding Black youth and attorneys who read about a White youth (i.e., Brad) were given questions regarding White youth. Higher ratings on the scale indicated higher levels of perceived innocence, and some items were reverse coded (i.e., “How well can Black teenagers care for themselves?” and “How much are Black teenagers a danger to others?”). The Innocence Scale has fair scale reliability, with a Cronbach’s alpha of .65 (Goff et al., 2014). However, there is no extensive testing to report on the scale’s validity and reliability with other populations beyond the college student population for its initial use. Inadvertently, one question was left off the scale, which was “How much are Black teenagers a danger to themselves?” Thus, the final scale was scored relying on 6 items instead of the original 7 items.

### ***Vicarious Trauma Measures***

Research has found that secondary traumatic stress, defined as the parallel of PTSD-like emotions and behaviors that are a result of knowing about the trauma of another (Bride et al., 2004) and vicarious trauma, defined as the stress resulting from helping a traumatized person that can lead to disrupted beliefs of the self and others (McCann & Pearlman, 1990) have an overlap in symptomatology. Thus, when describing a professional's work with a trauma-exposed population, these constructs have been used interchangeably, even when describing attorney distress (Léonard et al., 2020). For the purposes of this study, the definition of vicarious trauma was utilized as an umbrella term to encompass both secondary traumatic stress symptomatology (intrusion, arousal, and avoidance) and vicarious trauma symptomatology (disruption to cognitive schemas related to the self and others). Thus, vicarious trauma was defined and measured as the combination of avoidance, intrusion, and arousal symptomatology as well as cognitive disruption to belief systems of the self and others. Specifically, vicarious trauma in this study was conceptualized as how an attorney is affected by their work with their trauma-exposed clients. Specifically, we measured how attorneys demonstrated these difficulties as PTSD-like reactions as well as disturbances to attorney well-being experienced as a result of work with their clients and secondary trauma exposure.

**The Vicarious Trauma Scale (Vrlevski & Franklin, 2008).** This self-report scale was developed to assess distress and other effects of exposure to vicarious trauma, by measuring the affective and cognitive components of a respondent's experience of working with a trauma-exposed population (Vrlevski & Franklin, 2008). The 8-item Vicarious Trauma Scale asks respondents to rate a series of statements on a Likert scale of 1 (*strongly disagree*) to 7 (*strongly agree*) (e.g., "My job involves exposure to distressing material and experiences", "It is hard to stay positive and optimistic given some of the things I encounter in my work."). Vrlevski and

Franklin (2008) identify score ranges indicating particular levels of vicarious trauma. Specifically, scores range from 1-56; scores of 8-28 indicate low vicarious trauma, 9-42 indicate moderate vicarious trauma, and 43-56 indicate high levels of vicarious trauma. The Vicarious Trauma Scale has good internal consistency, with an overall scale Cronbach's statistic of .77 and a range of .69 and .85 for both measured factors (i.e., cognitive and affective) (Vrlevski & Franklin, 2008). However, research to date remains mixed on the measure's construct validity (Benuto et al., 2018; Aparicio et al., 2013).

**Secondary Traumatic Stress Scale (STSS; Bride, 2013).** This scale was developed to assess secondary traumatic symptoms of non-therapists working with traumatized clients (Bride, 2013). Participants responded to 17 items on a 5-point Likert scale 1 (*rarely*) to 5 (*very often*), which measured the three domains of secondary traumatic stress (i.e., avoidance, intrusion, and arousal) they may have experienced (e.g., "I thought about my work with clients when I didn't intend to", "I wanted to avoid working with some clients", "It seemed as if I was reliving the trauma(s) experienced by my client(s)."). Bride (2013) reported score cut-offs indicated varying degrees of trauma when the STSS is used to assess for symptomatology. STSS scores range from 18 to 90, with a cutoff score of 38 representing moderate secondary traumatic stress and a score of 45+ representing severe secondary traumatic stress. Higher whole scale scores represent elevated levels of depression, anxiety, as well as avoidance and intrusion symptoms. The STSS has good internal consistency, with Cronbach's alphas ranging from .80-.87 for subscales, with total scale consistency of .93 and adequate convergent, factorial, and discriminant validity (Bride et al., 2004).

### ***Demographic Questionnaire***

Participants were asked to report basic demographic information, such as their race/ethnicity and gender. In addition, participants were asked to provide basic information

related to their legal practice, such as the setting where they currently practice, years of experience, average number of cases currently active, average number of hours worked per week, types of cases they have experience handling, how many of their clients have trauma histories, and how often they work with trauma-exposed clients.

### **Method of Analysis**

A two-way ANOVA was conducted to determine the interaction of client race and trauma history on an attorney's case handling. In addition, a one-way ANOVA was conducted to determine if attorneys who work with a high percentage of trauma-exposed youth clients demonstrate a higher level of vicarious trauma symptomatology compared to attorneys who do not work with a high percentage of trauma-exposed youth clients (included as a categorical variable in analyses), when controlling for years of experience. Lastly, a non-parametric bootstrapping approach to moderation using Hayes' SPSS PROCESS macro was conducted to examine whether an attorney's experience of vicarious trauma impacted the association between youth race and trauma history and attorney case handling. Alpha levels were set to .05 and SPSS was used for all analyses. Power analysis utilizing G \* Power 3 (Faul et al., 2007) indicated that 125 participants were needed to achieve .80 power to detect a medium effect ( $f = .25$ ) for two-way ANOVA analyses; the final sample was 144 participants.

