

Emotional Wellness for Prosecutors

By: Jada Hudson

As a First Responder Counselor, I see a lot of people in helping professions struggle with their emotional wellness because of stress, pressure at work, working overtime, politics, and traumatic experiences. First responders, like prosecutors, often see humanity at its worst, and it can take a toll on the individual over time. That is why Kane County State's Attorney, Jamie L. Mosser, reached out to me and asked me to write about how prosecuting attorneys can build their emotional wellness and resiliency. She believes that the starting point of helping prosecutors pursue emotional wellness is making it okay for attorneys to need help. This initiative must come from the top down, and she encourages prosecutors to normalize this conversation and the pursuit of self-care to build resiliency.

Here is what I have discovered and why prosecutors need to be intentional about self-care.

The Need for Emotional Wellness in Prosecutors

Your job is absolutely necessary for society. Every time you put a guilty person behind bars, our world becomes a better place to live. But, the work you're doing can also take a huge toll on your mind and body, if you don't actively work to build your emotional wellness on a daily basis.

Prosecutors throughout Cook County handle tens of thousands of criminal cases every year, according to CookCountyStatesAttorney.org. From photos to documents to defendant statements to victim impact statements and more, prosecuting attorneys are exposed to an overwhelming amount of detail of some of the most gruesome and heartbreaking acts human beings are capable of committing. Because of the details brought to light in these cases, prosecutors are at increased risk of developing secondary trauma and complex PTSD. On top of that, prosecutors can experience competition and politics in the workplace, which can leave them feeling unsupported and drained. To remain emotionally well throughout their careers and lifetimes, prosecutors need to cultivate a strong set of self-care and emotional wellness tools to help them bolster their emotional wellness and build resiliency to last a lifetime.

Your Emotional Wellness Bank

Think of emotional wellness as a bank. Every day, when you go to work, you see something horrible, you interview a mentally unstable perpetrator, or you uncover a new and disturbing piece of evidence, you are withdrawing from your emotional wellness bank. Your job is taxing for you emotionally and mentally, and that's ok for the sake of justice, provided that you are making deposits back into your emotional wellness bank. When you exercise, get adequate sleep, eat nutritious food, spend time with loved ones, talk to a counselor, and take a weekend off, you are putting deposits back into your emotional wellness bank, which will serve to make you more resilient, as you weather the emotional storms of a career as a prosecutor.

But, it is absolutely imperative that you make these deposits on a regular basis. Imagine if your job skipped a pay check. You'd probably be okay. Imagine if you didn't get paid for a month.

You'd probably still be okay, though things might start to get tighter. Imagine if you did not receive a pay check for an entire year. Your bank account would suffer, you may have to start pulling money out of investments, and you would altogether be less fortified against the financial storms of life. You might even take on debt to stay afloat. Why? You cannot keep withdrawing from something without putting anything back in and assume everything will remain just fine.

It's the same with your emotional wellness. If you skip taking care of yourself for a day or a week, you'll probably be fine. But, if you are consistently neglecting caring for your mind and body, eventually you will find yourself very off-balance. When your equilibrium is off, your body devotes an extreme amount of energy to coming back to homeostasis. You may begin to feel exhausted. You may notice your drive is less aggressive than it once was. You may notice yourself feeling down, uninterested in the things you usually enjoy, and cynical. These are all warning signs that you need to make a deposit into your emotional wellness bank.

Debbie's Story

I recently had the honor of interviewing a high-ranking District Attorney in California. Out of her passion for emotional wellness in the legal profession, she shared her story to help other prosecutors make intentional deposits into their emotional wellness banks. I will call her Debbie.

Debbie has prosecuted 30+ murder cases in California, most of them cold-case murders. In her years as a prosecutor, Debbie has recognized some patterns that, left unchecked, can damage a lawyer's physical and mental health and bring him/her to the end of their career. But, with intentional action, these patterns can be overcome for a life of balance for physical, mental, and relational health.

Debbie refers to prosecutors as "The Forgotten Population" because they lay their lives and schedules down day in and day out to convict criminals and give victim families closure and justice. Like many prosecutors, Debbie works long hours, long weekends, long years. She has had death threats to her family. She has spent more than a decade interacting with criminals who got away with it for far too long. And, she has seen firsthand how taxing this career can be on a person and on her family.

