



Sexual Assault, Lawyering, and Well-being

Representing plaintiffs or defendants in civil and criminal cases involving allegations of sexual assault can be very stressful, especially when the attorneys themselves are survivors. Amber Ault discusses the evolution of sexual assault litigation and suggests ways attorneys can prepare themselves for the professional and personal challenges posed by these cases.

BY AMBER AULT

Imagine entering a college classroom in the U.S. and asking the 100 students in the room to raise their hands if they know someone who has experienced sexual assault, attempted sexual assault, or “unwanted sexual touching or contact.” The response likely would be a silent, heartbreakingly flurried of hands. These students know a friend, a neighbor, a cousin, a sister, an aunt, a mother, a classmate, a sorority sister, a teammate, a girlfriend, an uncle, a brother, or another beloved person who endured a coerced or forced sexual experience. Given the ubiquity of sexual assault, with 1 in every 6 girls and women and 1 in every 33 boys and men acknowledging these experiences,¹ it is likely that 20 of the 100 students will experience or already have experienced sexual assault over their lifetimes, aligning with the statistical picture of sexual assault in the United States.

Despite the past half-century’s breathtaking advances in forensic sciences, noteworthy shifts in public awareness, and remarkable legal reforms allowing survivors to seek justice, most sexual assault experiences still go unreported; and most reported cases don’t lead to consequences for perpetrators or restitution for victims and survivors. Key participants in the tug-of-war between the evolving possibility of holding perpetrators accountable and the often exhausting, traumatizing, and humiliating demands on the minority of survivors who pursue legal recourse are the attorneys willing to represent, on one side, victims and survivors, and on the other, perpetrators, many of whom experienced sexual abuse themselves.

What is required emotionally of lawyers who work on sexual assault cases? What are the

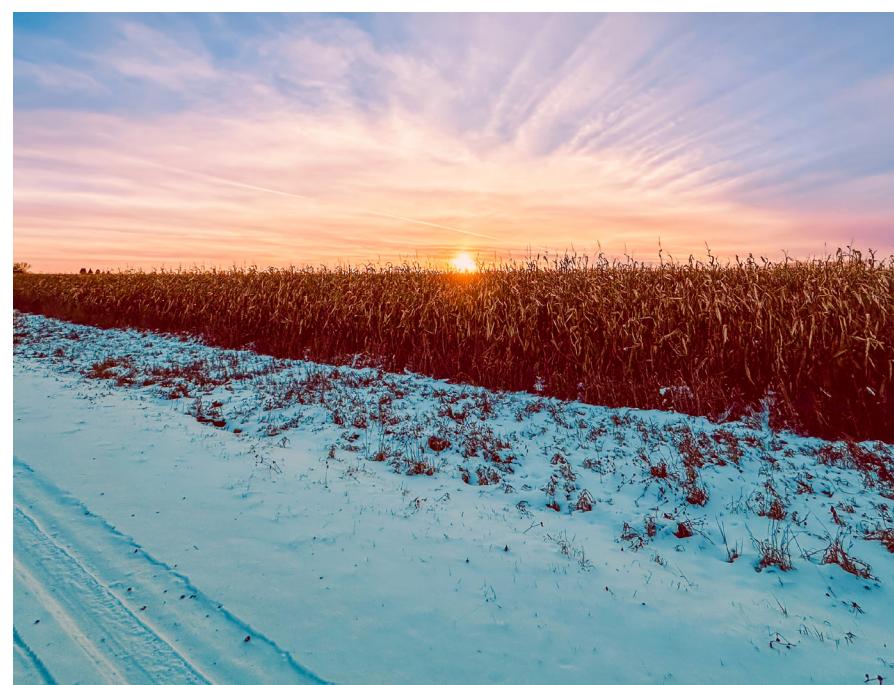
professional and personal challenges of these cases, and how can attorneys prepare themselves for those rigors? What are the signs that an attorney needs to “recalibrate” to continue the work, and what strategies might help with that?

A Brief History of Key Cultural Moments in the Sexual Assault Conversation

Lawyers born in the decades from the 1930s to the 1960s might remember remarkable developments in laws around sexual assault. As a key concern for Second Wave feminist activists in the 1970s and 1980s, sexual assault entered public discourse in new ways; “consciousness raising” groups allowed women to see patterns



Amber Ault, Ph.D., MSW, manages the Wisconsin Lawyers Assistance Program (WisLAP), which offers confidential well-being support to the legal community. Access the digital article at www.wisbar.org/wl.
aault@wisbar.org





LISTENING TO LAWYERS

in the sexual violence they had experienced and often understood as an unfortunate but taken-for-granted part of the female experience. Through recognizing these patterns, feminists began to give language to the experiences of date rape, marital rape, and gang rape, and a broader “rape culture” that tacitly or overtly allows these forms of violence against girls and women to operate as forms of social control.

