

The Role of Empathy and Vicarious Trauma on Wisdom and Psychological Distress among Lawyers

Juee Juvekar¹, Reshma Murali²

¹Post Graduate Student, Department of Psychology, Smt. Maniben M.P. Shah Women's College of Arts and Commerce, Matunga, Mumbai.

²Assistant Professor, Department of Psychology, Smt. Maniben M.P. Shah Women's College of Arts and Commerce, Matunga, Mumbai.

Corresponding author: Juee Juvekar

Email: juee.juvekar.22@gmail.com

ABSTRACT

Background: The present study aims to understand the effects of Empathy and Vicarious Trauma on Wisdom and Psychological Distress among lawyers. In India, the ratio of lawyers to the entire population is quite low and hence, lawyers often find themselves overworked. Constantly working in a stressful environment such as a court has a negative impact on mental health. Therefore, understanding their mental health is crucial.

Methodology: A quasi-experimental design was used in the study. The data was collected from 94 litigating civil and criminal lawyers from age of 24 – 50 years (females = 54; males = 40). The sample was derived by the Purposive sampling method. The Toronto Empathy Scale, The Vicarious Trauma Scale, The Three-dimensional Wisdom Scale-12, and The Kessler Psychological Distress Scale were administered to measure Empathy, Vicarious Trauma, Wisdom, and Psychological Distress respectively.

Results: As a statistical tool for data analysis, Independent Samples t-tests were used. The results indicated that Empathy has a significant effect on Wisdom [$t(92) = 3.48, p < 0.01$]. However, Empathy has no significant effect on Psychological Distress [$t(92) = 0.23, ns$]. Furthermore, Vicarious Trauma has a significant effect on both Wisdom [$t(92) = 2.31, p < 0.05$] and Psychological Distress [$t(92) = 3.56, p < 0.01$].

Conclusion: In India, the mental health of lawyers is often compromised which has serious repercussions. Hence, there is a need to address these psychological concerns for the psychological well-being of the lawyers.

Keywords: Lawyers, Empathy, Vicarious Trauma, Wisdom, Psychological Distress.

(Paper received – 16th April 2021, Peer review completed – 18th May 2021, Accepted – 28th May 2021)

INTRODUCTION

Law is one of the most reputed professions in India. According to The Bar Council of India in 2013, there was 12 lakh registered advocates with 60,000-70,000 law students graduating each year. Despite these numbers, the ratio of lawyers to the population is quite low. Few newspaper articles stated that India has 19 judges per 10 lakh people and around 4 crore cases are pending in the judiciary [1]. Hence, there might be a possibility that most lawyers in India are overworked. Besides being overburdened with the workload, it can have serious repercussions on an individual's mental health. Hence, understanding the mental well-being of lawyers in India is crucial. The current study attempted to explore the psychological aspects of a lawyer. The rationale of the study is to understand the role of Empathy and Vicarious Trauma on Wisdom and Psychological Distress among Indian lawyers. Further, these psychological constructs are explained separately.

Empathy

Titchener first coined the term 'Empathy' which he defined as, the "process of humanizing objects, of reading or feeling ourselves into them." The term Empathy has been derived from the German word *Einfühlung* means aesthetic sympathy. According to Rogers (p. 210), Empathy is a way: "To perceive the internal frame of reference of another with accuracy and with the emotional components and meanings which pertain thereto, as if one were the other person, but without ever losing the 'as if' condition" [2]. Hence, Empathy in simple terms is putting oneself into someone else's shoes and perceiving the world or environment through their point of view. While empathising, it is necessary to differentiate between self and others. If the boundaries are not clear, one might over empathise which might have its negative effects. Hence, over empathising won't be beneficial for building a relationship in long run. Empathy plays a crucial among lawyers. To understand the client's need, to represent one's client in court, empathising with the client is important. Although if the boundaries are not maintained or get too much involved with the case, a lawyer might experience 'Vicarious Trauma'.

Vicarious Trauma

The American Psychological Association (APA) defines trauma as 'an emotional response to a terrible event like an accident, rape, or natural disaster.' Hence, Pearlman (1999) defines Vicarious Traumatization (VT) as "a process of [cognitive] change resulting from [chronic] empathic engagement with trauma survivors" [3]. Pearlman further explains that Vicarious Trauma mainly occurs at cognitive levels. Person experiences changes in cognition such as the alternation of one's sense of self, perception of the world in terms of safety, trust, control, etc. In simple terms, Vicarious Trauma can be explained as a state of experiencing traumatic situations or events through someone else's experience. While dealing with cases, lawyers listen to various traumatic experiences of their clients and unknowingly undergo Vicarious Trauma. However, some of them are able to cope with the help of their coping mechanisms and their existing wisdom in dealing with stressful situations. A meta-analysis inferred that the human services related to legal practices such as lawyers, judges, child welfare offices, etc. experience symptoms of indirect trauma and burnout due to work-related trauma [4].

