

CoLAP's 2019 National Judicial Stress and Resilience Survey: The Results Are In!

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Objectives of Today's Presentation

- Describe the largest survey of judges in the US on stress and wellness
- Identify primary sources of judicial stress, effects on wellbeing and performance, alcohol use, and resiliency practices
- Make recommendations for mitigating stress and promoting resiliency and wellness in judges

Purpose of the Study

“This survey is designed to describe the experiences of US judges related to judicial stress and resiliency. It will identify general and unique sources of stress by judicial setting and the impact of stress on aspects of well-being. The survey will also identify how coping mechanisms, including resiliency practices, are employed to deal with stress. The results will help clarify areas for support and services, implications for stress management and resiliency skills, and serve as context for considering changes in early professional development and continuing education. This study has been approved by an Institutional Review Board.”



Strengths of the Study

- This is the largest national survey of judges on stress and wellness (n = 1034).
- The survey is across nearly all levels and jurisdictions
- It identified sources and effects of stress, alcohol use, and current and potential areas of wellness and resiliency.
- It makes data-based recommendations for judicial career development, law school education, court culture, professional support, and resiliency and lifestyle wellness.



Limitations of the Study

- The survey was voluntary and therefore is not a random sample of judges.
- Some demographic segments were too small to enable meaningful descriptions, comparisons or conclusions.
- States and regions were not identified due to concerns about confidentiality
- Sensitive questions tend to be avoided or often minimized (e.g., alcohol use, depression).
- We could not find information on the actual distribution of demographics for comparison

Procedure & Methods

- The survey was constructed based on extensive literature review on judicial stress and previous smaller surveys
- A large working group of judges, lawyers, and psychologist was formed to identify purpose, needs, issues, and construct survey
- Two states volunteered to test the survey (one more urban and one more rural)
- Institutional Review Board approved the survey regarding research ethics and protection of participants
- The final survey form was placed online with anonymity for participants

- Invitations to participate were distributed through the National Judicial College and each state's Lawyer Assistance Program
- Some delays extended the survey return schedule from two weeks to four weeks.
- Analysis of items in the sources of stress, effects of stress, and alcohol scales showed very high internal consistency/reliability (.80-.90+)
- There was lower consistency on resiliency due to the variety of methods presented, but this did not affect the specific recommendations
- We continue statistical analysis to extract other information that should be presented in a manuscript soon

Demographics

n = 1034

Court Type

Rank	%	Category
1	78.6	State
2	10.1	Local
3	8.0	Administrative
4	2.1	Federal
5	1.1	Tribal
6	.2	Military

Preside over

Rank	%	Category
1	75.0	Trials or hearings
2	19.8	Both appeals and trials/hearings
3	5.2	appeals

Problem-solving, healing-to-wellness, therapeutic, or restorative justice court

Rank	%	Category
1	69.7	No (not in such a court)
2	30.3	Yes

Gender

Rank	%	Category
1	56.5	Male
2	42.8	Female

Ethnicity

Rank	%	Category
1	84.3	Caucasian/White
2	5.2	Hispanic
3	4.9	<u>African-American</u>
4	1.4	Native American
5	1.4	Multiracial
6	1.4	Asian
7	1.2	Other
8	.5	Hawaiian/Pacific Islander

Presiding geographical area

Rank	%	Category
1	28.8	Rural
2	24.4	Mixed
3	15.5	Metropolitan
4	15.8	Large metropolitan (> 1m)
5	14.9	Suburban
6	.7	Frontier

Age (chronological order)

Rank	%	Category
5	3.0	30-39
3	16.7	40-49
2	35.3	50-59
1	38.5	60-69
4	6.4	70 or more

Years on the Bench: Very wide range from new judges to 50 years, and a mean of 11.4 years

Chief, presiding or administrative judge?

Rank	%	Category
1	65.6	No
2	34.4	Yes

Is your position:

Rank	%	Category
1	91.3	Active, full-time
2	8.7	Other (part-time, retired sitting by designation, senior judge status)

Results

1. Sources of Judicial Stress
2. Effects of Judicial Stress
3. Alcohol Use
4. Resiliency Practices and Interests

Sources of Stress

Rank	%	Item	Item #
1	79.7	Importance/impact of decisions	5
2	73.2	Heavy docket of cases	1
3	67.6	Unprepared attorneys	12
4	62.5	Self-represented litigants	11
5	58.1	Dealing repeatedly with same parties without addressing underlying issues	30
6	55.5	Public ignorance of the courts	23
7	53.5	Long hours of work without a break	3
8	50.3	Hearing contentious family law issues	29
9	50.3	Isolation in judicial service	18
10	49.5	Insufficient staff support	4
11	48.5	Increased incivility & lack of professionalism by counsel	36
12	47.9	Unable to hear as many cases as needed	2
13	45.9	Cases involving severe trauma/horror	16
14	47.3	Inadequate compensation structure	25
15	41.6	Running for office/reelection	26
16	41.4	Courthouse security concerns	28
17	37.2	Increased use of electronic media	21
18	37.1	Concern for personal or family safety	6

