

Judges Concerned for Judges

Judges Concerned for Judges (JCJ) is a safe, judges-only assistance program.

It operates separately from the lawyers assistance program. This enhances privacy and confidentiality for anyone calling the Helpline.

JCJ Confidential Helpline: 1-888-999-9706

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Prevalence (U.S. Adults)

National Institute of Mental Health (2011):

- 26.2% experiencing a disorder (past year)
- 5.8% with seriously debilitating mental illness

SAMHSA (2007):

- 6.2% with alcohol abuse or dependence
- 1.7% illicit drug abuse or dependence

National Research Council (1999):

- 2.9% with problem/pathological gambling (past year)

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Judges Are Not Immune

- Since 1988 LCL has helped 6,000 lawyers and judges in distress as a result of stress, anxiety, depression, problem drinking, drug abuse, and other stigmatized illnesses.
- Less than 3% have been judges.

Why Haven't Judges Called?

There are several reasons:

- Fear of disclosure and harm to reputation.
 - Fear that a LCL lawyer volunteer will be involved.
- Judges are convinced they are in control and do not need help.
- Denial of the seriousness of their plight.
- Denial they can change (i.e., recover).

Our Answer

- ✓ A separate Helpline program for judges only.
 - No LCL lawyer volunteers are involved.
- ✓ JCJ Confidential Helpline: 1-888-999-9706.
- ✓ Caller control over selection of services.
- ✓ Optional peer assistance from judges.
- ✓ Free consultation with a healthcare provider.
- ✓ Serving all Pa. judges (including minor judiciary) and immediate family members.

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Confidentiality

- Confidentiality, discretion, privacy – these are the lifeblood of JCJ. If we cannot be trusted to keep a confidence, we will cease to exist in any meaningful way. A judge in distress must be assured that their disclosures are private and we must respect their privacy. One breach, even if well-intended, can result in a loss of their trust and our opportunity to be of assistance.

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Confidentiality

- A simple rule to follow is to not disclose anything to anyone unless there is a valid reason for them to know – and that applies to conversations with LCL’s executive staff.
- Also, be careful that your conversations are not overheard and that any email communications cannot be read by others.

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Confidentiality

- Keep temporary records (notes, emails) out of sight and locked up when not in use.
- No permanent records. Destroy all notes and delete all emails when no longer needed.

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JCJ Helpline Services

- Separate Judges Confidential Helpline.
- Privacy - no disclosure without prior consent.
- The caller may remain anonymous.
- The caller may select one or more services:
 - Peer assistance from judges (not lawyers).
 - Assistance only from a healthcare provider.
 - Assistance from LCL's executive staff.
 - Free literature, mailed discreetly.
- JCJ Helpline services are available to the judge's immediate family members.

Our Goals

To assist a colleague to engage in services:

1. An evaluation by a qualified professional.
2. Treatment (if indicated).
3. Ongoing peer or other support (if indicated).

Volunteers accomplish these goals by becoming a trusted resource to the judge in distress.

The Importance of Evaluations

- Evaluations detect the presence of illness and how best to treat the illness.
- Evaluations need to be conducted by a qualified healthcare professional.
- A misdiagnosis can have grave consequences because an undetected illness goes untreated.

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What to Expect As a Volunteer

There are 3 basic situations:

1. LCL executive staff calls you to assist a judge.
2. You are directly contacted by a judge in distress – they did not call the JCJ Helpline.
3. A concerned party tells you of a distressed judge (i.e., they did not call the JCJ Helpline).

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LCL Executive Staff Calls You

A judge has called the JCJ Helpline and agreed to talk to a JCJ volunteer.

- If the judge has agreed to be evaluated, your role is to support their decision.
- If the judge hasn't yet decided, your role is to support them in making *their* decision.
- In both cases, you are to become a trusted and safe resource to whom the judge can always reach out.

A Distressed Judge Calls You

Your goals and basic role remain unchanged:

1. Earn the judge's trust.
2. Inform the judge about JCJ services and motivate the judge to call the JCJ Helpline.
3. Assist the judge in engaging in services.

