

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

2019 COAT National Conference – 7 June 2019

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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)

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

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%)

10 years of Australian Research



Beyondblue, 2007



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?

Why?

- Is

“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 some how 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

One magistrate's experience

Lifting the judicial veil: Vicarious trauma, PTSD and the judiciary – a personal story

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.

Magistrate David Heilpern, 2017



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

Citation	Sample	Method	Reported findings
Showalter & Martell (1985)	92 US judges	Quant.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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

Citation	Sample	Method	Reported findings
Flores et al (2008)	163 US trial judges	Mixed Methods	<ul style="list-style-type: none"> Standardised measures of depression, anxiety, PTSD D: average score higher than general population, and close to diagnostic cut-off A: average score in moderately high range 27 judges reported their responsibilities had been 'moderately compromised' by stress
Chamberlain & Miller (2009)	9 judges from same US court	Qual.	<ul style="list-style-type: none"> Reported symptoms of Secondary Traumatic Stress
Lustig et al. (2009)	59 US immigration judges	Mixed Methods	<ul style="list-style-type: none"> Standardised measures of Burnout and Secondary Traumatic Stress (STS) 'Unexpectedly' high levels of work-related Burnout and STS
Chase & Hora (2009)	355 US Family Court judges (rep. sample)	Quant.	<ul style="list-style-type: none"> Judges working in problem-solving courts reported higher job satisfaction than judges working in traditional courts
Ciociu et al. (2010a; 2010b) 2 studies	176 Romanian judicial officers	Mixed Methods	<ul style="list-style-type: none"> Endorsed and ranked 77 proposed stressors Among highest ranked was 'insufficient lighting'! These manifested in 'personality and cognitive changes'
Resnick et al (2011)	Unreported number of Family Court Judges from around the world	Qual.	<ul style="list-style-type: none"> Important stressors identified in interviews, including endless caseloads; social isolation; lack of privacy; weight of deciding fate of others

Previous Research

Citation	Sample	Method	Reported findings
Krieger & Sheldon (2015)	6,226 lawyers, including 141 judges across several States	Quantitative	Standardised measures of wellbeing, depression, basic psychological needs, values, motivation, and autonomy support. Depression were the <u>lowest</u> , and their rates of wellbeing were the <u>highest</u> across all measures, compared with all other categories of professionals.
Miller et al (2018)	221 judges from two States	Qualitative	Measures of Compassion Fatigue (defined as Burnout + Secondary Trauma) and Social Support. Judges reported high levels of subjective stress, physical health, mental health, and social support. Different types of social support, which may influence stress and job performance.