Assumptions were tested for the two ANOVAs conducted. The assumption of normality was tested using the Shapiro-Wilk test, which was non-significant for the variable of attorney case handling for attorneys who saw a Black youth,  $D(75) = .986, p = .58$ . However, positive skewness to the right was observed in the case handling effort variable for attorneys who saw a White youth,  $D(69) = .956, p = .016, S = 2.32$ . The Shapiro-Wilk test for the variable of percentage of clients with trauma histories did not deviate from normal for each level of the

dependent variable,  $D(49) = .97, p = .28$ ;  $D(55) = .97, p = .14$ ;  $D(31) = .96, p = .37$ .

Homoscedasticity of variance was tested using Levene's test for each dependent variable (i.e., attorney case handling and two measures of vicarious trauma symptomatology) and were all non-significant respectively,  $F(3,140) = 1.48, p = .22$ ;  $F(2,132) = .82, p = .44$ ;  $F(1,131) = .107, p = .35$ . indicating that the variances of the attorney case handling and percentage of clients with trauma histories variables were not significantly different and equal across groups respectively. Since ANOVA is relatively robust despite violations of normality (Glass et al., 1972), and other assumptions were met, analyses were still conducted.

## Results

### **Aim One: Client Race, Trauma History, and Case Handling**

A two-way analysis of variance was conducted to examine the hypothesis that there would be a significant interaction of client race and trauma history such that attorneys would handle cases more favorably for White traumatized clients and less favorably for Black traumatized clients. The ANOVA analysis yielded a non-significant result for the interaction between youth client race and youth trauma history in predicting case handling,  $F(1, 144) = .90, p = .344, \eta^2 = .01$ . Youth race did not significantly predict attorney case handling,  $F(1,144) = 2.09, p = .150, \eta^2 = .02$ . However, there was a significant main effect of youth trauma history on attorney case handling,  $F(1, 144) = 5.05, p = .026, \eta^2 = .035$ , such that attorneys reported expending more effort when handling a case of a client with a severe trauma history ( $M = 8.42, SD = 3.31$ ) compared to a client with a moderate trauma history ( $M = 7.24, SD = 2.94$ ) regardless of race. See Table 2 for means and standard deviations of attorney case handling variable by youth race and trauma history.

In addition to attorney case handling, attorneys were also asked a series of questions that measured their perception for the appropriate case outcome of the youth they read about. When participants were asked to indicate what disposition would be likely for the youth without a plea bargain, participants indicated the following themes: a) Probation, b) Commitment, c) Detention, d) Program, e) Placement (other than at a secure facility), f) Community service, g) Advisement, h) Transfer to adult court, and i) Deferment. Additionally, participants were also asked to indicate what disposition they believed was appropriate for the youth, and attorneys reported an appropriate disposition would include support (e.g., youth receiving mentorship services) and mental health services (e.g., youth recommended to get treatment for childhood trauma) as well as restorative justice measures (e.g., youth writing a letter of apology to the victim). See Table 3 for frequencies related to appropriate case outcome. Attorneys were also asked to rate the severity of the trauma history of the youth in the vignette; the mean trauma rating was 53.64 on a scale of 0-100. Attorney trauma ratings were significantly different between moderate ( $M = 45.45$ ;  $SD = 18.52$ ) and severe ( $M = 62.34$ ;  $SD = 18.71$ ) trauma conditions,  $t(132) = -5.25$ ,  $p < .001$ ,  $d = 18.61$ , 95% CI [-23.25, -10.53]. Thus, attorneys were able to distinguish between the more “severe” trauma history compared to the more “moderate” trauma history, as attorneys rated the trauma history of the youth in the ‘severe trauma’ vignette higher than the youth described in the ‘moderate trauma’ vignette.

### **Aim Two: Traumatized Clients and Attorney Vicarious Trauma**

Attorneys reported a high level of vicarious trauma symptomatology; nearly half of participants reported high trauma symptomatology on the VTS and nearly half reported either high or severe symptomatology on the STSS. See Table 4 for a summary of attorney trauma levels for the VTS and the STSS. Overall, attorneys reported substantial experience in their roles,

ranging from 0 to 47 years ( $M = 16.22$ ;  $SD = 11.75$ ). In addition, attorneys had a high current caseload, ranging from 0 to 530 cases ( $M = 95.49$ ;  $SD = 73.61$ ) and a high number of working hours in the week, ranging from 20 to 100 hours ( $M = 49.38$ ;  $SD = 10.44$ ). Of the final sample of 144 participants, only data from 134-135 participants were used to examine if attorneys who work with a high percentage of trauma-exposed youth clients demonstrate higher levels of vicarious trauma symptomatology, as 9 participants did not complete the VTS and 10 did not complete the STSS. A separate one-way ANOVA was conducted for each vicarious trauma measure. Percentage of trauma-exposed youth clients did not significantly predict an attorney's score on the VTS, controlling for years of experience,  $F(2, 135) = 1.46, p = .235, \eta^2 = .02$ , nor score on the STSS when controlling for years of experience,  $F(2, 133) = 1.31, p = .27, \eta^2 = .02$ . However, years of experience significantly predicted VTS score,  $F(1, 135) = 17.39, p < .001, \eta^2 = .12$ , and STSS score,  $F(1, 133) = 20.76, p < .001, \eta^2 = .14$ , such that attorneys who had a greater number of years of experience were more likely to display higher levels of vicarious trauma symptomatology.