Keep in mind, LCL Executive Staff is always available to answer your questions.

A Concerned Party Contacts You

This is known as an intervention case and it requires the utmost care.

- Contact LCL Executive Staff and disclose what you can without breaching any assurances of confidentiality.
- This approach ensures that JCJ's best effort was put forth and you place yourself under the protection of JCJ's liability insurance.

4 Basic Principles

1. Stay within your role as a volunteer. You are not their counselor or personal advisor.
2. Earn the judge's trust by listening.
3. Meet the judge at his/her starting point. Accept them for who they are and don't place unrealistic expectations upon them.
4. Avoid coercing or attempting to push.

Be a supportive resource and motivator.

Building Trust Through Listening

Establishing trust requires understanding the judge's state of mind (thoughts and feelings), expressed concerns, and undisclosed needs.

1. Listen to what is said – both contents (words) and feelings (tone of voice, loudness, pace); and
2. Clarify – restating what the judge has said to verify that you have correctly understood.

12 Rules to Remember

1. Listen and strive to understand the judge. Communicate genuine concern.
2. Accept the judge's thoughts and feelings, even if you disagree. Be respectful.
3. Do not depersonalize the judge by labeling as alcoholic, depressed, having a problem, etc.
4. Seek to establish a nonjudgmental, non-threatening, collaborative relationship.

12 Rules to Remember

5. Ask how you can be of assistance.
Communicate a genuine interest in helping.
6. Do not give advice, make suggestions, or provide solutions prematurely or when unsolicited. Do not give advice on personal, legal or financial matters.
7. Offer feedback if/when appropriate & helpful. Be careful not to “push”.

12 Rules to Remember

8. Do not give orders or directives; rather, acknowledge the judge’s situation and encourage them to explore solutions.
9. Strive to educate and motivate (empower) the judge to make decisions and take action.
10. Assist in setting or clarifying goals or values.
11. When appropriate, support their efforts to develop a realistic plan to reach those goals.

12 Rules to Remember

12. Respect the judge's autonomy to make decisions – even wrong ones.

When all is said and done, no one can make someone change. It has to come from within.

All we can do is show respect, convey our sincerity and offer a helping hand.

Change and Ambivalence

An individual changes when it is to his/her advantage to change; e.g., a reward or to avoid painful consequences.

Not everyone is emotionally ready to schedule an evaluation and/or start treatment. They may, hesitate, question the need for engaging in services, and change their mind.

Identifying Their Starting Point

Your discussion with the judge is guided by their level of readiness to change:

1. Are they able to change?
2. Are they willing to change?
3. Are they ready to change?

Addiction and mental health disorders often interfere with the judge's readiness to change.

Able, Willing and Ready

- Able – the extent to which the judge has the necessary skills, resources & confidence to change their behavior.
- Willingness – the degree of importance the judge places on changing his or her behavior.
- Readiness – the judge has made a decision and is ready to act upon it.

The Readiness Continuum

- Do they see how their behavior is causing harm to themselves or others?
- Are they minimizing problematic behavior?
- Rationalizing problematic behavior?
- Excusing problematic behavior?

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The Readiness Continuum

- Believe they have everything under control?
- Do they comprehend what you are saying?
 - Or do they ignore or misunderstand you?
- Are they resigned to their current condition; e.g., their fate as an alcoholic or depressive?