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

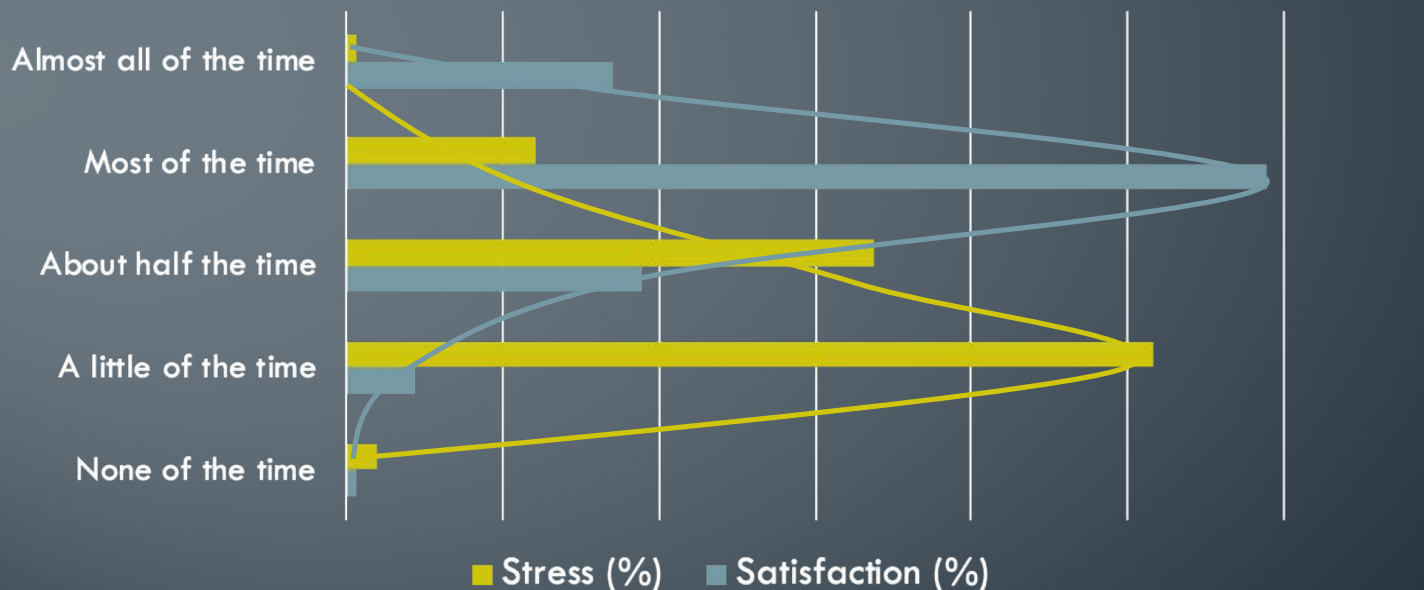


participated in interviews

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

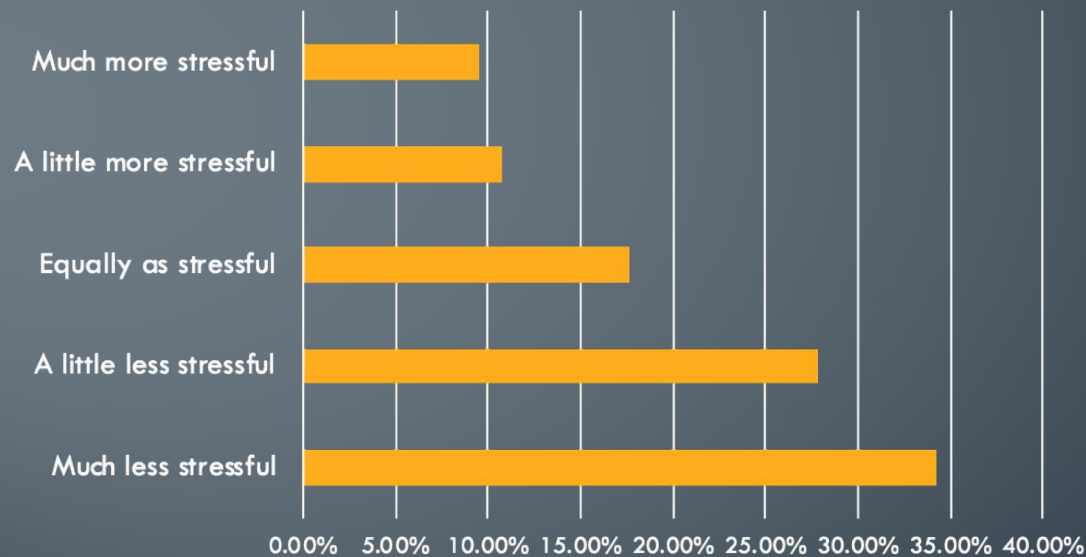
Global measures

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