Burnout can happen in any job, but it is more common among law students and attorneys. Lawyers are under an immense amount of stress – mentally, physically, and emotionally. This can trigger other emotional wellness issues in a lawyer's life.

Here are the top stressors Debbie recognizes in most prosecutors:

1. Politics and competition in the office
2. The negative interactions that take place on a daily basis (with police, witnesses, co-workers, etc.)
3. Lack of personal time

These stressors add up and begin to show up physically and emotionally. Debbie has recognized that she has seen a lot of perpetual health issues like autoimmune diseases and cancer amongst her colleagues. Emotionally, Debbie has seen colleagues with sleep disturbances, addictions – particularly alcohol, disconnection – being present physically but not mentally, affairs, anxiety, and other emotional wellness issues.

Most of the time, emotional wellness issues start with off-balanced behavior: choosing to meet valid needs in unhealthy ways, dwelling on disturbing thoughts, or even neglecting to talk about your pain. Over time, these behaviors begin to become habits that slowly carve away at your emotional fortitude. Prosecutors may begin drinking more, feeling anxious or depressed, experiencing disturbing nightmares, over-working, losing interest in formerly pleasurable activities, becoming hyper-vigilant, or even thinking about harming themselves. Mentally, they are fighting a battle, and physically it takes a toll. They may develop perpetual sicknesses, gut issues, insomnia, or even cancer.

Let's take a deeper look at these emotional wellness issues and other common struggles prosecuting attorneys face.

Secondary Trauma

Secondary trauma, vicarious trauma, and compassion fatigue, can show up a lot within prosecuting attorneys because of the traumatic material to which they are privy. Secondary trauma occurs when a lawyer is exposed to trauma through someone else's story or experience. The details in the story cause cognitive or emotional reactions similar to PTSD. This kind of traumatization is common among firefighters, law enforcement officers, nurses, doctors, social workers, judges, and criminal lawyers. Though lawyers are often deeply moved by the painful emotions of their victims, they are expected to maintain a professional demeanor. They may hold it together during their time with the client, only to go home and experience signs of secondary trauma hours, days, or weeks later.

Signs of secondary trauma can include feeling helpless or hopeless, a sense that one can never do enough, hypervigilance, diminished creativity, inability to embrace complexity, minimizing, chronic exhaustion or physical ailments, inability to listen or deliberate avoidance, dissociative moments, sense of persecution, guilt, fear, anger and cynicism, inability to empathize or numbing, addictions, and grandiosity (an inflated sense of importance related to one's work) (Lipsky & Burk, 2009). As a first responder counselor, I see hypervigilance a lot. Hypervigilance is the sense that you can't let down, ever. It's a pressure many feel in response to trauma because it feels as though you have to keep everything together to protect against all contingencies in life. Hypervigilance can be exhausting and overwhelming. It can make you afraid of everyday experiences because of who or what you may potentially encounter.

Lawyers may also see secondary trauma show up in their inability to embrace complexity (Miles-Thorpe, 2016). As you probably know in the legal profession, things aren't always black and white. But, when you're traumatized, it can be easier to see things as good and bad, right

and wrong, the good person and the bad person. This can make you cynical and negative at work. It can make it harder to assess the case you're dealing with.

Similarly, when lawyers experience minimizing, they often have trouble empathizing with the pain of others due to oversaturation. Basically, you've seen so many painful experiences that you minimize the pain of others around you in real life. This can come across as hurtful to the people you love, though you didn't mean to hurt them. It's a result of secondary trauma. Simply by being intentional to show compassion to those close to you will help.

Another outcome of secondary trauma is something I see a lot with first responders as well: avoiding social situations. People who are super drained emotionally, often will avoid phone calls and social engagements that may put further demands on them. At work, they may ignore voicemails or intentionally work with files rather than people to escape interaction (Miles-Thorpe, 2016).

Dissociative moments are another sign of secondary trauma that can show up among prosecutors. This isn't necessarily as extreme as the dissociation that traumatized victims experience, but it can be seen at work. If you find yourself rereading the same sentence over and over, checking out during a meeting, or reviewing images in your mind from a crime scene while you are sitting at your son's baseball game (Miles-Thorpe, 2016).