Wisdom

Wisdom has been a philosophical construct for many years. Wisdom is defined as a "uniquely human ability or trait that includes several specific components: social decision making, emotional regulation, prosocial behaviour that is guided by capacities such as empathy and compassion, self-reflection, acceptance of uncertainty, decisiveness, and spirituality [5]. Hence, Wisdom to a layman can be described as the ability to deal with problems efficiently, have worldly knowledge, and being intellectual. A wise man is an experienced man who has dealt with ups and downs in life. Erikson considers Wisdom as an essential virtue gained by an individual while progressing in the Psychosocial stages of personality. [6]. Hence, Wisdom is necessary for every profession. A lawyer needs to be wise with regard to decision making, providing legal advice and solutions to their client, and resourceful to deal with any kind of uncertainty in the courtroom. With these expectations comes a huge amount of responsibility followed by stress and worry.

Psychological Distress

Each individual undergoes stressful events every day. The intensity might vary, but it has a significant impact on an individual's well-being. When stress is experienced on a severe level that hinders an individual's routine is interpreted as distress. Furthermore, when the stress affects the psychological and emotional aspects of an individual, then it can be addressed as psychological distress. It is an unpleasant and prolonged experience of distress that breaks down one's coping abilities that may result in poor mental health. Furthermore, Lerutla (2000) defines psychological distress as the emotional condition that one feels when it is necessary to cope with upsetting, frustrating or harmful situations. A study indicated that lawyers and law students are at a greater risk of experiencing psychological distress compared to other professions. There were positive correlations found between psychological distress and disordered eating, weight and shape concerns, and maladaptive eating habits among lawyers and law students [7].

METHODOLOGY

Hypotheses

- AH₁ - Wisdom is higher among the lawyers scoring high on Empathy compared to the lawyers scoring low on Empathy.
- AH₂ - There is a significant difference in Psychological Distress among the lawyers scoring high on Empathy compared to the lawyers scoring low on Empathy.
- AH₃ - Wisdom is higher among the lawyers scoring low on Vicarious Trauma compared to the lawyers scoring high on Vicarious Trauma.
- AH₄ - Psychological Distress is higher among the lawyers scoring high on Vicarious Trauma compared to the lawyers scoring low on Vicarious Trauma.

Operational Definitions

Independent Variables

- **Empathy:** The Toronto Empathy Questionnaire [8] was used to operationally define Empathy. This scale assessed Empathy at an emotional level. To obtain distinct categorisation of high and low scores, a median split was administered. The median score obtained was 47. Therefore, the scores above the median (47) were categorised as High Empathy, and below the median (47) were categorised as Low Empathy. Hence, Empathy was administered at two levels (a) High Empathy and (b) Low Empathy [8].
- **Vicarious Trauma:** The Vicarious Trauma Scale [9] was used to operationally define Vicarious Trauma. The scale assessed Vicarious Trauma as significant distress associated with working with traumatized clients. A median split was administered to obtain two different categories of scores. A score of 33 was obtained as the median score. Therefore, obtained scores above the median (33) are categorised as High Vicarious Trauma, and below the median (33) are categorised as Low Vicarious Trauma. Hence, Vicarious Trauma was administered at two levels (a) High Vicarious Trauma and (b) Low Vicarious Trauma [9].

Dependent Variables

- **Wisdom:** The Three-Dimensional Wisdom Scale (3D-WS-12) was used to define Wisdom. The scale measures the cognitive, reflective, and affective (compassionate) dimensions of Wisdom. [10]
- **Psychological Distress:** The Kessler Psychological Distress Scale (K-10) was used to operationally define Psychological Distress. It was measured as anxiety or depressive symptoms experienced by a person in the past 4 weeks [11].

Tools

Empathy, Vicarious Trauma, Wisdom, and Psychological Distress were measured by four different scales. These scales provided an objective lens in measuring and understanding these variables.

