

HUMAN ETHOS

The Psychology of Traumatic Stress in Court Work

Trauma & the Administration of Justice: Integrating Research, Judicial Practice, and Court Leadership

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What is trauma?

“Trauma’ refers to an event – or series of events – that overwhelms an individual’s capacity to cope, resulting in disruptions to emotional regulation, cognition, and psychological arousal”

Briere, J. & Scott, C. (2015). *Principles of Trauma Therapy*
Herman, J., (1992). *Trauma & Recovery*



What is vicarious trauma?

EMPATHY-BASED STRESS REACTIONS

VICARIOUS TRAUMA

Disruptions to a person's beliefs about safety, power, independence, esteem, intimacy, and/or frame of reference as a result of being exposed to another's traumatic experiences

SECONDARY TRAUMATIC STRESS

Development of PTSD symptoms (re-experiencing, arousal, avoidance, emotional numbness) following the traumatic experience of an important person

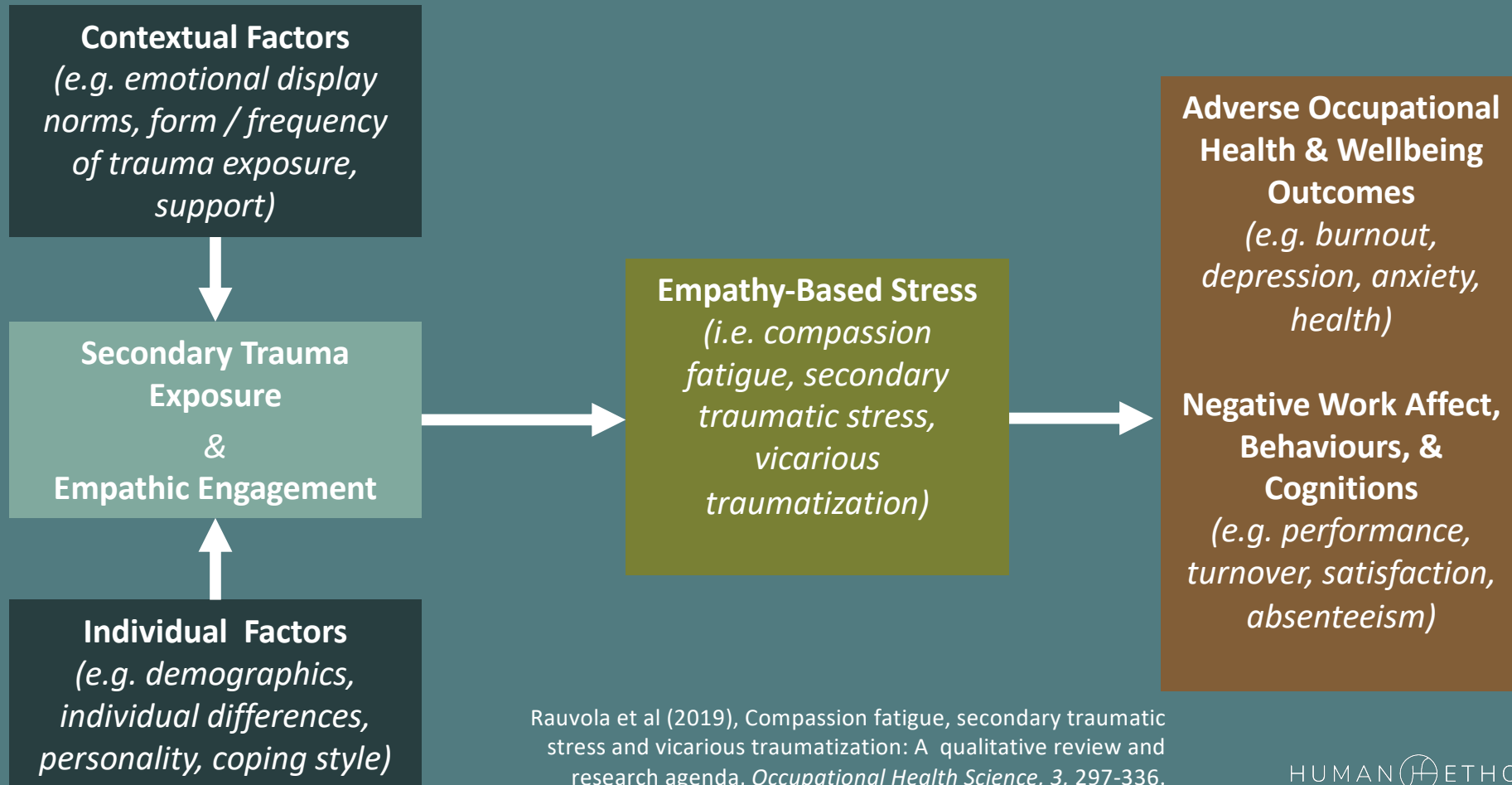
COMPASSION FATIGUE

Reduction in the capacity or interest in being empathetic towards others, believed to result from ongoing expenditure of empathy

BURNOUT

Presence of emotional exhaustion, cynicism, and feelings of disconnection from others, resulting from prolonged work and interpersonal demands