### **Aim Three: Impact of Vicarious Trauma on Attorney Case Handling**

Hayes' SPSS PROCESS macro (Hayes, 2017) was used to examine the third hypothesis of whether an attorney's experience of vicarious trauma moderated the association between youth trauma history and attorney case handling, controlling for youth race. Two separate analyses were conducted using the Vicarious Trauma Scale and the Secondary Traumatic Stress Scale, respectively, to measure an attorney's experience of vicarious trauma symptomatology. Using Model 1 of Hayes' SPSS Process macro (Hayes, 2017), attorney combined case effort score served as the outcome variable, a youth's trauma history served as the independent variable, and an attorney's vicarious trauma symptomatology served as the moderating variable



while the youth's race served as a covariate. The Vicarious Trauma Scale did not moderate the relationship between youth trauma severity and attorney case handling covarying for youth race;  $R = .21$ ,  $F(4, 130) = 1.54$ ,  $p = .195$ ,  $R^2 = .05$ . The model with the Secondary Traumatic Stress Scale was also non-significant  $R = .21$ ,  $F(4, 129) = 1.48$ ,  $p = .212$ ,  $R^2 = .04$ .

### **Exploratory Aim: Youth Culpability and Innocence**

To address the exploratory aim of whether a youth's trauma history changes an attorney's perception of a youth's culpability and adult-likeness, we report mean culpability and innocence scores derived from scaled items from both The Culpability and The Innocence Scale; See Table 2 for descriptive statistics. There was not a significant difference in youth culpability score between the Black and White youth conditions,  $t(142) = 1.2$ ,  $p = .23$ ,  $d = .88$ , 95% CI [-.11, .47] but there was a significant difference for innocence score between Black and White youth  $t(135) = -3.9$ ,  $p < .001$ ,  $d = .74$ , 95% CI [-.73, -.24]. Attorneys who read about a Black youth rated the youth as more innocent compared to attorneys who read about a White youth. We separately examined whether participant culpability ratings differed between the moderate and severe conditions for the Black youth and for the White youth, respectively; there was not a significant difference for a youth's culpability score between moderate and severe trauma for the Black,  $t(73) = -1.6$ ,  $p = .120$ ,  $d = .87$ , 95% CI [-.72, .08], nor White youth,  $t(67) = .29$ ,  $p = .773$ ,  $d = .89$ , 95% CI [-.37, .49]. There was not a significant difference between the moderate and severe trauma conditions in attorney ratings of youth culpability score,  $t(142) = -.87$ ,  $p = .39$ ,  $d = .89$ , 95% CI [-.42, .16] nor a youth's innocence score,  $t(135) = 1.54$ ,  $p = .125$ ,  $d = .77$ , 95% CI [-.06, .46].

## **Discussion**

To the best of our knowledge, this is the first study to use an experimental design to explore the impact of youth trauma history and youth race on juvenile defense attorney case handling. In contrast to previous research with adult clients (Zwisohn et al., 2019) and our hypothesis that attorneys would handle cases worse for severely traumatized clients, attorneys seemed to account for trauma history when it came to making decisions for their young clients. Despite an accumulation of vicarious trauma, attorneys in this study were responsive to the trauma that their youth clients experience, as attorneys reported they would expend more effort for the severely traumatized client compared to the moderately traumatized client.

In line with previous research, the current study demonstrated that attorneys have accumulated some form of vicarious trauma symptomatology (Vrlevski & Franklin, 2008; Levin et al, 2012, Leclerc et al., 2019), but the number of traumatized clients was unrelated to an attorney's vicarious trauma symptomatology. However, attorneys with greater years of experience displayed higher levels of symptomatology. Attorneys who have more experience may not have the ability to effectively cope with their work compared to newer attorneys, as recent law school graduates may be more equipped to handle secondary trauma they experience because of recent focus on efforts regarding attorney well-being and resiliency. Findings may counter attorney anecdotal experiences in some offices, in which older attorneys adopt a more nonchalant viewpoint on the things that they experience on a day-to-day basis when working closely with trauma-exposed clients and hearing recounts of their trauma. Although this goes beyond the scope of the present study, attorneys with more experience may feel they should be able to "handle it" given their level of expertise. Some may even feel that there could be consequences to their career if they were to speak about their difficulties. If an attorney is working with a trauma-exposed population for multiple years without attending to their own

needs, the impact of their work may build up over time and could lead not only to the attorney not defending their client to the best of their ability but can also cause attorneys to experience added difficulties outside of work.

On the other hand, more novice attorneys still demonstrated some level of vicarious trauma symptomatology on both measures, which communicates that an accumulation of symptomatology due to exposure over the years may not be the reason for attorneys to display such high levels of secondary trauma. In many offices, newer attorneys are not typically given cases to handle that contain serious and violent offenses and may begin their career handling misdemeanors, so their exposure to highly traumatic aspects of this type of work may be more limited. Yet, attorneys within this study have demonstrated their resiliency and dedication to advocating for their clients, by indicating that they would extend themselves even more for a severely traumatized client. Most of the sampled attorneys in this study worked in public defender or solo practice office settings, where high caseloads and high number of working hours are typical (Brennan, 2015; Jaffe, 2017), and indirect traumatic exposure with clients may therefore be higher. Although results of this study suggest that attorneys with high caseloads are still advocating for and engaging with their traumatized clients, they may be ignoring or suppressing their own vicarious trauma to continue their work. Attorneys may be placing themselves at further risk for burnout and compassion fatigue that could affect both their interactions with clients and overall life functionality (Levin et al., 2012).