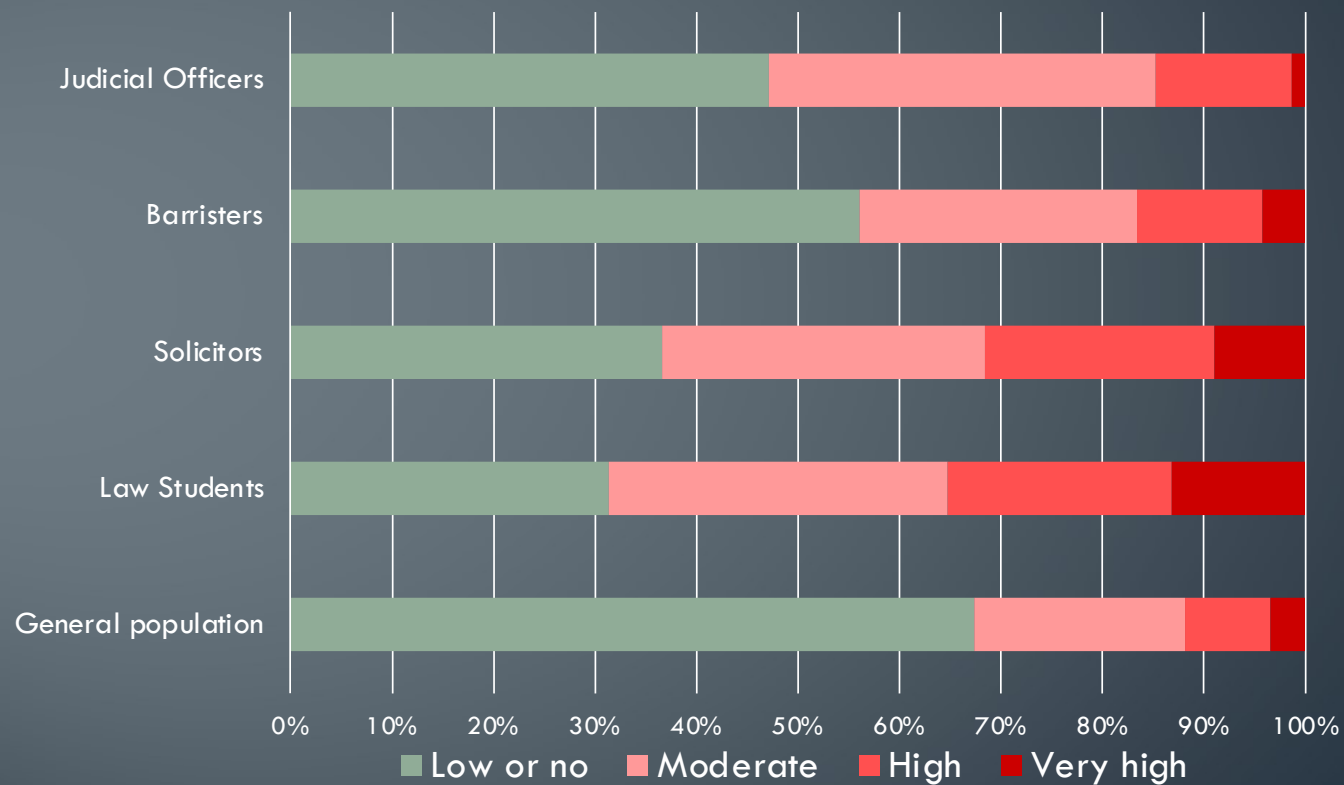
Stress compared to previous career

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



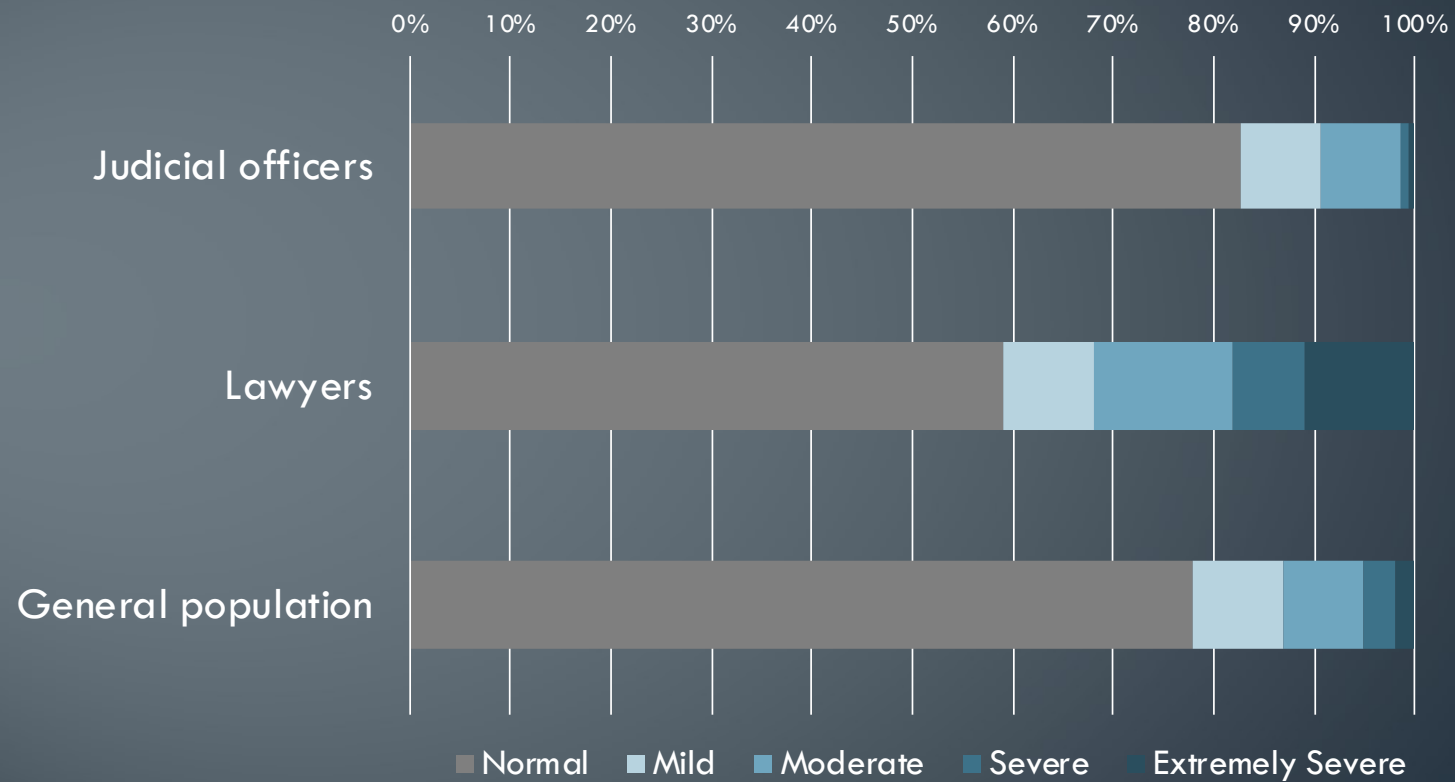
NOTE: 62% find judicial office less stressful, and only 20% find judicial office more stressful