This generation of feminists developed a political analysis of violence against women, established new institutions to support female survivors, and strenuously advocated for legal reforms criminalizing sexual harassment and sexual assault in a wide range of contexts.² They began, with considerable difficulty, to train for and enter fields that shape the contexts in which women might seek legal redress for sexual victimization: criminal justice, politics, and the legal system. This period is considered the heyday of the Second Wave, and it laid the foundation not only for a cultural critique of sexual violence as a means of the social control of women and children, including boys, but also for the research that would build a deeper understanding of the ubiquity and impact of sexual violence and its consequences and generate new legal, social, and scientific frameworks for redress that would continue to evolve over the following decades.³

A second upsurge in cultural awareness emerged in 2017 in the form of the #MeToo movement, when a tweet by actress Alyssa Milano amplified the language that childhood sexual assault survivor Tarana Burke had been using across the previous decade to signal solidarity with other survivors.⁴ In Milano’s case, “me too” responded to reports of sexual abuse and assault allegedly committed against other female actors by movie producer Harvey Weinstein and set in motion an avalanche of disclosures by other women and some men regarding sexual abuse in the entertainment industries, sports,

politics, education, and religious institutions, with noteworthy consequences.

Unlike the Second Wave feminist anti-violence movement, #MeToo activists (some of whom were also Second Wave feminists) accessed the multiplicative power of social media to connect with each other and organize around this issue. Like their older sisters, however, sharing personal accounts allowed #MeToo activists to identify the institutional and legal barriers that had evolved to suppress survivors’ disclosures of victimization, access to justice or restitution, and ability to find each other to take collective action.

Two of these barriers are nondisclosure agreements (NDAs) and statutes of limitation. As public awareness of these barriers grew, lawmakers in many states attempted to create greater capacity for survivors to report workplace and institutional harassment and abuse in criminal and civil court systems. Their bills focused on eliminating binding agreements designed to keep settlements quiet and ending statutes of limitation with narrow timeframes for reporting sexual abuse. These changes have cleared the path for adults, both men and women, to pursue civil and criminal judgments related to sexual abuse and assault they experienced as minors and have reduced protections for the powerful perpetrators who had been shielded by them.⁵

In 2025, reverberations from these two previous social change cycles focused on eliminating sexual assault, harassment, and abuse captured headlines again. In particular, public and political interest in the conduct of two public figures, convicted sex offenders Jeffrey Epstein⁶ and Ghislaine Maxwell,⁷ coalesced in demands for the government to disclose records regarding its investigations into their alleged serial trafficking of minors to high-status men on an international scale.

The posthumous release of Virginia Roberts Giuffre’s memoir, *Nobody’s Girl* (2025), provides a revealing description

of the social, cultural, psychological, and class elements at work in sexual trafficking, which is, essentially, coordinated sexual assault for the instigators’ material or social gain. Giuffre’s account, similar to the accounts of other victims and survivors across the last 50 years, highlights the powerful role lawyers play in helping those who do seek restitution and other forms of justice navigate the complexities of the legal, social, and emotional terrain involved.

Rising to the Challenge

Characterized by intricate evidentiary challenges and profound consequences for all parties involved, sexual assault cases present attorneys with unique demands. Survivors’ recollections may be fragmented or delayed due to the psychological effects of trauma, making their credibility vulnerable to critique and putting them under special duress.⁸ Limited physical evidence can compel attorneys to rely heavily on witness accounts and expert testimony.⁹ Survivors seek justice and validation, defendants face life-altering accusations, and the outcomes carry significant ramifications for broader societal perceptions of accountability and justice. Compounding these challenges, sexual assault cases can unfold under intense public scrutiny and social pressures; media coverage and community reactions amplify the performance demands on legal professionals. The confluence of evidentiary complexity, emotional intensity, and societal importance characterizes sexual assault litigation.

Given this complexity, attorneys handling sexual assault cases face considerable burdens that can affect both their professional and personal lives. Regular exposure to survivors’ traumatic stories can lead to secondary or vicarious trauma, as well as to compassion fatigue, emotional exhaustion, overwhelm, and, eventually, burnout.¹⁰ Cases that have congruence with an attorney’s own life details or circumstances can lead to hypervigilance and intrusive thoughts.



Long hours, emotionally charged trials, and the constant immersion in distressing details often make it difficult for lawyers to separate their work from their personal lives and strain relationships outside the courtroom.

Some cases involve elevated security risks, with their additional stress and expense. Defense counsel experience the demands of representing individuals accused of crimes that evoke strong moral and social reactions and sometimes encounter public hostility or personal ethical dilemmas while ensuring the accused receive fair representation. Prosecutors and personal-injury lawyers, meanwhile, bear the pressure of securing convictions while maintaining the integrity of the justice process. All attorneys must carefully balance empathy for victims and survivors with the necessity of professional objectivity, while maintaining their own mental health. The significant psychological and emotional toll that sexual assault litigation takes on legal professionals, some of whom are survivors themselves, requires robust institutional support and personal coping strategies.