Sources of Stress, cont'd

Rank	%	Item	Item #
19	35.9	Staffing cuts and turnover	19
20	35.7	High profile cases	32
21	35.4	Inadequate courthouse & courtroom facilities	34
22	32.2	Complex scientific or ethical issues	10
23	31.8	Lack of appreciate of my efforts; being passed over	24
24	30.7	Lack of privacy and pressure to maintain public image	39
25	29.7	Responsible to/for other judges in administration of the court	27
26	29.7	Prominent social issues	15
27	28.8	Staff anxiety about the future	20
28	28.5	Insufficient training in court technology systems	37
29	22.0	Political pressures	14
30	21.1	Needs and protection of jurors	22
31	20.8	Media monitoring and reporting	13
32	20.2	Adversarial relationships with other judges	7
33	19.6	Insufficient training in judicial responsibilities	38
34	19.6	Social media attacks	31
35	16.7	Conflicts among my staff	8
36	11.1	Pressure to raise funds for jurisdiction through fines & fees	35
37	10.3	Concern about impaired colleagues	9

Effects of Stress

Rate the degree to which each of the following have affected you over the past 12 months

Rank	%	Item	Item #
1	38.8	Fatigue and low energy after hearing several cases in a row	15
2	36	Sleep disturbance (insufficient sleep, awakenings, daytime drowsiness)	14
3	32.3	Interference with attention & concentration; tend to be distracted	1
4	30.8	Ruminate or worry about cases after they are decided	2
5	27.6	Increased health concerns (high blood pressure, etc.)	33
6	23	Feelings of apprehension or anxiety	16
7	22.9	Not having the initiative to do things I used to do	6
8	22.3	Have little time for my family	29
9	21.8	Physical discomfort such as headaches, stomach upset, etc.	13
10	21.3	Irritable, short tempered, sarcastic	9
11	21	Irritable over little things	18
12	20.3	I consider leaving the bench	28
13	20	Preoccupation with negative thoughts; few positive thoughts	4
14	19	Intrusive thoughts of traumatic images of people or evidence	3
15	17.8	Felt my work is no longer meaningful	7
16	16.7	Can't wait for the day's work to end	22
17	16.7	Feel impatient when colleagues are delayed	23

Effects of Stress cont'd

Rank	%	Item	Item #
18	15.4	Delay in responding to phone calls or emails	19
19	15.3	Depressed mood	17
20	14.6	Intolerant of anything that kept me from getting to what I was doing	12
21	13.3	I find it difficult to ask a respected colleague for critique of my work	25
22	12.6	Felt as though I have nothing to look forward to	8
23	11.2	My response to pleas of urgency are increasingly numb	27
24	10.9	Feel out of touch with current legal issues and innovations	21
25	10.3	Used more alcohol than I should	31
26	9.7	More arguments or conflicts with family members	30
27	8.2	Contributed to marital difficulties	34
28	7.4	Difficulty breathing, excessively rapid breathing, breathless...	5
29	6.9	Care little about the outcome of most trials	20
30	6.2	I tend to forget appointment or other plans	26
32	4.6	Worried that I might panic and lose control	11
33	3.5	Smoking or other uses of tobacco products	32
34	2.2	Had thoughts of injuring myself or suicide	10

Thoughts of Self-Injury or Suicide

- Judges: 2.2% in the last 12 months
- Lawyers:
 - 11.5% have had suicidal thoughts during their career
 - 2.9% reported self-injury
 - 0.7% reported one or more attempts
- Law Students: 6% in the past year

