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NATIONAL NSW

## Magistrate David Heilpern speaks of vicarious trauma in Tristan Jepson lecture

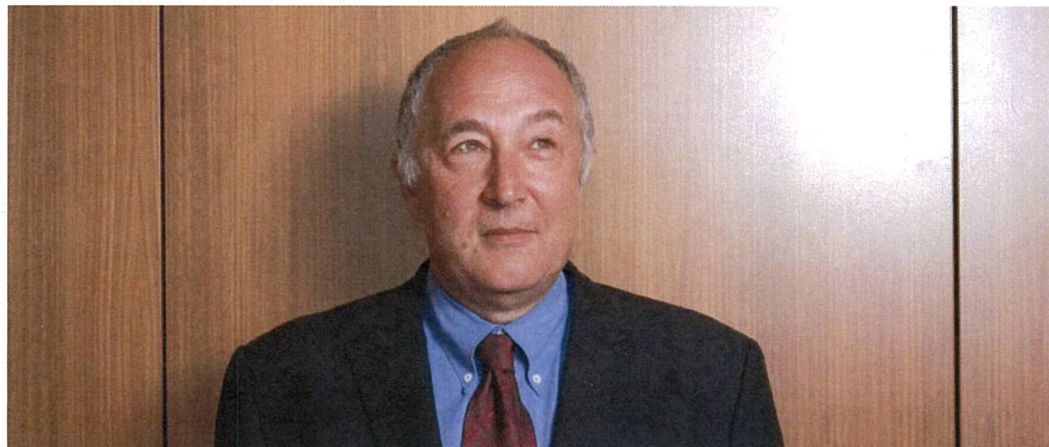
By [Michaela Whitbourn](#)

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David Heilpern would wake in the night drenched in sweat, "screaming and panicked".

It was 2005 and the NSW Local Court magistrate was dealing with a string of horrific child pornography cases.





David Heilpern has given a revealing account of the trauma associated with presiding over horrific criminal trials. CHRISTOPHER PEARCE

"I started dreaming of these children and the torment perpetrated upon them," Mr Heilpern said.

"I thought it would pass, but it did not."

In a revealing speech at the Federal Court in Sydney on Wednesday night, the country magistrate gave a raw account of life on the bench and the vicarious trauma associated with presiding over grisly criminal trials.

Mr Heilpern was a seasoned criminal lawyer and academic when he was appointed to the bench in January 1999.

He had represented people charged with child sexual assault, murder and domestic violence, and spent hours poring over transcripts of trials involving violent crimes when co-writing a legal text.

"I thought I had a pretty good 'distance' from my work, in the sense that whilst it occasionally upset me, it did not stay with me too often in my personal life," he said.

Mr Heilpern was delivering the Tristan Jepson Memorial Foundation lecture, an annual address aimed at raising the profile of mental health issues in the legal profession and honouring the memory of a promising young lawyer who took his own life in 2004 at the age of 26.

He said it was "certainly not my intention to become some sort of poster boy for vicarious trauma or PTSD and the judiciary" but he could not remain silent.

"I am convinced that it is time to lift the veil for the benefit of the judiciary, but also for the system of justice itself," he said.

"We ought to stop talking of judicial stress, and start calling it for what it is - anxiety, panic attack, insomnia, traumatic response, depression, PTSD, substance use disorder and the like."

He said his job was an "an extraordinary privilege" but it was important to confront the challenges of a role that could be "exceptionally lonely".

New technology including smartphones had also made violent crime "much more 'in your face'" and it was now standard rather than a rarity for a trial to feature "some form of graphic video or photographic evidence".

After his first bout of sleepless nights, Mr Heilpern sought professional help and was referred to a trauma psychologist.

He also informed the "extremely sympathetic" chief magistrate, who helped re-allocate the cases for a time.

"The relief from the nightmares was immediate and dramatic. 'Cured!' I thought," Mr Heilpern said.

But, about a decade later, he had "a bad six months" when he was dealing with "a child sexual assault case which was later accurately described by the sentencing judge as the 'worst of the worst'".

For a man who prided himself on rarely taking a sick day, it was "achingly difficult" to write a letter - at his GP's insistence - asking for time off. He "progressively improved" over the following months.

One in seven Australians will suffer from depression in their lifetime, and an even greater number will suffer from an anxiety disorder. The rates were "far higher" among lawyers, Mr Heilpern said.

"Judicial officers are just humans doing a job, and the sooner this becomes the accepted norm, the better the judiciary will be able to serve the community," Mr Heilpern said.



**Michaela Whitbourn**



Michaela Whitbourn is a legal affairs reporter at The Sydney Morning Herald.