Managing Stress and Maximising Wellbeing for Decision Makers on Tribunals, Boards and Panels

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An unmentionable topic?
What did we already know about judicial stress?

1. Judicial officers are senior members of a stress-prone profession
60 years of US Research

**Eron & Redmount (1957)**
Law students significantly more anxious than medical students

**Eaton et al (1990)**
Of 104 occupations, lawyers had highest rates of clinically significant depression (3.6x national average)

**Shanfield & Benjamin (1985)**
Law students significantly higher rates of psychological distress than general population (12% v 3%)

**Benjamin et al (1990)**
US lawyers significantly higher rates of depression (19%) and alcohol abuse (18%) than general population (3-9%)

**Krill et al (2016)**
Lawyers’ levels of hazardous drinking (20%), depression (28%), anxiety (19%) and stress (23%) significantly higher than other professions. Men and young lawyers most at risk
10 years of Australian Research

Annual professions survey

Beyondblue, 2007

Counting the Blues:
Attitudes towards depression in
Australian respectively and college

Brain & Mind Research Institute, 2009
Why?

- Is it something in:
  - the personality types attracted to law?
  - the way lawyers trained to think?
  - legal education?
  - the kind of work that lawyers do?
  - the culture and environment of legal workplaces?
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- the personality types attracted to law?
- the way lawyers trained to think?
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- the kind of work that lawyers do?
- the culture and environment of legal workplaces?

“Simply stated, there is nothing in these data to suggest that attorneys differ from other people with regard to their prerequisites for feeling good… Thus, it would appear that lawyers, and their teachers and employers, should banish any notions that law-trained people are somehow special… In order to thrive, we need the same authenticity, autonomy, close relationships, supportive teaching and supervision… that promotes thriving in others”

Krieger & Sheldon (2015)
What did we already know about judicial stress?

1. Judicial officers are senior members of a stress-prone profession
2. Many aspects of judicial work are inherently stressful
Stressors of judicial office

Stressors of Work Load:
- Increasingly high case load
- More documents and more laws
- Insufficient time for writing judgments
- Extra duties of office
- Limited opportunity to delegate

Stressors of Work Type:
- Conflict & disagreement
- Highly emotional & tense
- Managing mental illness or personality problems of court users
- Traumatic material
- Making decisions that significantly impact people's lives

Stressors of Work Culture:
- Isolation
- Scrutiny
- Public
- No feedback
- No management
- Stress denying
- Expression of emotion and opinion constrained
- Safety concerns
- **Uncertainty around reappointment**

(Bremer, 2004; Frierson; Kirby, 1997; Miller & Richardson, 2006, O’Brien 2004; etc…)
What did we already know about judicial stress?

1. Judicial officers are senior members of a stress-prone profession
2. Many aspects of judicial work are inherently stressful
3. Judicial officers are not immune to stress, struggle and despair
I dealt with over a dozen [child pornography] cases within a couple of months. I started dreaming of these children and the torment perpetrated upon them. I would wake up in the witching hour screaming, sweating and panicked. I thought it would pass but it did not... I began thrashing around in my sleep making it impossible for my wife to remain in bed for fear of being struck.
One judge’s experience

The price I paid for being a ‘good judge’

“Vicarious trauma is real... Day after day and case after case, a judge is required to hear about terrible things that happen to people but cannot respond physically or emotionally in a naturally human way. However horrific the testimony and exhibits, a judge must remain dignified, calm, respectful. Emotions must be buried... Remaining stoic in the midst of this much trauma was incredibly difficult, but I did it. At a steep cost.”

The Hon. Karen Adam (Ret.), 2017
What did we already know about judicial stress?

1. Judicial officers are senior members of a stress-prone profession
2. Many aspects of judicial work are inherently stressful
3. Judicial officers are not immune to stress, struggle and despair
4. Judicial stress is under-researched
## Previous Research