Non-specific psychological distress



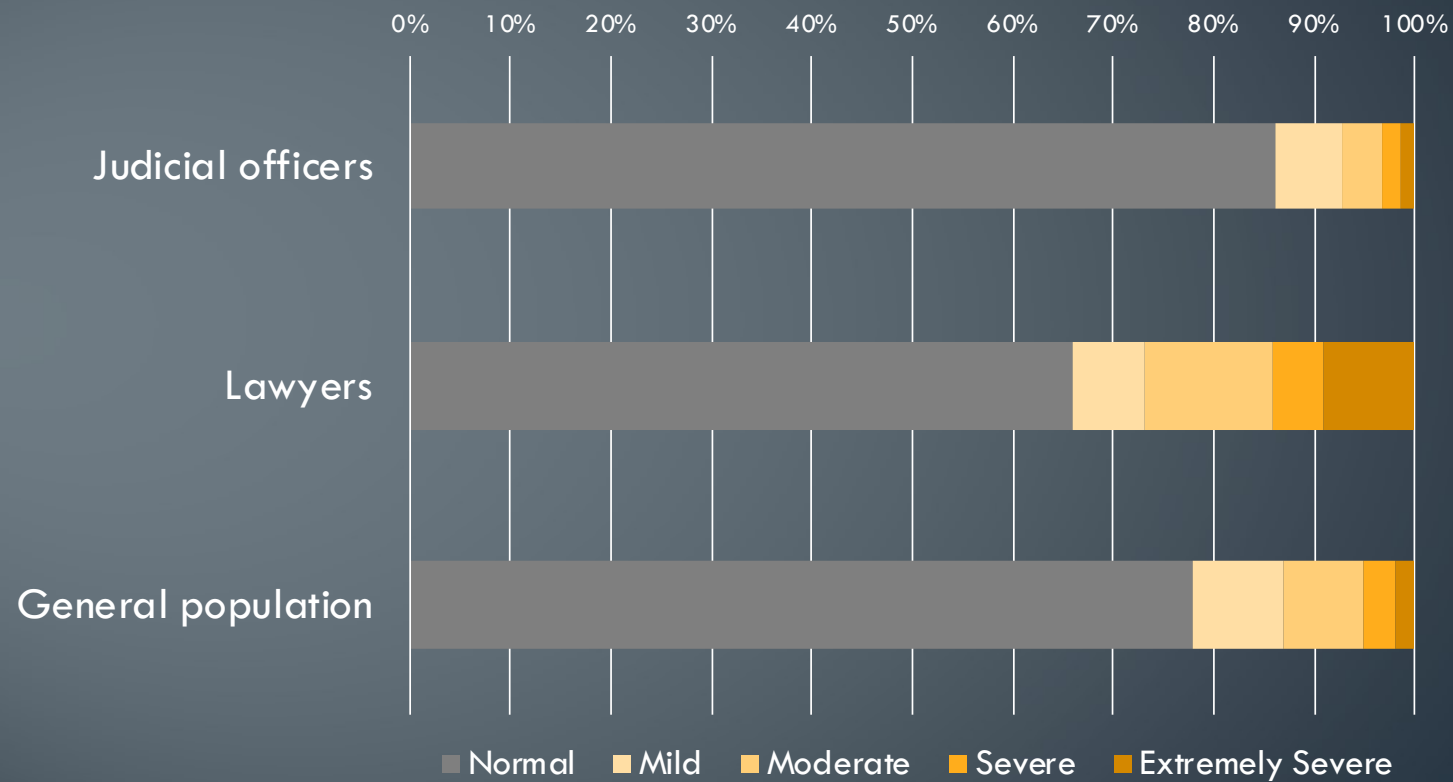
Kelk et al (2009); ABS National Health Survey (2008)

Depressive symptoms



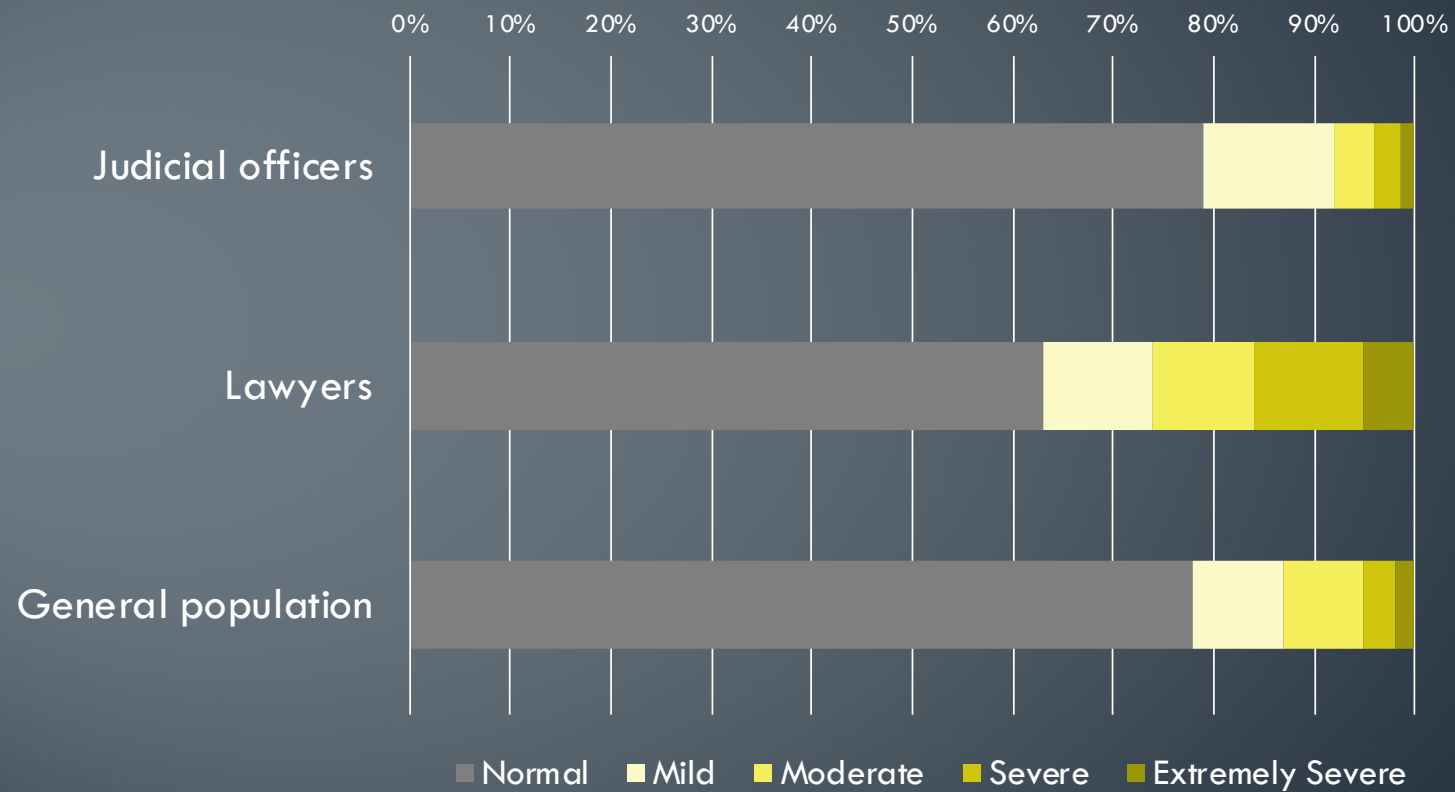
Chan et al (2014); Lovibond & Lovibond (1993)