Overcoming Secondary Trauma

Overcoming secondary trauma starts by recognizing that your reactions are perfectly normal. The horrific things you have seen are evil and shocking, and they would disturb anyone deeply. That's because you are human. Talking about them is how you begin to process them. Being a prosecutor can change you, but if you are intentional about talking to someone and caring for yourself, you can reverse any damage and actually become better as you grow through your trauma.

Secondary trauma creates two things: day-to-day stress and demoralization (Saakvitne & Pearlman, 1996). Self-care is the key to overcoming day-to-day stress. Prosecutors need to become masters at self-care, incorporating a menu of self-care items into their daily schedules. These include moving your body, nutritious diet, healthy sleep, spending more time with people you love, taking days off, going out in nature, and laughing. Anything that brings you pleasure and nurtures you is a really good idea for downshifting your day-to-day stress. In our culture, over-working is often applauded, but those who want to sustain their wellbeing and careers for the long-run will intentionally turn down opportunities to work weekends in order to care for their bodies, minds, souls, and relationships. Take a vacation! It will do you a world of good.

The second factor of secondary trauma is demoralization (Saakvitne & Pearlman, 1996). Demoralization can cause you to question your core beliefs, which can devolve into despair. To combat demoralization and despair, according to Saakvitne and Pearlman (1996), people

should: 1) create meaning or infuse an activity you regularly do with meaning, 2) challenge your negative beliefs and assumptions, and 3) participate in community-building.

For prosecuting attorneys, making meaning means thinking about why you got into your profession (Miles-Thorpe, 2016). Write down the reasons you chose this job – to make a difference, to speak up for the crime victims and community you serve, to bring justice for wrong done. Remind yourself of your reasons by asking self-reflective questions as you get ready for work in the morning: “Who do I want to be today in the midst of any difficulties?” Focusing on who you want to be and why you are doing this job instead of focusing on all the voicemails, emails, and tasks will help you keep your focus and your hope and avoid despair (Miles-Thorpe, 2016). Another suggestion is being present and watching for moments that make you feel connected to yourself, loved ones, music, nature or pets. Being mindful of the sensations around you and the people you treasure will help you reconnect with joy rather than despair (Miles-Thorpe, 2016).

Asking self-reflective questions is another great way to build mindfulness and overcome negative beliefs and assumptions that creep into your daily life and steal your joy.

Participating in community-building can help build your support system, so that you are more resilient on and off the job. Building meaningful friendships with people on the job can allow for reasonable and helpful emotional support and reduced stress. Connection with friends, family members, and people in your community helps you shift your perspective from crime and punishment to meaningful life (Miles-Thorpe, 2016). So, find some way you can get involved in community with other people. Spend time with them. Make a difference with them. You’ll find that they bring you back to balance.

Depression

Chronic stress, as is often seen in the legal profession, can lead to depression and anxiety. According to the Dave Nee Foundation, 40% of lawyers experience clinical depression within three years of graduating law school. Symptoms of clinical depression include trouble concentrating, fatigue, feelings of guilt, worthlessness, helplessness, insomnia, early-morning wakefulness, sleeping too much, irritability, restlessness, loss of interest in things once pleasurable, including sex, overeating or appetite loss, persistent aches, pains, or headaches, digestive problems that seem to stick around despite treatments, persistent sad or empty feelings, or even suicidal thoughts or attempts (Ratini, 2020).

According to a survey of 15,000 lawyers, 28% reported battling depression (Middleton, 2015). Stacy Miles-Thorpe, explained, “Lawyers are 3.6 times more likely to suffer from depression than non-lawyers”, and that’s not looking specifically at prosecuting attorneys, who are likely to experience depression at higher rates because of secondary trauma. Why is this number so high? I believe it is because of the typical lawyer personality type.

In the Myers-Briggs Personality Profile, lawyers often fall under the category ISTJ. ISTJ personalities are thinkers. They are very logical, but in the context of a job that can trigger

depression, they often fare worse. You see, this thinking personality type tends to view emotions as weak, which makes depression that much harder to admit and treat. So, they effectively get caught in their heads with their own negative, depressive thoughts, according to Divya Tiwari of PsychReel.com (2021).