Although attorneys may face difficulties with their work, they have an increased role when advocating for their young clients. Youth are already at a developmental disadvantage within the system compared to adults (Cauffman & Steinberg, 2012) and that especially holds true for youth of color generally, who experience marginalization from the system (Birkhead,

2017) and especially for Black youth, who are commonly perceived to be more culpable (Henning, 2012). However, attorneys in this study perceived Black youth to be as culpable as White youth yet more innocent compared to White youth. Given the well-documented disadvantages that youth of color, specifically Black youth, face within the legal system (e.g., adultization and dehumanization effect), these findings may suggest that attorneys are taking the initiative to begin to address personal and systemic biases that have created unfairness that Black youth experience within the legal system.

On the other hand, attorneys in this study may not have been truthful about their own biases and succumbed to a phenomenon known as the “bias blind spot,” where individuals recognize that others are biased but deflect their own biases (Pronin & Kugler, 2007). Eisenberg and Johnson (2003) measured implicit biases of attorneys through categorizing words representing “good” or “bad” words to pictures of Black and White faces and found that defense attorneys associated “good” words more often with White faces and “bad” words more often with Black faces. This study illustrated that defense attorneys demonstrate white preference and biases that may affect the ways in which they perceive and counsel their Black clients (Henning, 2017), which is consistent with previous literature on how race affects defense attorneys’ decision making with adult clients (Edkins, 2011). Extending from these findings, these racial biases may affect the relationships that attorneys have with their young Black clients. For example, when youth do not behave in ways coded as acceptable in a system rooted in white supremacy, attorneys may attribute communication difficulties or youth behaviors as Black youth acting in accordance with the stereotypes regarding their groups (e.g., angry Black males) rather than recognizing a cultural difference and the potential of culturally inappropriate attorney expectations. This may affect the guidance and counsel they give their clients, and especially the

support that young Black traumatized clients need (Henning, 2017). Despite this research, attorneys within this current study appear to be accounting for their biases and keeping them from shaping how they handle cases and interact with their clients. Moreover, attorneys are communicating that Black traumatized youth need more protection and care compared to White traumatized youth, assisting in deconstructing the notable history of prejudice within the system. However, it is likely that the goal of examining the effect of race on the attorney-client relationship was made salient to the participant and it is therefore possible that attorneys were attempting to appear less biased than they actually are in practice; we discuss this possibility fully in the limitations section.

One significant strength of this study is the assessment of both vicarious trauma and secondary traumatic stress. Conceptualizations of vicarious trauma have varied across studies, with prior studies not considering symptomatology from both measures of vicarious trauma and secondary traumatic stress and therefore missing aspects of possible symptomatology (Léonard et al., 2020). In the present study, we assessed both vicarious trauma and secondary traumatic stress to encompass as many possible symptomatology domains, as it seemed fitting for the scope of the current study and advancing literature surrounding attorneys work with youth clients and vicarious trauma. Thus, symptomatology specific to vicarious trauma, such as how professionals experience and are distressed from working with their traumatized clients as well as symptomatology specific to secondary traumatic stress, such as professionals demonstrating PTSD-like symptomatology as a result of their work (i.e., intrusion, avoidance, and arousal) were part of analyses for this study.

### **Limitations**

Findings from this study must be interpreted in the context of several limitations. First, results convey that attorneys perceive Black youth to be less culpable and more innocent compared to White youth, which contrasts previous research demonstrating the opposite effect (Goff et al., 2014). In recent years, youth defenders have been challenged to focus on their own biases, such as by organizations providing racial justice toolkits (The Gault Center, n.d.) that educate and promote awareness amongst attorneys regarding how racial biases may impact their clients and what they can do to help change the narrative. Yet, despite recent encouragement to focus on self-reflection, attorneys in this study may have given socially acceptable answers to questions regarding race to appear less biased than they truly are, as they are cognizant of how race is still a controversial topic. Although implicit biases exist and can affect legal actors (Lyon, 2011; Richardson & Goff, 2013), it is important for attorneys to acknowledge that these biases exist and how race may potentially impact the way in which they not only perceive their client but how they may make decisions for them, and to dismiss the “color-blindness” approach that many professionals may adopt (Gocha, 2015).

In addition, answers regarding how much effort participants would expend towards counseling the client depicted in the vignette were likely susceptible to a social desirability bias. Attorneys may not have wanted to demonstrate that they would not expend the effort that is expected of them when advocating on behalf of their client, and attorneys may have given answers that led us to believe that they would expend more effort than they actually would for a real youth. In turn, this may impact the interpretability of these findings, as attorneys may be attempting to ignore the reality of the impact of biases in their work and how that shapes their case decision making for their clients. For this reason, focusing on developing questions that are

less likely to be answered in a socially desirable way and including a measure of social desirability to assess attorney response style may help correct for this when interpreting findings.