Anxious Symptoms



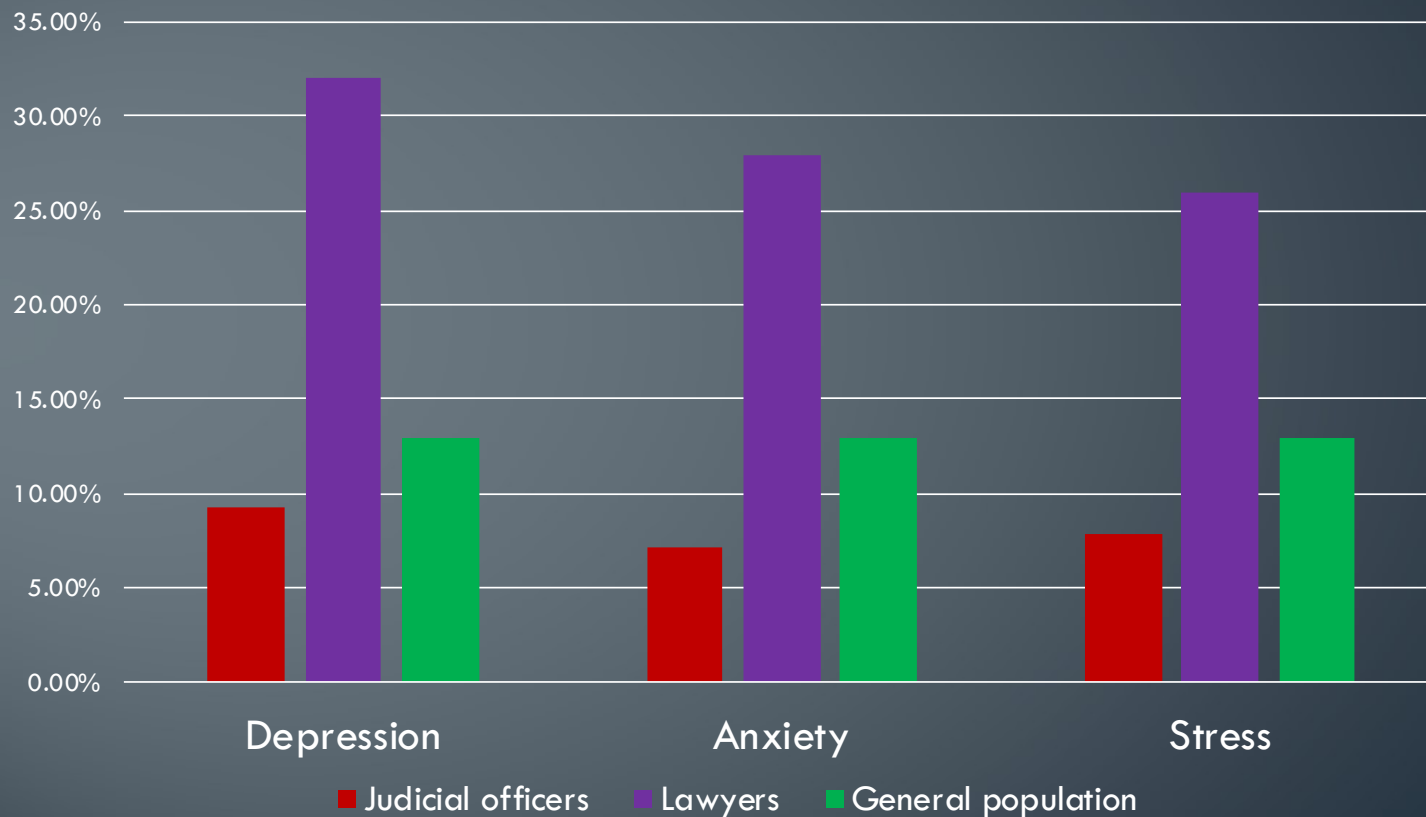
Chan et al (2014); Lovibond & Lovibond (1993)