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The Readiness Continuum

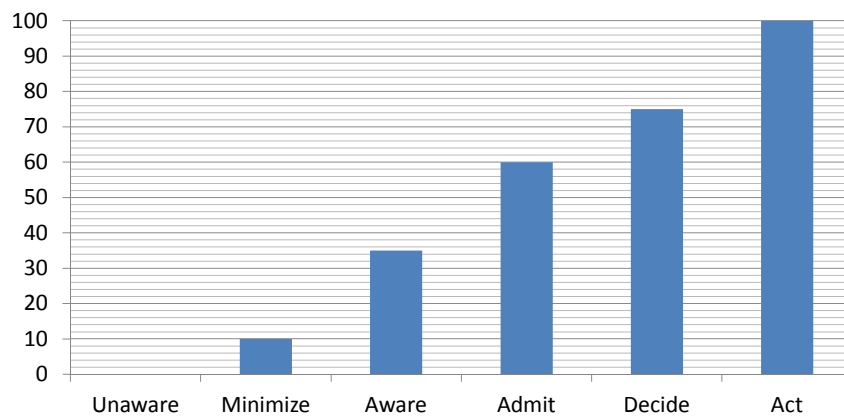
- Are they considering what needs to change?
- Are there any indications of wanting change?
- Are they exploring what they need to do?
- Are they developing a plan?
- Have they already taken some action?

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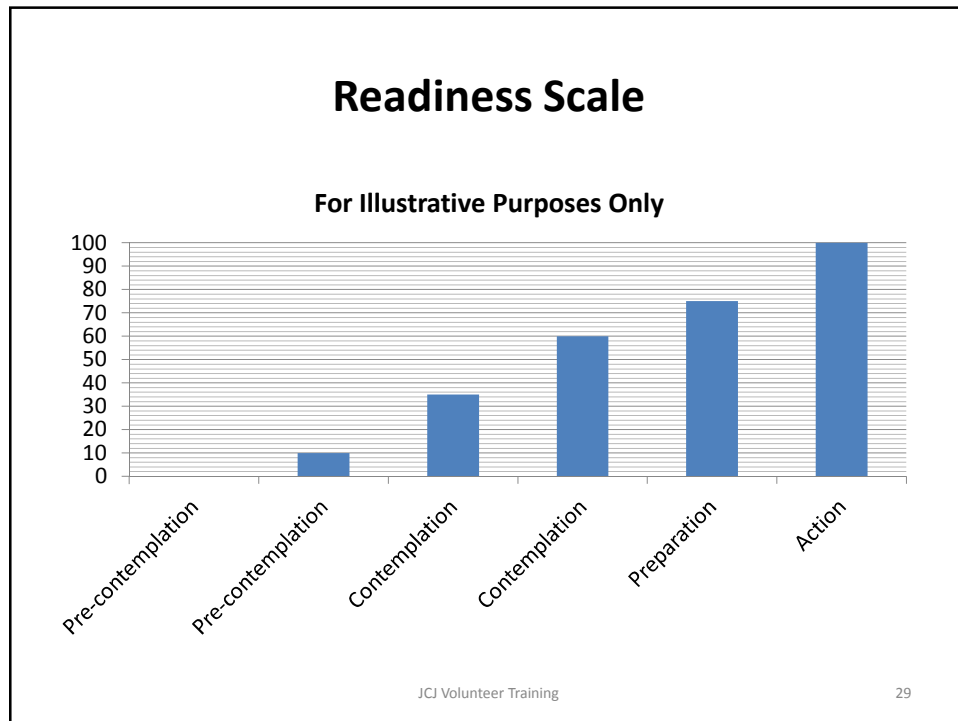
Readiness Scale

For Illustrative Purposes Only



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Unable to Change

- The judge who does not understand the seriousness of their condition and the harm done to self or others will not see the need for change.
- Your role is to patiently educate the judge through conversations employing active and reflective listening, reframing, and shining a light on their discrepancies (e.g., variances in their stated values and behaviors).

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Motivation and the Stages of Change

Six Stages of Change

1. Pre-contemplation
2. Contemplation
3. Preparation/Determination
4. Action
5. Maintenance
6. Recurrence (Relapse)

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Pre-contemplation

- They are not considering behavioral change.
- May be partially or completely unaware that:
 - a problem exists and changes must occur &
 - help is needed to effectuate lasting change.
- May be unwilling or too discouraged to try.
- May not have experienced sufficient adverse consequences to be convinced that there is a behavioral problem or present risk to address.

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Contemplation

- They are more aware of the consequences of their behavior.
- Beginning to perceive there may be causes for concern and reasons to change.
- May be considering the possibility of change:
 - Seeking relevant information or support.
- Weighing the pros and cons of changing behavior; unsure if long term benefits outweigh short term costs.