The Toronto Empathy Questionnaire

Empathy was measured by The Toronto Empathy Questionnaire (TEQ), developed by Spreng et al. in 2009. It only measured Affective Empathy. The scale consists of 16 items which were rated on a 5-point Likert scale. Out of 16 items, 8 items were positively worded. The remaining 8 items (2,4,7,10,11,12,14 and 15) were negatively worded and reversed scored. The reliability of TEQ is high with internal consistency ranging from .80-.87 and test-retest reliability of .81. The scores of TEQ also positively correlated with the Interpersonal Reactivity Index (IRI) subscale of Empathetic Concern where $r = .74$. There is evidence of high construct and content validity. Hence, it is a widely used and standardised scale to measure empathy among the general population [8].

The Vicarious Trauma Scale

Vicarious Trauma was measured by The Vicarious Trauma Scale (VTS), developed by Vrkleviski and Franklin in 2008. The scale was initially developed to measure vicarious trauma experienced by civil lawyers. Later it was generalised to other professions. It was developed to assess subjective levels of distress associated with working with traumatised clients. VTS is a self-report measure with 8 items. Responses to

each statement were given on a 7-point Likert scale. Scores on Cronbach alpha range from .77- .88 showing high reliability [9].

The Three-Dimensional Wisdom Scale

Wisdom was measured by 'The Three-dimensional Wisdom Scale-12' (3D-WS-12), developed by Thomas and Ardel in 2016. The scale is a shorter version of 'Three – Dimensional Wisdom Scale (3D-WS)'. The responses to 12 items were recorded through 5-point Likert scale. As the name suggests, the scale assesses wisdom at 3 different dimensions. The first dimension is the Cognitive dimension which includes the ability to understand interpersonal and intrapersonal matters and life events and exploring their deeper meaning. The second dimension is Reflective. It involves an individual's reflective thinking in terms of self-awareness, self-centeredness, etc. The third dimension is the Affective dimension which is referred to as the compassionate wisdom dimension in the shorter version. It involves positive feelings and behaviours towards others with the absence of negative and indifferent feelings or behaviour. Integration of these three dimensions is referred to as Wisdom. In this research, Wisdom was studied as the integration of all the 3 components together. This scale is highly standardized with reliability ranging from .69 to .74. Results also indicate a negative correlation with the Brief Symptoms Inventory Anxiety Scale, Cognitive Failure Questionnaire, and positive correlations with the Personal Mastery Scale, CES-D Happiness scale, and Satisfaction with Life scale [10].

The Kessler Psychological Distress Scale

Psychological Distress was measured by The Kessler Psychological Distress scale popularly known as K-10 [11]. It was developed by Ronald C. Kessler in 1992 and is widely used for general as well as clinical populations. This scale consists of 10 items that measure psychological distress in terms of anxiety or depressive symptoms experienced by a person for at least the past 4 weeks. It is a self-report measure where respondents rate each item on a 5-point rating scale. The total score was obtained by adding all the ratings and ranges between 10-50. K-10 is highly standardized with convergent validity of approximately .60 and scores similar to Generalized Anxiety Disorder (GAD-7) and Somatic Symptoms Scale (SSS-8). Cronbach alpha of .88 indicates high reliability [12].

Participants

A sample of 94 litigating lawyers between the age of 24 to 50 years participated in the study. Among 94 participants, 54 were female lawyers and 40 were male lawyers. All the participants have completed their LLB i.e., Bachelor of Law as a minimum qualification, and are practicing at the district level or at the High court of Maharashtra for at least 1 year. The data was mainly collected from lawyers practicing in Mumbai and its suburbs, Ratnagiri, Nagpur, and Pune. Civil and Criminal lawyers were part of the study. Paralegals, non-litigating lawyers, and other types of lawyers such as corporate lawyers, environmental lawyers, etc. were excluded from the study.

Procedure

The current study used a Quasi-experimental research design. The participants were selected by the Purposive sampling method. Before being a part of the study, participants were briefed about the aims and objectives of the study, confidentiality of the data obtained, and voluntary participation in the study. A consent form was provided which included the above-mentioned information followed by a sheet of demographic details. Further, each participant was asked to fill out the questionnaires related to the variables studied in the study. Towards the end of the form, each participant was debriefed about the study. Since the study was conducted during the COVID-19 pandemic, entire questionnaire was shared via Google forms. After the data collection, the scales were scored and a raw score was obtained. As a statistical tool for data analysis, the Independent Samples t-test was administered in Statistical Package for Social Sciences (SPSS) version 28. Total four Independent Samples t-test was administered to draw inferences. The entire research study was reviewed and approved by the College Ethical Board.

RESULTS

Table 1: Inferential statistics of the mean difference between scores of Wisdom on Empathy.