Stress symptoms



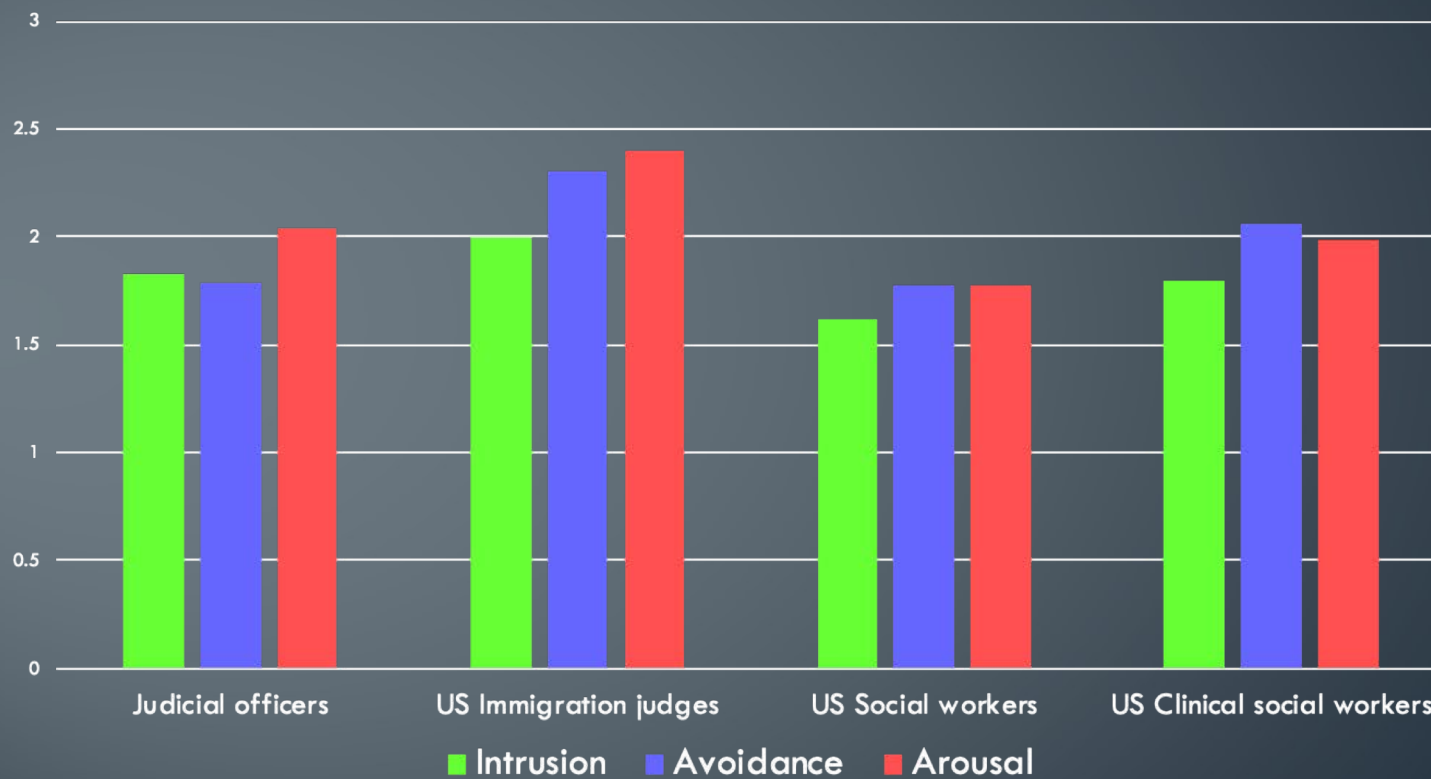
Chan et al (2014); Lovibond & Lovibond (1993)

