STATE BAR OF WISCONSIN
PINNACLE
Your Practice. Our Purpose.

AMC 2025

Session 3

Moral Injury as an Occupational Hazard Among Lawyers & Judges

Presented by:

Amber Ault, Ph.D., MSW, State Bar of Wisconsin, Madison
Jennifer Lee Edmondson, Edmondson Law Office, Appleton

About the Presenters...

Amber Ault, Ph.D., MSW is a sociologist and clinical mental health worker with a decade of experience practicing in psychotherapy, crisis, and medical settings. Her experience in higher education includes teaching, research, and program administration. She joined the staff of the State Bar of Wisconsin in October 2023 as the manager of the Wisconsin Lawyers Assistance Program and can be reached at aault@wisbar.org.

Jennifer Lee Edmondson, University of Wisconsin Law School, 1986, is an owner of Edmondson Law Office, Appleton, representing severely injured workers. She has represented clients ranging from abused and neglected children, large corporations, municipalities, school districts, police departments, and severely injured workers. She's the founder of Health, Education & Welfare, an Appleton-based 501c-3 nonprofit, and has been a long-time WisLAP volunteer, since the time of her metastatic breast cancer. Jennifer invites you to become a WisLAP peer support volunteer; the program provides excellent training, the time commitment is minimal, and the benefits, both personally and professionally are extraordinary. She thanks you all for attending this presentation today.

Moral Injury as an Occupational Hazard Among Lawyers & Judges

Presenters: Amber Ault, Ph.D., MSW & Jennifer Lee Edmondson, JD

1. Introduction

· The concept of moral injury has growing relevance to the legal profession. Litz et al. (2009) defined moral injury in psychological research.

· Moral injury is distinct from burnout and other forms of stress. Dean et al. (2019) discuss moral injury as a distinct phenomenon involving a person's betrayal of their own personal values.

· There is increasing awareness of emotional and ethical challenges in legal practice. Krieger and Sheldon (2015) recognize the connection between lawyer well-being and professional ethics.

2. Understanding Moral Injury

· Origins of the Concept: Moral injury has been discussed in fields such as the military (Shay, 1994) and healthcare (Rushton et al., 2013), where professionals face situations that challenge their core values.

· Moral Injury in Legal Practice: Lawyers encounter ethical conflicts, unjust systems, and dilemmas that often violate their personal and professional values, as well as their expectations of the institutions in which they work. Nicolson and Webb (1999) discuss this as "ethical stress" in the legal field.

3. Causes and Triggers

· Systemic Issues: Operating within flawed or unjust legal systems increases the risk of moral injury among lawyers and judges. Chambliss and Wilkins (2002) examine the structural pressures on legal professionals; Sarat and Felstiner (1995) map the adversarial nature of legal practice.

· Individual Ethical Conflicts: Personal values clash with professional roles or expectations, with variability across areas of practice. Jack and Jack (1989) articulate moral dilemmas faced by lawyers in practice.

· Unrealistic Expectations: Lawyers often experience pressure to win cases or meet client demands at the expense of ethical considerations. Wallace et al. (2011) give special attention to performance pressures within law firms, which may contribute to lawyers' experience of moral injury.

4. Effects of Moral Injury

Litz et al. (2009) emphasize the profound emotional burden, including guilt and shame, associated with moral injury, which can erode personal identity.

Dean et al. (2019) explore how moral injury exacerbates mental health challenges, such as anxiety and depression, particularly in high-stakes professions like law.

Rushton et al. (2013) highlight the physical toll of chronic stress linked to moral injury, often manifesting in burnout and other health issues.

Krieger and Sheldon (2015) connect moral injury to broader professional consequences, including diminished job satisfaction and a higher likelihood of career attrition.

5. Moral Injury as a Variant of PTSD

While moral injury is distinct from Post-Traumatic Stress Disorder (PTSD), the two share overlapping elements, particularly in their psychological impacts. PTSD often stems from exposure to life-threatening or traumatic events, while moral injury revolves around the violation of deeply held personal values.