<table>
<thead>
<tr>
<th>Citation</th>
<th>Sample</th>
<th>Method</th>
<th>Reported findings</th>
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</table>
| Showalter & Martell (1985)| 92 US judges            | Quant. | • 2 validated measures of personality, 1 validated measure of psychological distress  
• 71% of judges endorsed Type A personality traits (deemed ‘high stress’)  
• “High stress” judges report more symptoms of psychological distress |
| Rogers et al. (1991)      | 104 Canadian trial judges | Quant. | • Bespoke survey  
• Judges reported primary source of stress was work content (e.g. sentencing) – cf. other professions: work culture factors more stressful |
| Eels & Showalter (1994)   | 88 US trial judge (rep. sample) | Quant. | • 77 potential stressors endorsed and ranked  
• Highest: poorly prepared council; exercising judicial management; highly emotional cases  
• Subjective stress correlated with stress symptoms according to standardised measure |
| Graff (2000)              | 69 US immigration judges | Quant. | • Bespoke 13-item survey measuring subjective stress  
• Average scores indicate ‘moderately high’ stress  
• On average, 3-4 days stress-leave a year |
| Jaffe et al. (2003)       | 105 US Juvenile and Family Court judges | Quant. | • Bespoke survey distributed at conference after presentation on stress, burnout and vicarious trauma  
• 63% of judges reported experiencing one or more short- or long-term vicarious trauma symptom |
## Previous Research

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<tbody>
<tr>
<td>Flores et al (2008)</td>
<td>163 US trial judges</td>
<td>Mixed Methods</td>
<td>• Standardised measures of depression, anxiety, PTSD</td>
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<tr>
<td></td>
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<td></td>
<td>• D: average score higher than general population, and close to diagnostic cut-off</td>
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<td>• A: average score in moderately high range</td>
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<td>• 27 judges reported their responsibilities had been 'moderately compromised' by stress</td>
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<td>Chamberlain &amp; Miller</td>
<td>9 judges from same US court</td>
<td>Qual.</td>
<td>• Reported symptoms of Secondary Traumatic Stress</td>
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<td>(2009)</td>
<td></td>
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<tr>
<td>Lustig et al. (2009)</td>
<td>59 US immigration judges</td>
<td>Mixed Methods</td>
<td>• Standardised measures of Burnout and Secondary Traumatic Stress (STS)</td>
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<td>• ‘Unexpectedly’ high levels of work-related Burnout and STS</td>
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<td>Chase &amp; Hora (2009)</td>
<td>355 US Family Court judges (rep. sample)</td>
<td>Quant.</td>
<td>• Judges working in problem-solving courts reported higher job satisfaction than judges working in traditional courts</td>
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<td>Ciocoiu et al. (2010a;</td>
<td>176 Romanian judicial officers</td>
<td>Mixed Methods</td>
<td>• Endorsed and ranked 77 proposed stressors</td>
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<td>2010b)</td>
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<td>• Among highest ranked was ‘insufficient lighting’</td>
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<td>• These manifested in ‘personality and cognitive changes’</td>
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<td>Resnick et al (2011)</td>
<td>Unreported number of Family Court Judges from around the world</td>
<td>Qual.</td>
<td>• Important stressors identified in interviews, including endless caseloads; social isolation; lack of privacy; weight of deciding fate of others</td>
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<td>Krieger &amp; Sheldon (2015)</td>
<td>6,226 lawyers, including 141 judges across several States</td>
<td>Quant.</td>
<td>Standardised measures of wellbeing, depression, basic psychological needs satisfaction, values, motivation, and autonomy support. Judges' rates of depression were the lowest, and their rates of wellbeing were the highest on all measures, compared with all other categories of legal practitioners.</td>
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<td>Miller et al (2018)</td>
<td>221 judges from two States</td>
<td>Quant.</td>
<td>Standardised measures of Compassion Fatigue (defined as Burnout + Secondary Trauma), and Social Support. Men and Women receive different types of social support, which may have an impact on judicial stress and job performance.</td>
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**Limited research suggests:**

American judges experience elevated levels of stress, compared to general population, and senior members of other professions, but probably less than practising lawyers.
First Empirical Research on Judicial Stress and Wellbeing in Australia

5 x participated in study

152 x participated in survey

60 x participated in interviews

Participation rate: 67% (51-85% from each court)
Global measures

“Since your appointment, how much of the time have you experienced the stress / personal wellbeing and satisfaction related to your work?”
Stress compared to previous career

“Relative to your career prior to appointment, how does the stress of judicial office compare?”