Moderate to Extremely Severe Symptoms

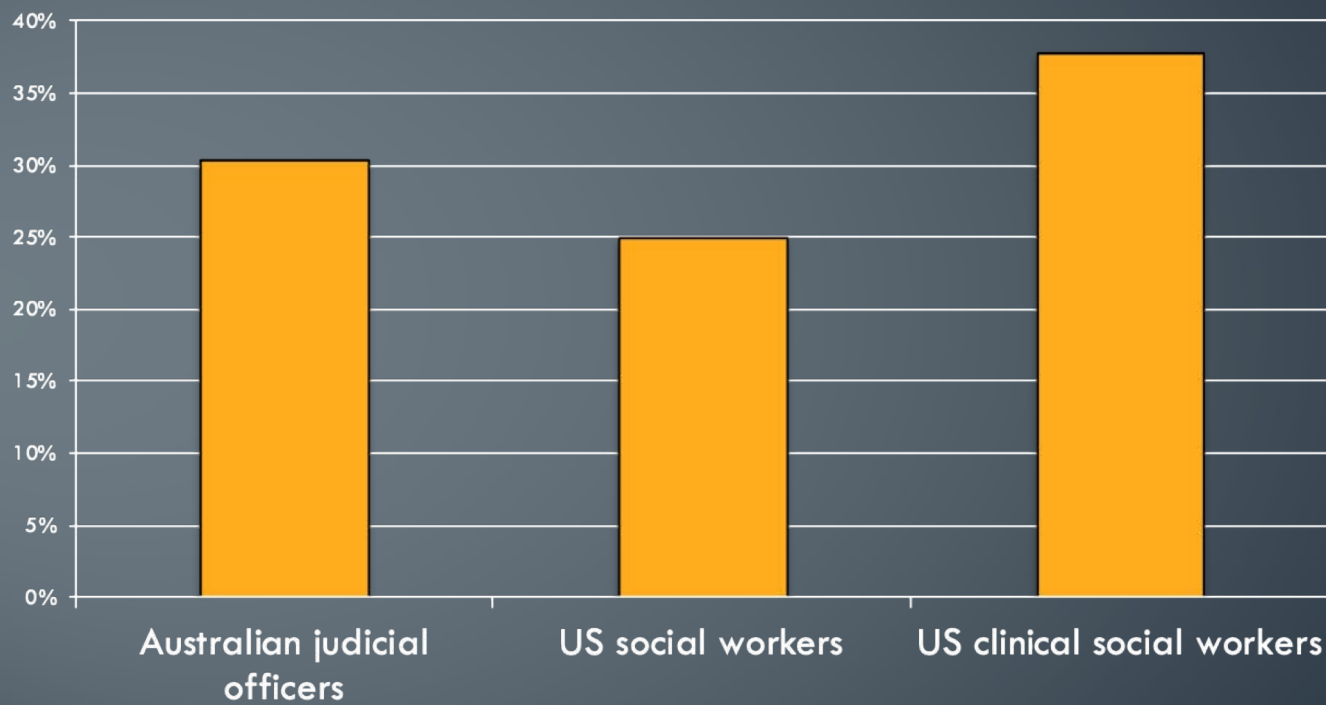


Chan et al (2014); Lovibond & Lovibond (1993)

Secondary Traumatic Stress (STSS)



Secondary Traumatic Stress (STSS)



Total STSS Raw Scores over
38

“punishing”

Female Magistrate, Suburbs

“unrelenting”

Male Magistrate, Suburbs

“hideous”

Female Magistrate, Suburbs

“mad”

Female Magistrate, Suburbs

“relentless”

Female Magistrate, City

“sausage factory”

Male Magistrate, Suburbs

Observation 1: Workload is an issue for almost everyone

“massive”

Male Magistrate, Children's Court

“unsustainable”

Female Magistrate, Children's Court

“horrendous”

Female Magistrate, Country

“enormous”

Male Magistrate, Suburbs

“constant”

Female Judge, Superior Court

“absurd”

Male Magistrate, Suburbs

“overwhelming”

Female Coroner

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:

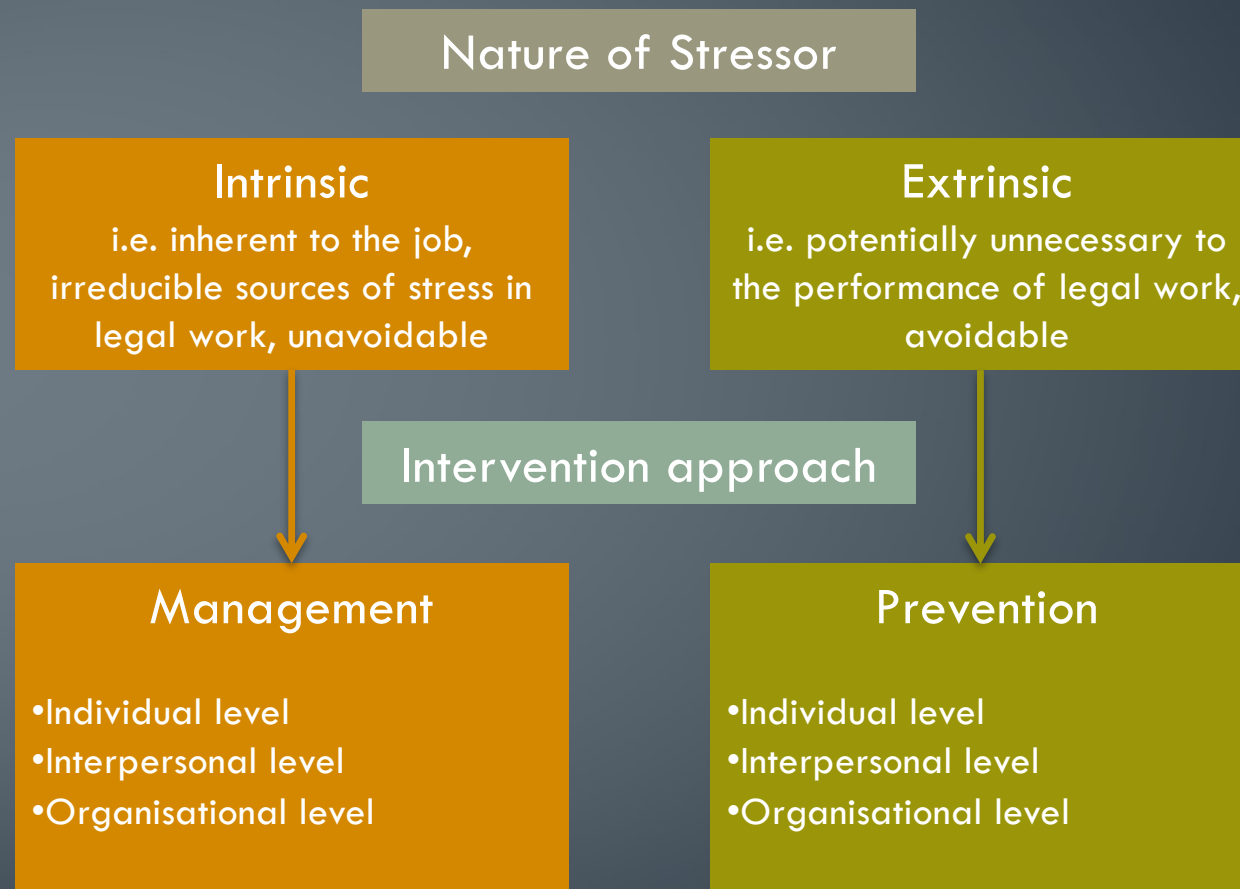
Alongside experiences of stress, there
is a deep sense of job satisfaction