Second, it is possible that the vignette used for this study was not reflective of an average legally-involved youth's trauma history, despite being based on prior research surrounding common youth trauma types (Dierkhising et al., 2013). Although the selected vignettes displayed to attorneys underwent pilot testing, the pilot testing sample was comprised of adults with graduate education but not of attorneys. Feedback received from attorneys regarding the content of the vignette for the current study was sparse, with one attorney emailing researchers after they completed the study stating that "Very few clients reveal that much about themselves." Yet, attorneys in the study appeared to appreciate the severity of the youth's trauma history described in the vignette they viewed (i.e., attorneys rated the moderate severity vignette as having a lower trauma level than the severe trauma vignette). In addition, the hypothetical scenario may have been too brief, such that information that was needed by the attorneys to make an informed decision for their client may not have been provided within the vignette. Furthermore, there was no manipulation check question assuring that each attorney attended to and correctly perceived the trauma level depicted in the vignette. Although attorneys rated trauma level significantly different across conditions, it may be helpful for future research to develop a manipulation check that instructs attorneys to select all of the trauma experiences that the youth experienced to ensure that they not only read the vignette thoroughly but also correctly perceived the youth's experiences as traumatic and attended to the varying degrees of severity that were manipulated within the scenarios.

In this study, only Black and White youth were depicted as the youth's race. Although there are other legally-involved youth of color that have systemic disadvantages within the legal

system compared to White youth (Henning, 2012), the highest disparity is normally seen when Black and White youth are compared and was seen as the appropriate demographics to represent for the purposes of this study. In addition, the depictions of trauma within the vignette may not be equally experienced by both Black and White youth. For instance, the trauma experience described in the vignette as police harassment would be experienced very differently for a justice-involved Black youth compared to an instance of police harassment for a justice-involved White youth. When considering reasons as to why police would harass a Black youth vs. a White youth, police harassment for Black youth may be perceived by attorneys to potentially have less basis and be more racially charged, as Black youth, specifically Black boys experience being stopped by police twice as often compared to White boys and often contain some form of intrusion (Geller 2021).

It is impossible to determine how this vignette development error may have influenced attorney responses, particularly differences in perceptions of youth innocence. In the future, conducting a similar study utilizing other youth races/ethnicities would be a valuable avenue for future research to further investigate how attorneys may shape their case decision making, interactions, and perceptions of their young clients. In addition, the sample of attorneys for this study were majority White and primarily worked in a public defense setting, which made it impossible to explore whether an attorney's race influences the way in which they interact with and perceive young, traumatized clients and affected the generalizability of these findings to other types of defense attorneys. Thus, subsequent studies should include a more diverse sample of attorneys to examine whether attorneys of color may hypothetically handle their cases differently for traumatized youth, especially for a young Black traumatized client.

### **Implications**



Attorneys within this study appear to need resources to support their well-being, and efforts over the years may help to fulfill this need. Specifically, past findings regarding the impacts of vicarious trauma on attorneys (e.g., Vrlevski & Franklin, 2008 ; Levin et al., 2012) have led some to take initiative. For instance, a breakthrough study conducted by the American Bar Association (ABA) Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation uncovered the mental health and substance use issues of practicing attorneys (Krill et al., 2016). Consequently, the Task Force for Lawyer Wellbeing (later developed into the Institute for Well-Being in Law) was created to help mitigate the crises that attorneys are in (Marquez & White, 2018) and provide the legal community with recommendations to address attorneys' difficulties. With an added focus on attorney and law student wellbeing, the ABA launched a Well-Being Pledge campaign that promotes the acknowledgement of mental health and substance use issues within the legal community and encourages legal employers to adopt guidelines that promote healthy working environments with annual review (Reich, 2020). Recently, the Massachusetts Steering Committee for Lawyer Well-Being released information regarding the secondary trauma attorneys experience and how it hinders their well-being and provided recommendations to further promote resiliency and well-being (Supreme Judicial Court Steering Committee on Lawyer Well-Being, 2019). Specifically, the committee recommended that attorneys receive mentorship and supervision, participate in mandatory well-being continuing education (CE) classes and trainings, have access to a social worker for case support, have capped caseloads, and work from home when permissible. In addition, the committee encouraged a stronger sense of community within the legal profession for attorney support. Other efforts have also been made to provide employers with strategies and materials to promote the

well-being of their attorneys, such as by distributing well-being start up kits (Brafford, 2018) and establishing 24/7 support via an online hotline (Lawyers Concerned for Lawyers, 2022).

Despite these recent implementations, it appears from the present study that attorneys are continuing to face difficulties when managing the effects of their work. Although the above initiatives may begin to fill the need for further attorney support as identified by this study, accessibility and awareness surrounding available resources should be increased. Consequently, additional resources and support provided should meet attorneys where they are, and help attorneys become more aware of the effects of their work and develop effective coping and management skills when presented with triggering material from clients, as high trauma levels convey that attorneys are still facing difficulties.