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Preparation/Determination

- They perceive the benefits of change and the adverse consequences of not changing outweigh the positive features of not changing.
- Made an initial commitment to change.
- Gathering information, strategies, and resources to understand what it will take to change.
- May attempt change on their own.

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Action

- A strategy for change is chosen.
- The plan for change is put into action:
 - Modifying behavior and environment;
 - Making lifestyle changes; and
 - Re-evaluating self-image

Maintenance

- They continue the efforts to sustain the gains achieved in the action stage.
- Extra precautions may be necessary to keep from reverting back to problematic behavior.

Recurrence / Relapse

- They revert back to the problematic behavior.
- They return to an earlier stage:
 - Pre-contemplation,
 - Contemplation, or
 - Preparation/Determination.
- This can be a learning opportunity:
 - Discover goals are unrealistic.
 - Discover certain strategies are ineffective.
 - Discover certain environments are unsafe.

The Reluctant Judge: The Evaluation Common Examples of Reluctance

- I don't have a problem.
- It's not that bad. I don't need an evaluation.
- It's not that bad. I can handle it on my own.
- I can't take time to go to treatment.
- Who will know? What if someone finds out?
- What if someone learns I am an alcoholic...?
- What will others think of me?

The Reluctant Judge: The Evaluation

- Commend the judge for contacting JCJ.
- Ask how you can be of assistance.
- Validate their ambivalence / lack of readiness.
- Clarify the decision is theirs to make – not JCJ.
- Encourage them to weigh the pros & cons.
- Promote the positive aspects of evaluations.
- Do not argue or try to persuade
- Encourage small, initial steps.
- Unless the judge is in crisis, be patient.

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The Reluctant Judge: Treatment Common Examples of Reluctance

- What do I tell the Pres. Judge (or supervisor)?
- Will the Pres. Judge report me to discipline?
- What do I tell my staff?
- I don't want my insurance company to know?
- My insurance is used up; I can't afford to pay for treatment.
- I can't leave work (family) to go to treatment.
- What if defendants see me in treatment?

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The Reluctant Judge: Treatment

- Commend the judge for being evaluated.
- Ask if the judge wants to discuss the findings.
- If not, ask how you can be of assistance.
- If willing to discuss, ask open ended questions:
 - What did the evaluator say?
 - What were the findings (general diagnosis)?
 - How does the judge feel about that?
 - Was treatment recommended? What kind?
 - How does the judge feel about that?
 - How can you be of assistance?

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Motivational Interventions

- A judge in distress may be unable to seek assistance on their own.
- This judge must be approached in a way that preserves their dignity and autonomy, reduces the likelihood of resistance or resentment, and establishes a foundation of trust.
- Guidance from LCL Executive Staff or a professional interventionist is recommended.

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Motivational Interventions

- How best to make the approach needs to be carefully considered and thought out.
- Unless the current risk level of harm is high, a private, conversational approach may be best.
- Later, if appropriate, other concerned parties can join the approach.
- Leverage may be necessary – but it is used only as a last resort by others (and not by JCJ volunteers).

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Motivational Interventions

The goals of the intervention are to:

1. Make the judge aware of their condition:
 - nature and seriousness of it
 - impact on health, well-being and career.
 - impact on others
2. Secure the judge's commitment to:
 - be evaluated by a qualified healthcare professional
 - accept the diagnosis and treatment recommendations.

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JCJ Website
www.jcjpa.org

JCJ Volunteer Training Materials

- JCJ Volunteer Manual
- JCJ Volunteer Training Film and PowerPoint

Additional Resources

- Articles and filmed talks
- Links to other informative websites
- Information on JCJ and its Helpline services

LCL Executive Staff

Kenneth J. Haggren, Esq.
Executive Director
Ken@lclpa.org

Laurie J. Besden, Esq.
Deputy Executive Director
Laurie@lclpa.org

LCL/JCJ Administrative Office: 1-800-335-2572