- Much more stressful
- A little more stressful
- Equally as stressful
- A little less stressful
- Much less stressful

NOTE: 62% find judicial office less stressful, and only 20% find judicial office more stressful.
Non-specific psychological distress

Kelk et al (2009); ABS National Health Survey (2008)
Depressive symptoms

- Judicial officers
- Lawyers
- General population

Chan et al (2014); Lovibond & Lovibond (1993)
Anxious Symptoms

- Judicial officers
- Lawyers
- General population

Chan et al (2014); Lovibond & Lovibond (1993)
Stress symptoms

Judicial officers

Lawyers

General population

Chan et al (2014); Lovibond & Lovibond (1993)
Moderate to Extremely Severe Symptoms

- Depression
- Anxiety
- Stress

Judicial officers, Lawyers, General population

Chan et al (2014); Lovibond & Lovibond (1993)
Secondary Traumatic Stress (STSS)

Judicial officers  US Immigration judges  US Social workers  US Clinical social workers

Intrusion  Avoidance  Arousal
Total STSS Raw Scores over 38
Observation 1: Workload is an issue for almost everyone.
Observation 2: Most judicial officers feel that the sources of stress are increasing
Observation 3:
Stressors of injustice are felt the most keenly
Observation 4:
Discussing stress and seeking support remains somewhat stigmatised
Observation 5:
Alongside experiences of stress, there is a deep sense of job satisfaction
Observation 6: Judicial officers sourcing the most enjoyment from the role are those who prioritise their own wellbeing
1. There is not a widespread mental health problem among Australian judicial officers, but there is a stress problem

2. Severe distress is not altogether absent, and there appears to be a cultural reluctance to discuss stress and seek support

3. Themes of professional efficacy and personal satisfaction are prominent

4. The sources of stress most front of mind are those extrinsic to the judicial role
Responding to judicial stress

Nature of Stressor

Intrinsic
i.e. inherent to the job, irreducible sources of stress in legal work, unavoidable

Extrinsic
i.e. potentially unnecessary to the performance of legal work, avoidable

Intervention approach

Management
• Individual level
• Interpersonal level
• Organisational level

Prevention
• Individual level
• Interpersonal level
• Organisational level
Judicial wellbeing is both an individual and an organisational responsibility
A systemic approach to judicial wellbeing

- Systemic Prevention
  - Empirical Research
  - Educational Programs
  - Structural and cultural changes
  - Resources

- Personal Management
  - Proactive individual counselling and debriefing
  - Physical health and wellbeing programs

- Acute Response
  - 24/7 counselling and support
  - Critical incident debriefing
  - Peer support

- Systemic Prevention
  - Empirical Research
  - Educational Programs
  - Structural and cultural changes
  - Resources
1. Warning signs
2. Triggers
3. Psychological strategies
4. Physical strategies
5. Social strategies
6. Professional help

- Know the warning signs of stress (e.g. muscle tension, digestive problems, irritability, low mood, poor concentration, interrupted sleep)

- Identify your individual warning signs
1. Warning signs
2. Triggers
3. Psychological strategies
4. Physical strategies
5. Social strategies
6. Professional help

- **Identify your own stress triggers**
  (e.g. deadlines, seeing particular people, certain situations)

- **Practise stress management techniques**
  before, during and after triggers
  (e.g. five deep breaths, muscle release exercises, positive self-talk)
Strategies to support wellbeing

1. Warning signs
2. Triggers
3. Psychological strategies
4. Physical strategies
5. Social strategies
6. Professional help

- Transition rituals to ‘bookend’ your working day
- Orient towards gratitude
- Notice your patterns of 'self-talk' and practise more flexible thinking
- Notice what you are avoiding
- Mindfulness meditation
- Identify and use your strengths
- Identify and live consistently with your values
1. Warning signs
2. Triggers
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4. Physical strategies
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6. Professional help

- Sit less, move more
- Maintain a healthy, balanced diet (and reduce caffeine and alcohol consumption)
- Hydrate
- Practise relaxation (e.g. yoga, massage, walks in nature, baths, gentle music)
- Time in nature
- Notice your breathing
- Sleep hygiene
Strategies to support wellbeing

1. Warning signs
2. Triggers
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4. Physical strategies
5. Social strategies
6. Professional help

- Take time to engage in activities of **pleasure and mastery**
- Spend time with **people you care about** and who care about you
- **Share** difficult thoughts and feelings with others, but **don’t whinge**
Strategies to support wellbeing

1. Warning signs
2. Triggers
3. Psychological strategies
4. Physical strategies
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6. Professional help

- Seek professional support proactively—don’t wait until crisis point
- Your EAP
- OR Your GP is your first port of call
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Insight + Action = Change

Wellbeing is an individual thing!
Thank you!

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