### *Attorney Practice*

Attorneys should stay up to date on trauma research and focus on the approaches they take with their youth clients, as their interactions can affect not only how they function but how they perceive the youth and make decisions for their case. Although attorneys are already taking precautions to account for a youth's developmental immaturity (Redlich et al., 2016), further adjustments to approaches may be needed when working with youth who experience trauma, as attorneys should account for the impact of trauma on a youth's perception and interaction with the world (Evans-Chase, 2014). Attorneys within this study are already taking steps to account for a youth's trauma, which suggests that resources regarding trauma-informed youth defense (National Child Traumatic Stress Network & Justice Consortium Attorney Workgroup Subcommittee, 2018) may be assisting attorneys in recognizing and accounting for the trauma that young clients experience, even in a vignette scenario. Moreover, if attorneys continue to account for youth trauma when handling cases for their young clients from a more informed lens,

efforts to divert youth from further justice involvement and instead strive towards a rehabilitative path may be more achievable.

### *Employers and Directors of Firms, Agencies and Law Schools*

Despite previous initiatives, such as the development of the Institute for Well-Being in Law (Marquez & White, 2018), The State Bars Mental Health Assistance (Brobst, 2014; Morgillo, 2015), and more-informed trauma practices and classes for law students (Cartwright et al., 2020), attorneys in the present study still demonstrate high levels of symptomatology (although this may reflect that most attorneys in the study have been in the field since long before these initiatives were developed). Thus, these findings may be useful in assisting employers to help practicing and future defense attorneys remain aware of and tend to their vicarious trauma symptomatology. From the findings of this study, attorneys have a high caseload, high number of weekly working hours, and self-reported that most clients have some form of trauma exposure. To further prevent overwhelmed attorneys that may become fatigued by the secondary trauma they experience, employers should focus on vicarious trauma screening measures for their employees. When hiring attorneys to work at a law firm or any other agency with high secondary trauma exposure, employers should survey attorneys as a group anonymously to determine current attorney difficulties and needs. In addition to identifying these needs, employers can also anonymously survey their attorneys on an ongoing basis for vicarious trauma symptomatology (e.g., Vrlevski & Franklin, 2008) to gauge how attorneys are affected by their work overall over time. Such surveys may help employers connect all attorneys to needed resources to address current difficulties as well as to prevent an accumulation of symptomatology to ensure attorney well-being and promote resiliency. Thus, employers should

attempt to conduct well-being surveys annually, as this study has shown that attorneys' years of experience influenced their high trauma level.

Alongside screening and other efforts geared towards measuring for attorney symptomatology, employers should strive to provide a stigma-free and welcoming work environment for all employees. As attorneys are still demonstrating that they are facing difficulties with work, employers' focus should be towards creating and maintaining an open working environment to discuss attorney challenges. Thus, employers should encourage conversation surrounding vicarious trauma and mental health issues that may arise to help reduce the stigma regarding professionals seeking help, which may assist in increasing attorneys' sense of safety with their superiors and colleagues. Furthermore, employers should provide a continued sense of awareness and encourage self-care for attorneys and law students, as managing current symptoms helps to prevent future burnout, as it ultimately would affect their work with their clients. In that same vein, employers should emphasize current mental health and well-being resources that are available for attorneys, as increased support regarding well-being may help attorneys have attainable access to assistance than if they were to seek it out on their own. It may help for employers to invest in a larger team of attorneys to help spread the burden of a heavy caseload to reduce individual attorney distress. Furthermore, ensuring that attorneys have supervisors to rely on for case support is critical in lessening the intense workload attorneys may experience when handling cases that require more effort. In addition, employers may consider implementing strict caseload caps so that attorneys are not overwhelmed with and do not take on more cases than they are capable of handling.

### *Professional Organizations*

Findings from this study may help encourage professional organizations to offer tailored trainings and workshops specific to the impact of trauma on justice-involved youth. Attorneys in this study were hypothetically expending more effort for the severely traumatized client they read about, which may relate to how they would account for the impact of a youth's trauma in real life. Thus, professional organizations that offer trainings, workshops and CE edits should work collaboratively with employers and other Lawyer Assistance Programs (LAPs) (ABA, n.d.) to provide attorneys with accessible resources to work from a trauma-informed lens to account for the trauma experienced by both the attorney and their clients, as trauma may complicate a youth's compliance and trust in their attorney (National Child Traumatic Stress Network & Justice Consortium Attorney Workgroup Subcommittee, 2018).

Attempts to provide attorneys with trauma informed legal advocacy for youth defenders are in motion (National Child Traumatic Stress Network & Justice Consortium Attorney Workgroup Subcommittee, 2018; National Juvenile Defender Center, 2017). However, even with encouragement from professional organizations to attorneys to adopt the approaches discussed by Trauma-Informed Advocacy for Children and Youth (ABA, 2014) and guidance on how attorneys should interact with their young clients when a trauma exposure is revealed (Kerig, 2014), it is unclear if these recommendations have been adopted by individual attorneys and organizations geared towards youth defense. Consequently, organizations should strive towards making trainings and workshops a requirement for attorneys, so that attorneys will stay informed regarding the impacts of trauma and may feel more prepared to handle cases for their young, traumatized clients, which may ease the burden they feel from their work and promote attorney resiliency. Furthermore, an accountability measure should take place to hold employers and institutions responsible that they are abiding by the adopted pledges and recommendations they

committed to by conducting periodic reviews and publishing reports to evaluate if the resources provided are truly assisting attorneys.