	Wisdom	N	Mean	SD	t value	df	Level of significance
Empathy	High	48	44.75	7.82	3.48	92	0.01
	Low	46	39.65	6.23			

With respect to the table above, the mean for Wisdom of individuals scoring high on Empathy is 44.75 with SD= 7.82; and for those who scored low in Empathy is 39.65, SD=6.23. The t-value obtained was 3.48 with degrees of freedom - 92 was found to be significant at 0.01 level [$t_{(92)} = 3.48, p < 0.01$]. Hence, the obtained t-value is in line with hypothesis AH₁.

Table 2: Inferential statistics of the mean difference between scores of Psychological Distress on Empathy.

	Psychological Distress	N	Mean	SD	t value	df	Level of significance
Empathy	High	48	22.71	9.45	0.23	92	0.01
	Low	46	22.22	10.47			

In table 2, the mean for Psychological Distress of individuals scoring high on Empathy was 22.71 with SD= 9.45 and for those who scored low on Empathy was 22.22 with SD= 10.47. There was no statistically significant difference between the means obtained. Hence, the obtained t-value 0.23, with degrees of freedom - 92 was found to be insignificant [$t_{(92)} = 0.23, ns$]. Therefore, the obtained t-value is not in line with hypothesis AH₂.

Table 3: Inferential statistics of the mean difference between scores of Wisdom on Vicarious Trauma.

	Wisdom	N	Mean	SD	t value	df	Level of significance
Vicarious Trauma	High	48	40.54	6.32	-2.31	92	0.05
	Low	46	44.04	8.25			

With respect to the table above, the mean for Wisdom of individuals scoring high on Vicarious Trauma is 40.54 with SD=6.32 and for those who scored low in Vicarious Trauma is 44.04, SD=8.25. The t-value obtained -2.31 with degrees of freedom - 92, was found to be significant at 0.05 level [$t_{(92)} = 2.31, p < 0.05$]. Hence, the obtained t-value is in line with hypothesis AH₃.

Table 4: Inferential statistics of the mean difference between scores of Psychological Distress on Vicarious Trauma.

	Psychological Distress	N	Mean	SD	t value	df	Level of significance
Vicarious Trauma	High	48	25.83	9.81	3.56	92	0.01
	Low	46	18.96	8.81			

In table 4, the mean for Psychological Distress of individuals scoring high on Vicarious Trauma was 25.83 with SD= 9.81 and for those who scored low on Vicarious Trauma was 18.96 with SD= 8.81. The t-value obtained as 3.56 with degrees of freedom - 92 was found to be significant at 0.01 level [$t_{(92)} = 3.56, p < 0.01$]. Therefore, the obtained t-value is in line with hypothesis AH₄.

DISCUSSION

The results obtained were significant and in line with the hypothesis – AH₁. Similar results have been found in the past literature. A meta-analysis stated that Wisdom was positively associated with Empathy and Compassion [5]. Another study was conducted where four profiles of Wisdom were associated with Empathy, Gratitude, and Forgiveness. Deep perspective and Procedural focused profile of Wisdom were highly related to Empathy [13]. Hence, the obtained results explain that high Empathy might lead to higher Wisdom among Lawyers. Based on past evidence and obtained results, the hypothesis “Wisdom is higher among the lawyers scoring high on Empathy compared to the lawyers scoring low on Empathy” was accepted.

The hypothesis AH₂ stated that ‘There is a significant difference in Psychological Distress among the lawyers scoring high on Empathy compared to the lawyers scoring low on Empathy’. The obtained data was not in line with the hypothesis and hence, the alternate hypothesis was rejected. There could be several reasons for the insignificance of the data, one of them might be the COVID-19 pandemic. Since the data was collected during the second wave of COVID-19, it might have an effect on an individual’s psychological wellbeing. The studies conducted on the Indian population indicated that the COVID-19 lockdown has a huge impact on psychological health [14]. The pandemic has resulted in an increase in psychological distress and fear of COVID-19 among the Indian population [15]. Hence, the outbreak of COVID-19 and the lockdown might have contributed to an individual’s psychological distress. To summarize, the obtained results indicate no significant relationship between Empathy and Psychological Distress among lawyers.

