



My Vicarious Trauma as a Human Rights Lawyer

By [Caren Shannon](#)

Immigrants' Rights Advocate | Retired Law Firm Partner | Experienced Nonprofit Board Member | Published Author | Documentary Film Executive Producer | Former Adjunct Law Professor

Published on [LinkedIn](#) on April 25, 2022

A recent LinkedIn [post](#) by Attorney and Mindfulness Consultant [Jeena Cho](#) — about trauma and vicarious trauma in the practice of law, and the amount of human suffering that lawyers encounter in the course of their career — really resonated with me. Her look back at her law career and how it was shaped by her clients' trauma, as well as her own vicarious trauma, prompted me to look back at my own career from a similar perspective.

My first job out of law school was analyzing appeals and habeas corpus petitions submitted by *pro se* litigants (i.e., persons not represented by a lawyer) to a federal appeals court. Many of them were prisoners, arguing that they deserved to be released from prison because they were innocent of the crimes of which they had been convicted. The trial records usually indicated that there was good reason to give these cases another look. Nobody seemed to care.

The court also received a lot of petitions seeking review of denied asylum applications, submitted by immigrants facing deportation. Their pleas — written without the assistance of a lawyer, sometimes even written by hand — were heartbreaking, and the stories they told of the violence and persecution that had forced them to flee their home countries were frankly difficult to comprehend because my own life experience had been so different.

But because most of them had “failed to exhaust their administrative remedies,” as the law requires, the court had to deny their petitions — even if it was clear that the original denial of their request for asylum was unjust.

Meanwhile, though I didn’t realize it at the time, I was internalizing the trauma their petitions described, just by reading about it.

My next job was at the Legal Aid Society, where I served as a law guardian and public defender of juveniles. As a law guardian, my role was to serve as a neutral advocate for children in foster care whose parents were in court defending themselves against charges of abuse or neglect. The government had its own lawyer, the parents usually had appointed counsel, and the law guardian represented the child’s interests, which may not necessarily coincide with either the government’s or the parents’ interests.

I read thousands of pages of social workers’ notes about home visits — detailing horrific physical or sexual abuse, or matter-of-factly noting that the child needed new shoes, or had no toys or books, or that there was only beer in the fridge and a box or two of macaroni-and-cheese in the cupboard. When I met with the kids myself, they were usually withdrawn, nervous, and clearly confused and traumatized.

I was the mother of a young child at the time, and from that time forward, my home became a veritable storehouse of clothing, toys, books, and an over-stuffed larder of fresh, boxed, canned and frozen food. This was how I coped with the vicarious trauma I didn't realize I was experiencing. I was an underpaid public interest

lawyer, soon to be divorced and left virtually penniless by a deceitful ex-husband, but my child would want for nothing.

I also served as a public defender of children charged with crimes. My first case was representing a Chinese boy who had stuffed some paper napkins up inside the coin return in a public telephone, and had come back later to collect the quarters that had accumulated. Another early case involved defending a Puerto Rican boy who had swiped another boy's cap off of his head. The prosecutors actually insisted on taking these cases to trial! I eventually got the charges dismissed, but the boys had to pay restitution and go to counseling.

In another case, I defended a Black boy who had briefly gone joy-riding in a stolen car. He ended up getting sent to a juvenile detention facility. I was reminded of my white brother who had done something similar in our New Jersey suburb when he was a teenager. He got nothing worse than a stern warning from the county judge.

The blatant racism I was witnessing was nothing short of astounding.

I also recognized that my training as a lawyer was woefully inadequate to the task of representing such vulnerable children. I felt like I also needed degrees in psychology and social work to do right by these kids. In hindsight, I would add the study of structural racism to that list.

After that, I practiced immigration law for more than a quarter of a century. I went into the field with the ambition to represent asylum seekers and others looking for humanitarian protection, and I even won the first *pro bono* asylum case I litigated in immigration court. It was on behalf of a young student protester who had fled his home in a West African country after police tortured him and threatened to kill him for speaking out against the government. When the judge cancelled his deportation and granted him asylum, everyone in the courtroom (except for the government attorney, of course) burst into tears.

But more often, the tears I have shed as an immigration attorney have not been tears of joy.

I took on other *pro bono* work over the years, including seeking green cards for battered immigrant women, securing legal immigration status for undocumented family members of people who perished on 9/11, representing unaccompanied minors who had fled death threats by drug cartels in Central America, and counseling asylum-seeking women and children held by the U.S. government in

family detention camps near the U.S.-Mexico border. But I couldn't handle doing this gut-wrenching work full time, and I took long breaks between such cases.

Instead, I spent most of my career as an immigration lawyer working on employment-based cases for large companies sponsoring foreign workers for visas and green cards, because those cases didn't make me cry.

Shifting my focus in semi-retirement to asylum and human rights law again, I am finally recognizing the vicarious trauma I experienced in representing the interests of children or immigrants who were victims of neglect, abuse, sexual exploitation, torture, death threats, and persecution of all kinds.

I am a crier. I cry at pain and heartbreak — my own, or that of others — and I cry at poignant commercials. I cry when I'm angry. I cry when I'm empathizing with someone else's trauma.

I did go to a unique law school that emphasized the importance of so-called "soft" skills, though it was before the recognition of the impact of secondary or vicarious trauma, and there was no talk of trauma-informed lawyering.

But I never learned how to manage my own vicarious trauma so as not to re-traumatize my clients. This isn't about me. My tears are helpful to exactly no one.

As Jeena Cho points out, what I really had to learn — still have to learn — is how to bear witness to human suffering, while giving clients the time and space "to weep, to shout, to rage, to process, to heal."

Soft skills aren't soft. They are hard. They are, in fact, the hardest skills of all to master.