If attorneys do not obtain the support that they need, the crises that they are experiencing may worsen over time, given the difficulties that attorneys report despite the resources and services already available. Not only may underfunded and already overworked attorneys become more exhausted, they may also become so overwhelmed with their work that they may become unable to effectively counsel and make decisions for their clients. Consequently, this could leave many justice-involved individuals with ineffective counsel to represent them within the system if attorney well-being is not being ensured by not only employers but attorneys themselves. Youth clients, especially, need effective legal counsel, which requires ensuring that attorneys are being supported. Thus, as this study has demonstrated that the needs of attorneys are still not being met since they demonstrate high trauma symptomatology, available resources need to be expanded upon and refined to address the specific needs of attorneys.

### **Directions for Future Research**

As this current study has identified that attorneys are facing difficulties with their work, it is critical to examine if attorneys are aware of and utilizing resources, if at all, to see if initiatives are active, accessible, and helpful. Research should aim to identify attorney needs and difficulties with work that may contribute to their diminished well-being and functionality, as a majority of attorneys within this study demonstrated substantial vicarious trauma symptomatology.

Alongside examining attorneys' access to resources for well-being and trauma-informed counseling, future research should also examine how attorneys work with clients of other populations with other marginalized identities (e.g., member of the LGBTQ+ community) and whether their experiences of trauma affect the attorney-client relationship. Future research may

also collect demographic information of legally-involved youth that focuses on other traumas (e.g., racial trauma, poverty) to examine what other identities and other biases may be complicating a youth's movement through the system or affect their interactions with legal actors.

Future research also should address the impact of attorney caseloads and the specific time that attorneys spend on each case with their traumatized youth clients to better understand the effects of indirect exposure based on time spent on the case rather than on number of clients, as a majority of attorneys within this study identified that they work with a high percentage of trauma-exposed clients. Alongside attorney time spent on each case, amount of supervision or perceived mentorship that an attorney receives should be examined to determine if this guidance assists in providing extra support when interacting with young, traumatized clients.

Finally, future research should attempt to examine the way in which attorneys interact with their youth clients. Although there has been encouragement for attorneys to use trauma-informed interviewing strategies and techniques (James, 2020; Kraemer & Patten, 2014), research should explore the precautions that attorneys take for their youth clients, and even more so for their traumatized youth clients. Previous research has demonstrated that attorneys may account for youth's developmental immaturity (Fountain & Woolard, 2018), but research is lacking when it comes to attorneys' interactions with traumatized youth clients and how they account for the trauma their young clients may experience.

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**Table 1***Summary of Participant Demographics*

Variable	<i>n</i>	%
<b>Setting</b>		
Public defense office	79	54.9
Solo practice	34	23.6
Small private firm	18	12.5
Another setting not listed	6	4.2
Midsized private firm	4	2.8
Public interest firm	3	2.1
<b>Case types handled</b>		
Misdemeanors	142	98.6
Non-violent felonies	141	97.9
Violent felonies (non-homicides)	138	95.8
Homicides	91	63.2
<b>Percent clients w trauma</b>		
90% and above	58	40.3
70-80%	52	36.1
60% or less	34	23.6

**Table 2***Means and Standard Deviations for Youth Perception and Attorney Case Handling Measures by Youth Race and Trauma Severity*

Youth characteristics	Case handling effort (0-18)		Youth perception (0-100)		Youth culpability (0-7)		Youth innocence (0-6)		Likelihood of detention (0-100)		Likelihood of transfer to criminal court (0-100)	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Black	8.20	3.16	44.84	14.22	3.40	0.88	4.95	0.76	4.36	1.19	37.44	28.59
White	7.39	3.15	44.91	15.79	3.57	0.88	4.46	0.72	4.26	1.22	37.16	29.26
Moderate trauma	7.24	2.94	40.70	14.48	3.42	0.78	4.81	0.83	4.28	1.33	39.28	30.58
Severe trauma	8.42	3.31	49.28	14.23	3.55	0.98	4.60	0.70	4.34	1.06	35.21	26.88
Black moderate trauma	7.9	3.19	41.98	13.31	3.24	0.89	5.12	0.76	4.19	1.35	38.89	29.57
White moderate trauma	6.61	2.74	39.42	15.64	3.60	0.62	4.53	0.81	4.38	1.32	39.68	31.95
Black severe trauma	8.7	3.41	47.62	14.71	3.55	0.85	4.80	0.73	4.53	1.01	36.03	27.94
White severe trauma	8.43	3.80	51.25	13.60	3.54	1.13	4.38	0.60	4.13	1.10	34.25	25.99

**Table 3***Summary of Attorney Perceptions of Appropriate Case Outcome*

Question	<i>n</i>	%
Do you think that Jamal/Brad should be detained while awaiting the adjudicatory process?		
Yes	13	9.0
No	131	91.0
Regardless of whether you think Jamal/Brad should be detained, how likely is pre-adjudicatory detention?		
Very unlikely	3	1.4
Unlikely	9	4.1
Somewhat unlikely	20	13.9
Somewhat likely	43	29.9
Likely	46	31.9
Very likely	23	16.0
What disposition do you think is appropriate for this youth?		
Probation (specify length)	117	81.3
Community service (specify length)	53	36.8
Fines	4	2.8
Restitution	58	40.3
Secure confinement	8	5.6
Group home/treatment facility	21	14.6
Diversion program	69	47.9
Other (write in response)	44	30.6

**Table 4**

*Summary of Attorney Trauma Levels on Vicarious Trauma Scales Based on Vrlevski & Franklin (2008) & Bride (2013)*