How empathy-based stress works



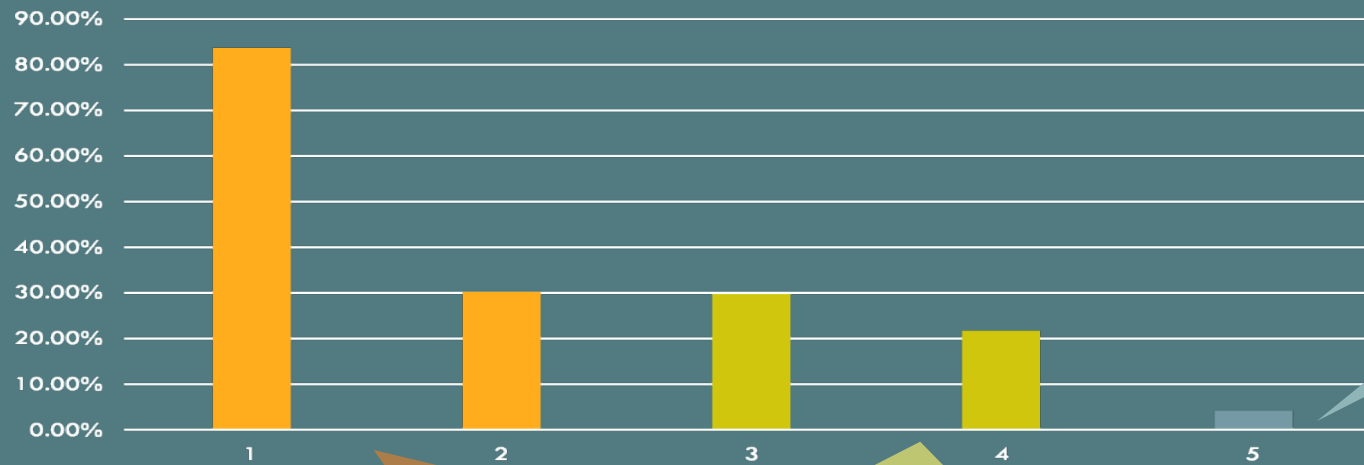
Empathy-based stress: Warning signs and potential impacts

- **Physical**
 - Heightened or changed arousal levels (jumpy, keyed-up, on edge)
 - Deep fatigue & sleep disturbance
 - Weakened immunity
- **Behavioural**
 - Avoidance (including substance use)
 - Difficulty separating work and home
- **Psychological**
 - Re-experiencing of events or images
 - Change to core beliefs about the self, others and the world
 - Emotional reactivity
 - Emotional numbness

Empathy-based stress: Warning signs and potential impacts

- **Professional**
 - Avoiding responding to emails
 - Avoiding calling people back
 - Avoiding certain kinds of cases
 - Difficulty concentrating
 - Overuse of macabre humour
 - Reduced productivity and professional efficacy
 - Feeling cynical about the work
 - Loss of purpose
 - Emotionally reactive and/or conflictual interactions

Traumatic stress and the judiciary



5. 12 month population prevalence of PTSD in Australia is approx. 5%

Schrever Study:

1. 83.6% of judicial officers reported at least 1 symptom of secondary traumatic stress
2. 30.4% scored above the cut-off warranting PTSD assessment (Schrever et al, 2019)

NSW Study:

3. 30% of NSW judicial officers' scores suggested PTSD diagnosis
4. 22% scores suggested possible suppression of immune system functioning (Hunter et al, 2021)

Traumatic stress and judicial work

- **Cumulative impact** of traumatic material and environments
- Often triggered by a **detail of personal relevance** or significance
- Disruptions to beliefs about the world... and the **justice system**

“Each day you go into Court and there’s sadness . . . there’s extreme sadness, and there’s damage. And it’s people struggling to have their rights protected who are damaged. And I feel very sad . . . You don’t bring it into the Court room with you, but you feel it.”

Judge

Moral distress

“Moral distress is the psychological, emotional, and physiological suffering that occurs when people are unable to act in accordance with their core values, ethical commitments, or professional responsibilities.”

Adapted from the work of Cynda Rushton et al.



**Empathy-based stress is an
occupational hazard in judicial work**

*“Now, there's two things that can happen to you. Either you're going to **remain a decent person and become terribly upset** by it all because your emotions, because your feelings, are being pricked by all of this constantly. Or you're going to become – you're going to **grow a skin on you as thick as a rhino**, in which case I believe you're going to **become an inadequate judicial officer** because once you lose the human – the feeling for humanity you can't really – I don't believe you can do the job.”*

Magistrate



Australian magistrate, quoted in Roach Anleu & Mack (2005), Magistrates everyday work and emotional labour, *Journal of Law and Society*

The Overinvolvement-Underinvolvement Continuum

MOVING TOWARD WORKING WITH SURVIVORS

MOVING AWAY FROM WORKING WITH SURVIVORS

'Crusader' approach

Doing it all oneself

Trying to fix everything

Excessive responsibility for people's feelings

Excessive accommodation of people's difficulties

Wanting to know more

Empathy

Responsibility for one's behaviour and the reaction of others

Developing strategies

Advocacy for intervention

Observing faculty

Professional detachment

Maintaining boundaries

Variety of professional activities

Preoccupation with efficiency

Cynicism

Minimising contact

No responsibility for people's reactions

Blaming survivors

Displacement onto other issues

OVERINVOLVEMENT

IDEAL RANGE

UNDERINVOLVEMENT

Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT):
2016), "Compassion Fatigue, Burnout, and Vicarious Trauma Guidebook"

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Individual Strategies - Overarching principles

1. Exposure only if necessary
- do I need to be exposed?

2. Preparation is key – surprise exposure is much worse

3. Bring down autonomic arousal quickly

Thank you

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WELLBEING FOR JUDGES AND LAWYERS