In fact, because of the efficiency, order, and structure ISTJs prefer, they are prone to rumination and repetition, which can make them susceptible to depression, if the thoughts they ruminate on are negative thoughts (Tiwari, 2021). Because ISTJs are so committed to structure and tradition, change can often trigger depression (Tiwari, 2021). This typical lawyer personality type may tend toward all-or-nothing thinking and overgeneralization, which can both make depression worse because they may persuade the person that this temporary struggle is extreme and permanent, which is not the case with most clinical depression (Tiwari, 2021).

Depression can also trigger the ISTJ personality to disqualify the positive things that are happening in the world around them and magnify the bad things that are happening, while minimizing the good things that are happening (Tiwari, 2021). This is not because they are unobservant. It often happens because they can tend toward extremes and “should statements”, where their perception of reality is framed in how they perceive their life *should* be going (Tiwari, 2021).

The ISTJ individual may say something like, “*I should* not feel this way,” or “*I have* to do well,” which makes it harder to tolerate loss or failure (Tiwari, 2021). They may label themselves in negative terms, since labeling is often a natural tendency for this personality type (Tiwari, 2021). They may also personalize their shame, blame, or guilt when depressed, believing themselves the culprit for the circumstances that caused their pain (Tiwari, 2021).

Though talking about depression can be helpful, many ISTJs hesitate to bring it up. Instead of talking about their struggle, they may externalize their negative thinking by snapping at others, getting annoyed, or behaving negatively in the workplace. This makes it even harder for people to get close enough to help them (Tiwari, 2021). They may have a hard time talking about emotions and would, instead, prefer to find logical and practical activities they can do to ease their depression. If an ISTJ can ride it out, he will. But, as is often the case with depression, just “riding it out” can make it worse. Talking to someone is often the best way to heal.

So how can an ISTJ heal and overcome depression? Here are some suggestions:

- Try to delegate some of the responsibilities on your plate right now to give yourself space to breathe and self-care.
- Clean up your living space and work space to give your mind a fresh focus.
- Spend time with a friend doing something stimulating like walking, playing a game, or just talking.
- Don't feel like you have to talk when you're not ready, but do talk when you can with trusted people.
- Eat healthy food.

- Pay attention to your senses throughout the day- the sounds around you, tastes, feelings, even things you're grateful for.
- Pay attention to your breathing and try to take deep breaths on purpose throughout the work day.
- Watch something positive and educational to stimulate your mind.

Suicidal Ideation

Lawyers are the fifth highest profession for suicides (Middleton, 2015). In a survey conducted by the American Bar Association and the Hazelden Betty Ford Foundation, of 15,000 lawyers, 11.5% reported suicidal thoughts (Middleton, 2015). Another study found that lawyers rank the fourth in professions with the highest suicide rates (Flores & Acre, n.d.). Why is this? Researchers believe lawyer suicide rates are high because of depression, anxiety, job stress, unfulfilled expectations, and a perceived sense of failure (Cho, 2019). As I mentioned earlier, the personality type of most lawyers is one that holds itself to an extremely high standard and has a very clear mental map of how life is *supposed* to go. Lawyers who feel a disconnect between what they *thought* and what actually exists may become disillusioned and depressed, which can contribute to suicidal ideation.

The emotional dangers prosecutors face are exacerbated by the high-intensity culture of the law profession. Lawyers are expected to be tough-minded and to perform perfectly every time. Despite adverse circumstances on the job, lawyers expect themselves to perform perfectly, which is not always possible. Plus, they are prone to perfectionism, so they can become their own worst critics. Add to this the fact that many have very demanding work schedules and do not afford themselves a lot of time for self-care, and the fact that most prosecutors are exposed to traumatic material, and you have the perfect situation for someone who may want to escape, or the desire to commit suicide.