Trauma Level	Vicarious Trauma Scale (VTS)		Secondary Traumatic Stress Scale (STSS)	
	<i>n</i>	%	<i>n</i>	%
Low (8-28)	8	5.6		
Moderate (29-42)	60	41.7		
High (43-56)	67	46.5		
Little or no (27 or less)			9	6.3
Mild (28-37)			33	22.9
Moderate (38-43)			23	16
High (44-48)			18	12.5
Severe (49+)			51	35.4

## Appendix A

### Sample vignette scenarios for both moderate and severe trauma history

#### Sample vignette scenario: Moderate trauma history

Jamal/Brad is a 16 year old Black/White boy who was recently charged with armed robbery, aggravated assault, and possession of an illegal firearm and has come to you for pre-adjudicatory representation. The evidence against Jamal/Brad is as follows:

911 call of victim giving a brief description of the suspect that led the police to think that Jamal/Brad fits the description. An unregistered 9 mm handgun found on Jamal/Brad's person.

Currently, Jamal/Brad has no prior criminal/juvenile record.

When Jamal/Brad was 12 years old, he saw another kid "jumped" by a group of kids walking home from school. It was the first time he saw something like that, and it bothered him for a long time. When he's not at school, Jamal/Brad likes to smoke marijuana to "chill out." Jamal/Brad has a few friends he sometimes hangs out with. However, when Jamal/Brad is with his friends, they are occasionally harassed or pushed around by police. However, he said that he can't show his feelings and that he had to "man up." Jamal/Brad tries to keep from thinking about "any of that stuff."

One day, Jamal/Brad decided to do a "stick up" with his friends to get some cash because he overheard his mom saying that they were going to be evicted from their apartment if she didn't come up with money for rent. So, he took some jewelry and a wallet from someone he found walking at night. However, Jamal/Brad said that the next thing he knew, the cops stopped and searched him while he was walking home, handcuffed him, and threw him in the back of the police car.

Jamal/Brad would like this problem to go away as fast as possible, as he does not wish to hurt his chances of having a better future and wishes to escape a record.

#### Sample vignette scenario: Severe trauma history

Jamal/Brad is a 16 year old Black/White boy who was recently charged with armed robbery, aggravated assault, and possession of an illegal firearm and has come to you for pre-adjudicatory representation. The evidence against Jamal/Brad is as follows: 911 call of victim giving a brief description of the suspect that led the police to think that Jamal/Brad fits the description. An unregistered 9 mm handgun found on Jamal/Brad's person.

Currently, Jamal/Brad has no prior criminal/juvenile record.

When Jamal/Brad was 7 years old, his **dad passed away**. Jamal/Brad said that it was hard not having his dad around, but his **mom was "too high" and "strung out"** or too busy with her new boyfriend to care, so sometimes Jamal/Brad **had to take care of himself, even finding food on his own**. Jamal/Brad indicated that his **mom's boyfriend used to hit Jamal/Brad** until Jamal/Brad got big enough to fight back. When Jamal/Brad was 12 years old, he was "jumped" by a group of kids walking home from school one day and that it **was the first time he was ever in a fight**. When he's not at school, Jamal/Brad likes to smoke marijuana to "chill out." Jamal/Brad has a few friends he sometimes hangs out with. However, when Jamal/Brad is with his friends, they are occasionally harassed or pushed around by police. Jamal/Brad has **lost a**

**couple of friends over the years, and he was hit by a stray bullet a couple of years ago** and was in the hospital for a long time. However, he said that he can't show his feelings and that he had to "man up." Jamal/Brad tries to keep from thinking about "any of that stuff" but **sometimes it comes into his mind anyway and he has trouble focusing on things.**

One day, Jamal/Brad decided to do a "stick up" with his friends to get some cash because he overheard his mom saying that they were going to be evicted from their apartment if she didn't come up with money for rent. So, he took some jewelry and a wallet from someone he found walking at night. However, Jamal/Brad said that the next thing he knew, the cops stopped and searched him while he was walking home, handcuffed him, and threw him in the back of the police car.

Jamal/Brad would like this problem to go away as fast as possible, as he does not wish to hurt his chances of having a better future and wishes to escape a record.



## Appendix B

### Perception of case outcome variable questions and choices

The first question in the perception of case outcome variable was “Do you think that Jamal/Brad should be detained while awaiting the adjudicatory process?” with the following answer choices: (a) yes or (b) no.

The second question displayed was “Regardless of whether you think Jamal/Brad should be detained, how *likely* is pre-adjudicatory detention?” with the following answer choices: (a) Very unlikely, (b) Unlikely, (c) Somewhat unlikely, (d) Somewhat likely, (e) Likely, and (f) Very likely.

The third question displayed was “If Jamal/Brad is adjudicated delinquent without taking a plea bargain, what is the most likely disposition?” where participants had the option to write in a text response.

The fourth question displayed was “What disposition do you think is appropriate for this youth?” with the following answer choices: (a) Probation (specify length), (b) Community service (specific length), (c) Fines, (d) Restitution, (e) Secure confinement, (f) Group home/treatment facility, (g) Diversion program, and (h) Other (write in response).

The fifth question displayed was “What is the likelihood of Jamal/Brad being transferred to criminal (adult) court?” where participants had to select a number based on a scale of 0-100 with the following anchors: 0 (*extremely unlikely*) and 100 (*extremely likely*).