Observation 6:
Judicial officers sourcing the most
enjoyment from the role are those who
prioritise their own wellbeing

The take homes...

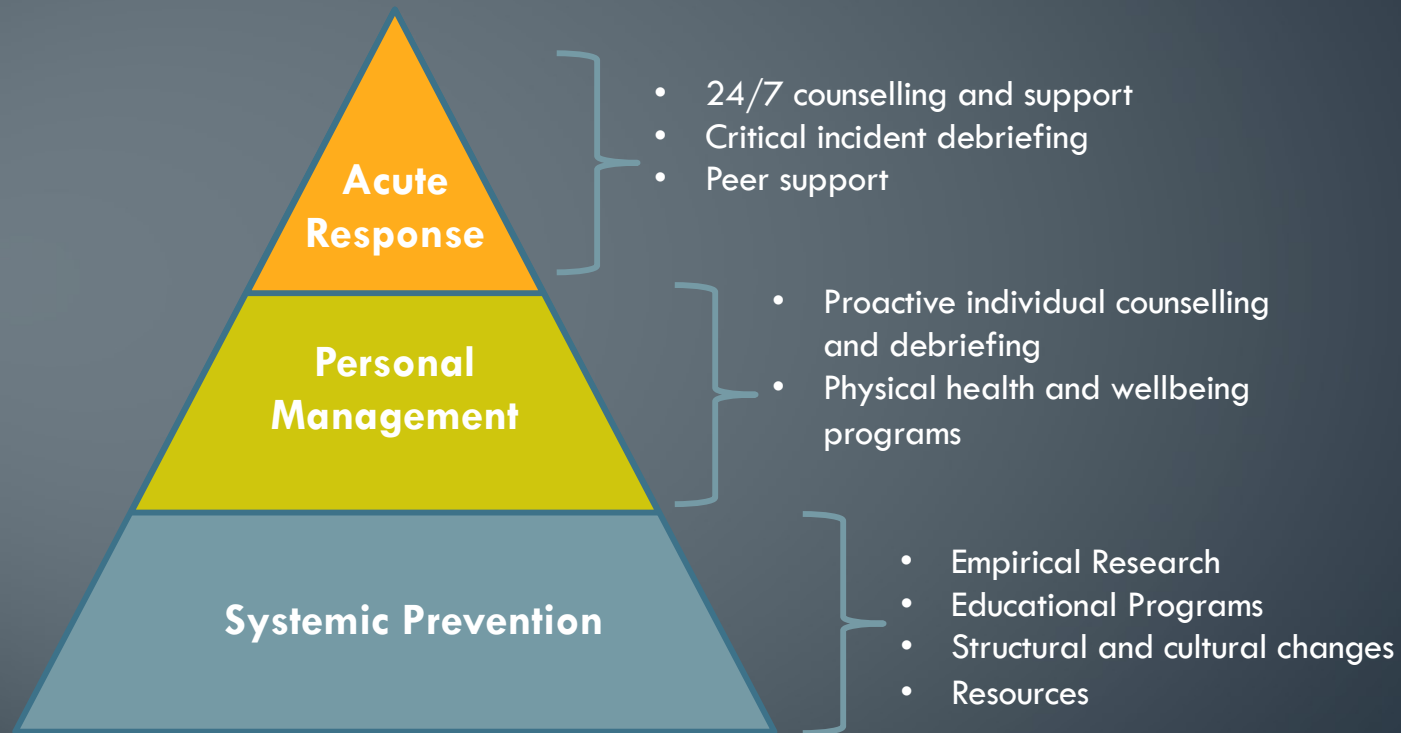
1. There is not a widespread mental health problem among Australian judicial officers, but there is a **stress problem**
2. **Severe distress** is not altogether absent, and there appears to be a **cultural reluctance** to discuss stress and seek support
3. Themes of **professional efficacy** and **personal satisfaction** are prominent
4. The sources of stress most front of mind are those **extrinsic** to the judicial role

Responding to judicial stress



Judicial wellbeing is both an
individual and an
organisational responsibility

A systemic approach to judicial wellbeing



Strategies to support wellbeing

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

Strategies to support wellbeing

1. Warning signs
2. Triggers
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- 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

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2. Triggers
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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**

Strategies to support wellbeing

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- **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

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- 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
5. Social strategies
6. Professional help

- Seek professional support proactively – don't wait until crisis point
- Your EAP
- OR Your GP is your first port of call

Strategies to support wellbeing

1. Warning signs
2. Triggers
3. Psychological
4. Physical
5. Social
6. Prevention

Insight

Ch

**Wellbeing is an
individual thing!**

point

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Thank you!

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