Thomas Joiner, one of the world's leading suicidologists, suggests that there is a formula often seen in most suicides. To commit suicide, a person must have a *desire* to commit suicide and the *ability* to commit suicide (Joiner, 2007). The desire to commit suicide comes from *both* a perception of being burdensome *and* a low sense of belonging. When a person feels disconnected from community and a sense that the world would be better off without him, that is when he may want to commit suicide. The most vulnerable times for suicidal ideation in a lawyer's life are during an injury/a sickness/secondary trauma and during the transition to retirement because he may lose his sense of identity and, simultaneously, experience a lessened sense of belonging in the workplace. This lack of belonging and productivity (burden) puts the prosecutor at a risk for taking his own life.

For a person to be capable of committing suicide, he often has to become desensitized to pain. There is often a "work up" to suicide, where suicidal individuals become more reckless, less careful with their bodies, and less sensitive to physical pain (Joiner, 2007). He will gradually accumulate experiences of self-harm or violence, making him fearless about death and desensitizing him to suicide. Or, he may experience a large amount of violence and become desensitized to physical pain and death around him.

Here's Joiner's (2007) theory of suicide in a nutshell:

All three conditions must be met: the person must feel like a burden, have a low sense of belonging, and have a risk-taking personality type/be desensitized to pain and death via narratives, investigations, pictures, and other pieces of evidence.

In this theory, absolutely anyone is capable of getting to the point where he or she could take their own life. It's sad to say it, but even the most competent, passionate lawyers can get to a place where they feel like a burden, feel disconnected, and are accustomed to pain or violence, and they end their lives. This is why the emotional wellness bank needs consistent deposits. Connecting with others and caring for oneself can all build emotional wellness and shift a person away from suicidal thinking.

Suicidologist Edwin Shneidman believed suicide stems from an individual's deep, unbearable psychological pain, which he called "psychache" (Leenars, 2010). Individuals feel so much pain that they just can't bear it anymore. And, they often have an "internal narrator" who hates and attacks the person and shames them for having emotions, so the individual begins to feel isolated and will disengage from family and friends (Leenars, 2010). Because lawyers tend to score higher in pessimistic thinking, and ISTJs don't love talking about emotions, this "internal narrator" can easily take hold in a lawyer's mind. Intentionally rejecting the accusations of the "internal narrator" can help the individual gain ground against these toxic thoughts.

What are some warning signs of suicide?

Shneidman recognized that most suicides come with warning signs (Leenars, 2010). In fact, about 80 percent of those who take their own life talk about it beforehand, but they are torn between wanting and not wanting to die (Leenars, 2010). Often, their desire to take their own life is concentrated and most intense during a short window of time, during which they should be monitored closely. And, after which, their likelihood of taking their own life goes down significantly.

Not all suicides come with warning signs, but some people may outwardly talk about plans to harm oneself. Don't overlook those as a joke. If you see any signs that a person wants to take their own life, take them seriously! You may notice the person start to change their patterns. Lawyers like routine, efficiency, and patterns, so take heed when you see a lawyer changing patterns. You may see the person acting differently, being sad, moody, helpless, or defeated and even talking about having no hope for the future (Cho, 2019). You may notice them talking about death or dying, seeking access to firearms or pills, giving away important possessions, experiencing relief or sudden improvement in symptoms, or even telling people goodbye out of the blue (Cho, 2019). Cho (2019) explains, "The person may also exhibit sudden calmness after making the decision to end his or her life."

Thomas Joiner recognized that some individuals have rapid-onset suicidal ideation, called Acute Suicidal Affective Disturbance (ASAD) (Stanley, Rufino, Rogers, et. al., 2016). In my experience, when an individual develops ASAD, it is often related to a tragic case at work or a significant

personal loss that deeply affected the lawyer and alcohol is usually always involved. Other circumstances like divorce, breakup, or the loss of a loved one can trigger ASAD. Watching for warning signs in others and yourself can help save lives.

If you notice warning signs, take action! Cho (2019) suggest two things:

- “It is important to be direct, listen, refrain from judgment, remain calm and not agree to be sworn to secrecy.
- It is important to take action (remove a gun or pills, encourage them to get to a safe location) and to assist them in obtaining additional help (crisis line, emergency room or another trained professional). Many people are afraid that asking someone if they have suicidal thoughts will make them worse; this is not the case. Talking with them can plant a seed and possibly create a safe place for them to share their experience.”