Strategies for Legal Professionals & Law Students. Ryan Poe-Gavlinski, a Clinical Associate Professor of Law at the University of Wisconsin Law School, trains and mentors law students as they learn to litigate sexual abuse cases. "Checking in is crucial," she says,

"both with ourselves and with each other. Sometimes a colleague will realize before the litigator does that they are starting to burn out. It's important to make those observations and ask how the person is doing." She notes that "feeling the feelings" is important burnout prevention. "These cases are hard and they're often sad and distressing," she notes. "We do this work because it's important," she says, but that doesn't mean the work is easy.

Sometimes lawyers need to take a break from sexual assault cases, sometimes they need to recognize that a particular case isn't a good fit, and sometimes they need to seek lawyer-literate, trauma-informed counseling to process the stress of sexual assault litigation or serving as judges or court staff on particularly disturbing cases. In Wisconsin, WisLAP offers consultation and support to law students, lawyers, judges, and court staff experiencing stress, burnout, moral injury, and trauma, both through direct work with our staff and through connections to our trained peer support volunteers and community referral partners.

The impact of sexual abuse on victims and survivors is profound and often life-altering. Victims and survivors often suffer in fear and silence, sometimes carrying the knowledge of their exploitation for decades. Attorneys who represent victims and survivors who

WisLAP Can Help

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The Wisconsin Lawyers Assistance Program (WisLAP) offers confidential support to lawyers, judges, law students, and other legal professionals as a benefit of State Bar membership. WisLAP staff can answer questions about mental health and substance use, provide guidance on well-being practices, and match members with attorneys trained in peer support.

To contact WisLAP staff:

Call (800) 543-2625 or email callwislap@wisbar.org.

Suicide & Crisis Lifeline: 988.

Call or text 988 if you or someone you know may be going through a crisis or contemplating suicide. For more information, visit the 988 website at <https://988lifeline.org>.

step forward, as well as those who defend accused individuals and organizations, play a profound role in the process of establishing accountability, restitution, and in some measure, healing and repair. The work is both technically and emotionally demanding, however; it requires not only protecting survivors but also sustaining the legal professionals who pay witness to their courage and serve as their trusted partners in the pursuit of justice. **WL**

ENDNOTES

¹National Institute of Justice & Centers for Disease Control & Prevention, Prevalence, Incidence and Consequences of Violence Against Women Survey (1998).

²Diana Russell, *The Politics of Rape*, iUniverse (1975, 1984).

³Peggy Reeves Sanday, *Fraternity Gang Rape: Sex, Brotherhood, and Privilege on Campus* (NYU Press 2007).

⁴Leigh Gilmore, *The #MeToo Effect: What Happens When We Believe Women*, Columbia Univ. Press (2023). See also Deborah Tuerkheimer, *Beyond #MeToo*, N.Y.U. L. Rev. (Nov. 2019); *History & Inception*, <https://metoomvt.org/get-to-know-us/history-inception/> (last visited Dec. 8, 2025).

⁵See, e.g., 2025 Wis. Assemb. B. 414, <https://docs.legis.wisconsin.gov/2025/related/proposals/ab414.pdf>; Sarah Lehr, *Wisconsin Bill Would Give Sexual Assault Victims More Time to Pursue Charges*, Wis. Pub. Radio (Oct. 22, 2025), <https://www.wpr.org/news/wisconsin-bill-sexual-assault-victims-more-time-pursue-charges>; *Survivors Rights, 2026 California Statute of Limitations Guide for Survivors*, <https://survivorsrights.com/california-statute-of-limitations-for-survivors/> (last visited Dec. 8, 2025).

⁶Epstein died in August 2019 while in federal custody. For more about the legal cases against Epstein, see, for example, Bill Chappell, *Jeffrey Epstein Files: Tracing the Legal Cases that Led to Sex-Trafficking Charges*, NPR (July 25, 2025), <https://www.npr.org/2025/07/25/nx-s1-5478620/jeffrey-epstein-crimes-timeline-legal-case>.

⁷Maxwell is incarcerated in a minimum-security prison camp in Texas. For more about the legal cases against Maxwell, see, for example, PBS News, *Ghislaine Maxwell Sentenced to 20 Years in Prison* (June 28, 2022), <https://www.pbs.org/newshour/politics/ghislaine-maxwell-sentenced-to-20-years-in-prison>.

⁸Leigh Gilmore, *Tainted Witness: Why We Doubt What Women Say About Their Lives* (Columbia Univ. Press 2017).

⁹Deborah Tuerkheimer, *Why We Doubt Accusers and Believe Abusers* (Harper 2021).

¹⁰Tammy Slovinski & Sarah Jane Brubaker, *Prosecution as a "Soul Crushing Job": Emotional Labor and Secondary Trauma in Working Sexual Assault Cases*, *Violence & Victims* 37 (5) (2022). **WL**