Further, it was hypothesized that ‘Wisdom is higher among the lawyers scoring low on Vicarious Trauma compared to the lawyers scoring high on Vicarious Trauma’. Wisdom is a cumulation of decision-making, problem-solving, and mindfulness. Previous studies indicated that Mindfulness training contributes to better decision-making skills and social problem solving [16]. Additionally, Mindfulness negatively predicted vicarious trauma [17]. Furthermore, Vicarious trauma causes certain distress which might lead to poor judgment of events, lacking decision-making and problem-solving skills, poor integration of information, etc. [18]. Together these small factors might have an effect on Wisdom. Hence, if a trauma of some sort is experienced by an individual, making a wise decision could be a difficult task in itself. Furthermore, higher Vicarious Trauma might have a negative effect on Wisdom. Considering past evidence and the results inferred from this study, the alternate hypothesis AH₃ was accepted.

The present study also provided evidence of a relationship between Vicarious Trauma and Psychological Distress. The results obtained were found to be significant and in line with the hypothesis AH₄ – ‘Psychological Distress is higher among the lawyers scoring high on Vicarious Trauma compared to the lawyers scoring low on Vicarious Trauma’. Stress is a part of daily hassles. Some amount of stress is necessary as a motivating factor. However, excessive negative stress could cause distress. In a study, Vicarious Trauma was measured in the courtroom setting. The results showed that not only lawyers but jurors also experience some amount of vicarious trauma during jury duty or post-trial of any case. This has an impact on their mental health with an increase in psychological distress and symptoms of post-traumatic stress disorder (PTSD) [19]. Hence, Vicarious Trauma has an effect on an individual’s Psychological Distress. Constant exposure to traumatic events through someone’s narration or any other indirect way has an effect on one’s Psychological Distress.

Along with these findings, some additional ancillary observations were made based on the demographic details of the participants. It was observed that years of experience in the courtroom had a significant effect on the variables studied. The sample was divided into two groups. The first group consisted of litigating lawyers with 1-5 years of experience (N=54) and another group consisted of litigating lawyers with experience of 6 years and above (N=40). These groups were compared on the scores of Empathy, Vicarious Trauma, Wisdom, and Psychological Distress. Two-tailed Independent Samples t-test was administered to calculate the statistical significance.

It was inferred that Years of experience had an effect on Empathy among lawyers. Individuals with less experience show a high level of Empathy. Furthermore, highly experienced lawyers (6 years and above) show a lower level of Psychological Distress. The mean differences obtained on Vicarious Trauma and

Wisdom were found to be insignificant. Hence, it was inferred that Years of experience in the courtroom have an influence on one's Empathy and Psychological Distress.

Similar results were found in the past. In a longitudinal study, the level of psychological distress was measured before, during, and after the law school of the students. The result showed that certain aspects of legal education did induce psychological distress among students. The level of distress was also seen to be increasing among recently graduated alumni compared to current law students [20].

Overall, as the experience and years of practice increase, one might adapt to a stressful environment through efficient coping strategies and resilience. Hence, this might lead to low Empathy and Psychological Distress among experienced lawyers compared to novice lawyers.

To summarize, according to the data obtained, Empathy has a significant effect on Wisdom whereas, it was found to be insignificant with Psychological Distress. Additionally, Vicarious Trauma has a significant effect on both Wisdom as well as Psychological Distress among litigating lawyers. Furthermore, years of experience have a significant effect on Empathy and Psychological Distress among lawyers.

Limitations

Although the study provided an insight into the mental health of the lawyers in India, there were certain limitations of this study. First, the data was collected during the second wave of the pandemic. No measures were taken to control the effects of the pandemic on the study. Additionally, civil and criminal lawyers were considered as a population. Hence, other categories of lawyers were excluded. Lastly, the data was collected from lawyers working in Maharashtra. Hence, the generalizability of the data could be poor.

CONCLUSION

Law is one of the highly demanding professions in India. The ratio of a number of lawyers to the entire population is poor, and hence, most the lawyers end up overworked. The mental health of lawyers is often compromised which might lead to poor well-being. In the current study, the role of Empathy and Vicarious Trauma on Wisdom and Psychological Distress was explored. The research design was a quasi-experimental design with the purposive sampling method. 94 litigating lawyers from age of 24-50 years participated in the study. The results inferred that Empathy has a significant effect on Wisdom among lawyers whereas Empathy has no significant effect on Psychological Distress. Interestingly, Vicarious Trauma has a significant effect on both Wisdom and Psychological Distress among lawyers. Along with these results, years of experience in courtroom settings also affect lawyers' Empathy and Psychological Distress. These findings suggest that the mental health and psychological well-being of lawyers are compromised and often neglected. Hence, there is a need to pay attention to the psychological and emotional needs of Indian Lawyers.

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Acknowledgements – Nil

Conflict of Interest – Nil

Funding – Nil