If you find yourself having suicidal thoughts, seek help! Talk to a counselor or call the National Suicide Prevention Hotline at (800) 273-8255. To keep yourself from ever getting to this point, start now by making some deposits into your emotional wellness bank. Schedule a vacation. Talk to a therapist. Go work out. Go to bed early. All of these actions can help make you resilient for this challenging and powerfully meaningful career.

Addiction

It can be easy, for individuals who are capable, smart, and tough-minded to avoid feelings of weakness, need, exhaustion or fear. Sadly, instead of taking time to talk to a friend, get some rest, or meet a need in a healthy way, it can be more convenient to reach for a drink... or a few drinks.

The danger in this is that alcohol can become a self-soothing mechanism for the lawyer, and he or she can continue to reach for more and more alcohol to numb the pain, calm down, or just feel better. In a survey conducted of 15,000 lawyers conducted by the American Bar Association and the Hazelden Betty Ford Foundation, 21 percent acknowledged a drinking problem (Middleton, 2015). Alcohol is the second most widely used drug in America, second only to caffeine (Meyer & Quenzer, nd.) Those who do not turn to alcohol for self-medication, may, similarly, reach for other substances or behaviors such as drugs, gambling, pornography, and extramarital affairs, to name a few.

Addictions come with a few key signs such as compulsive behavior, craving, temporary pleasure or relief, negative consequences, denial, shame, and brain circuits that release dopamine during the “hunt” for the substance or behavior (Simon & Dockett, 2017). At the core of addiction is the brain’s circuitry. In each addiction, the substance or behavior either excites or inhibits the brain’s signals. Over time, the brain’s neurotransmitters adjust to the addiction, creating, more or less, natural neurotransmitters that rely on the substance or behavior to feel okay again. However, Psychologist Gabor Maté thinks this is only half of the story. He says (Simon & Dockett, 2017):

“I don’t medicalize addiction. In fact, I’m saying the opposite of what the American Society of Addiction Medicine asserts in defining addiction as a primary brain disorder. In my view, an addiction is an attempt to solve a life problem, usually one involving emotional pain or stress. It arises out of an unresolved life problem that the individual has no positive solution for. Only secondarily does it begin to act like a disease.”

So, why do people have addictions? Addictions serve a purpose in the addict’s life: comfort, distraction from pain, stress relief, calming down, and so on. Though the substance or behavior does not effectively meet the needs of the person, it still serves a valid purpose in his life (Simon & Dockett, 2017).

People with addictions are six times more likely to take their lives (Seay, 2015). The strongest predictor of suicide is alcoholism, which is connected with 50 percent of suicides. In the United States, one in three people who die by suicide is under the influence of opiates or alcohol (Seay, 2015). So, we must closely monitor those with addictions for suicidal ideation.

Self-Care in the Legal Profession

Recognizing that these emotional wellness issues are severe threats to prosecuting attorneys, lawyers need to be intentional to make deposits into their emotional wellness bank through regular self-care.

Here is how it looks for Debbie. For the past 15 years as a prosecutor in California, Debbie has chosen to take care of her physical and mental health, and this is her advice:

- Don’t sacrifice so much of your personal life, especially when your kids are young.
- Make friends with people outside of the legal profession.
- Keep your cortisol in-check by eating nutritious food, and eliminating sugar.
- Find a physical activity you love doing and work out regularly.

With these self-care practices, Debbie has been able to serve the public for 20+ years. Her encouragement to other prosecutors who may be struggling is to get help when you need it and make self-care a priority.

If you would like more accountability to encourage you to hydrate, exercise, rest, and talk about your struggles, Jamie Mosser has purchased an app that is a competition-based self-care app for prosecutors. You can contact her for more information about the app. The bottom line is that you should do whatever you need to do to be intentional with taking care of yourself. Your career is essential, so don’t lose yourself at the expense of the justice system.

With intentionality, prosecutors can rebuild their emotional wellness bank balances and thrive amidst a career that likes to make regular withdrawals.

Would You Like to Share Your Story?

My purpose in writing this article is to immerse myself more in the legal profession to be able to understand what prosecutors are experiencing, so that I can be an even better support for

those serving the public in this way. If you would like to share your story or any insight you may have to help me discover patterns, stressors, and issues lawyers face, please feel free to contact me at 630-815-3735

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