Litz et al. (2009) emphasize that moral injury may manifest as guilt, shame, or a profound sense of betrayal, which can accompany—or exist independently of—the flashbacks, hypervigilance, and other symptoms typical of PTSD. Understanding moral injury as a variant of PTSD provides a nuanced perspective on the emotional toll faced by professionals in high-stress environments, including legal practice, where ethical breaches and systemic injustices can evoke similar mental health challenges.

6. Moral Injury and Suicide

Studies such as Litz et al. (2009) and Shay (1994) have explored how the psychological burden of moral injury, including feelings of guilt, shame, and betrayal, can lead to severe emotional distress, sometimes culminating in suicidal ideation.

Bryan et al. (2016) further emphasize the role of unresolved moral conflicts in exacerbating suicidal tendencies, particularly in those struggling to reconcile their actions or inactions with their ethical frameworks.

In the legal profession, the impact of moral injury may also contribute to heightened suicide risks. Lawyers frequently encounter ethical conflicts and systemic injustices that challenge their deeply held values, leading to emotional exhaustion and despair.

Nicolson and Webb (1999) identify ethical stress as a cornerstone of these struggles, while studies Krieger and Sheldon (2015) highlight the correlation between lawyer well-being and the demands of professional ethics. When compounded by the adversarial nature of legal work described by Sarat and Felstiner (1995), these factors may create a perfect storm for moral injury to evolve into more severe mental health issues.

Addressing the intersection of moral injury and suicide in the legal field requires a proactive approach, including fostering environments that promote open discussion of ethical dilemmas, supporting mental health resources, and encouraging training on emotional resilience. Both systemic change and individual support are critical to mitigating these risks and protecting the well-being of legal professionals.

.

7. Strategies for Prevention and Recovery

Several studies underscore the importance of implementing strategies to address moral injury effectively.

Olson et al. (2020) emphasize the role of self-care practices, such as mindfulness and stress-management techniques, in mitigating emotional distress. In addition, Richards and Merrill (2018) advocate for the development of ethical work environments that promote transparency and reduce ethical conflicts.

Peer support programs are highlighted by Simpson et al. (2017) as crucial to fostering a sense of community and shared understanding among professionals. For organizational measures, Thompson et al. (2019) suggest regular open discussions and dedicated forums to address moral dilemmas within the work culture. Moreover, professional resources such as mentorship programs and counseling services are supported by Levine and Cross (2021), who highlight their effectiveness in building resilience and reducing burnout and distress among legal practitioners.

Bibliography

Litz, B. T., et al. (2009). "Moral injury and moral repair in war veterans: A preliminary model and intervention strategy." Clinical Psychology Review, 29(8), 695–706.

Dean, W., et al. (2019). "Moral injury: The missing piece in understanding and addressing clinician burnout." Journal of General Internal Medicine, 34(8), 2210–2212.

Krieger, L. S., & Sheldon, K. M. (2015). "What makes lawyers happy? A data-driven prescription to redefine professional success." The George Washington Law Review, 83(2), 554–627.

Shay, J. (1994). "Learning about combat stress from Homer's Iliad." Journal of Traumatic Stress, 7(2), 283–290.

Rushton, C. H., et al. (2013). "Moral distress and building resilience in critical care nursing." American Journal of Critical Care, 22(5), 389–395.

Nicolson, D., & Webb, J. (1999). "Professional legal ethics: Critical interpersonal perspectives." Oxford University Press.

Chambliss, E., & Wilkins, D. B. (2002). "The problematic professionalism of lawyers: Legal ethics as a struggle for autonomy." The Handbook of Professional Ethics, Vol. 3, 230–250.

Sarat, A., & Felstiner, W. L. F. (1995). "Law and strategy in the divorce lawyer's office." Law & Society Review, 28(1), 67–92.