Mood Effects: Depression & Anxiety

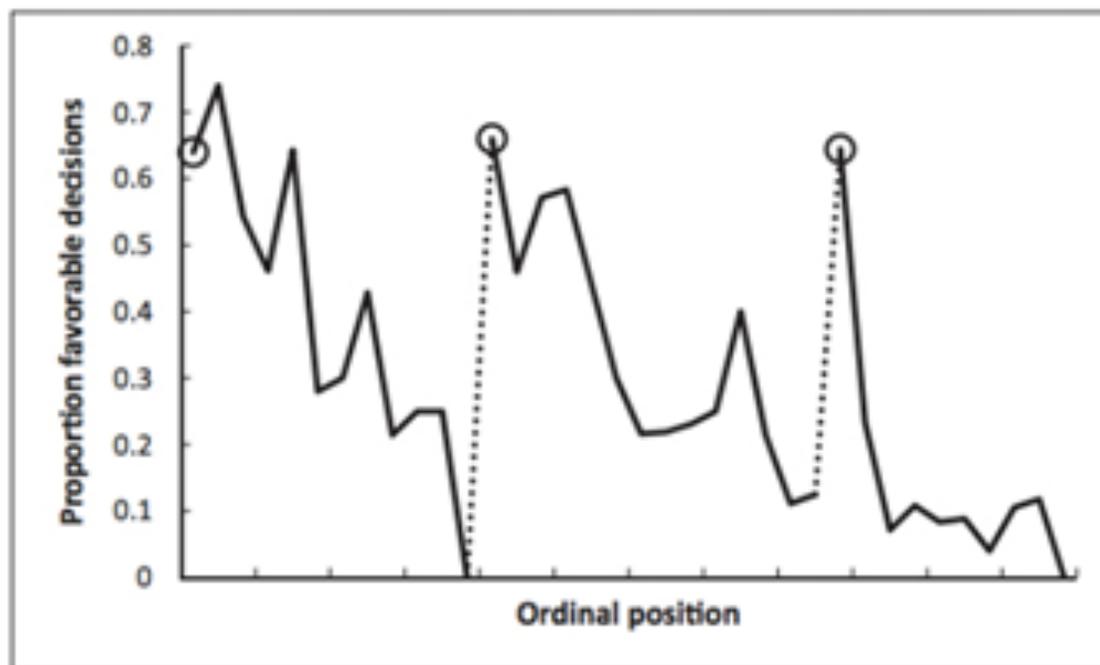
- Depression and anxiety indicators were strongly intercorrelated indicating that both tend to occur
- Specific depression symptoms were reported:
 - fatigue & low energy after several cases (38.8%)
 - not having initiative to do what I used to (22.9%)
 - preoccupation with negative thoughts (20%)
 - feel that work is no longer meaningful (17.8%)
 - can't wait for days work to end (16.7%)
 - depressed mood (15.3%)
 - feel I have nothing to look forward to (12.6%)
 - response to pleas of urgency increasingly numb (11.2%)
 - care little about outcomes of trials (6.9%)
 - thoughts of self-injury or suicide (2.2%)

Fatigue and Determination of Parole: Easier to say “no” when you are tired

- The study reviewed 1,112 judicial rulings over a 10-month period. All rulings were made by a parole board judges determining release or change in parole terms. Held true for 1100 cases, regardless of seriousness of the crime

Time of Day Effect:

- Beginning of the day, 65% favorable ruling
- By late morning favorability dropped to near zero
- After lunch & refreshment, favorability back up to 65%
- By the end of the day back down to zero



Danziger, S., Levav, J., & Avnaim-Pesso, L. (2011). Extraneous factors in judicial decisions. *Proceedings of the National Academy of Sciences*, 108(17), 6889-6892.

Anxiety

- Increased health concerns (27.6)
- Feelings of apprehension or anxiety (23%)
- Intrusive thoughts of traumatic images of people or evidence (19%)
- Find it difficult to ask a respected colleague for a critique of my work (13.3%)
- Difficulty breathing, excessively rapid breathing (7.4%)
- Worried I might panic and lose control (4.6%)

Gender Differences

- The majority of both men and women reported low effects of stress (e.g., 38% fatigue and low energy from hearing cases)
- However, men and women showed some statistically significant differences in the ratings of moderate to extreme effects on nearly all items.
- In general, women were more acknowledging of the severity of these stresses, sometimes about twice the % of men (e.g., interference with concentration W=11.5%, M=5.5%)
- Interpretation is unclear but would be consistent with research that women professionals are more relationship oriented and may respond more to human factors than men
- It is also consistent with cultural factor in which men are less open in acknowledging effects that may be perceived as weaknesses

Alcohol Use

Risk Level	Frequency	Percent
Lower risk	929	90.5
Increasing risk	81	7.9
Higher risk	11	1.1
Possible dependence	5	.5

The AUDIT (Alcohol Use Disorders Identification Test) is a widely used self-report screening scale for assessing level of alcohol use. 1026 respondents completed the Audit. 929 or 90.5% were rated in the “lower risk” range, while 97 or 9.5% scored in what is considered a higher range. More specifically, for the higher risk range, 81 (7.9%) were at “increasing risk”, 11 (1.1%) were at “higher risk”, and 5 (.5%) were rated at “possible dependence.”

Resiliency Activities and Interests

Current Activity Item	% Active (rank)	% Interest (rank)	Difference Active/interest	Difference rank
Physical exercise (walk, jog, bike, swim)	82.3 (2)	98 (2)	15.7	12
Relaxation, stretching (yoga, tai chi, etc.)	51.3 (10)	89.7 (9)	38.4	3
Meditation, mindfulness, mind-quieting	35.9 (13)	81.4 (12)	45.5	2
Spiritual, faith tradition	49.3 (11)	70.9 (13)	21.6	8
Hobbies, pastimes	73 (6)	97.8 (3)	24.8	6
Adequate sleep, better habits	66.4 (8)	96.9 (5)	30.5	5
Balanced nutrition, better meals	88.7 (1)	99.4 (1)	10.7	13
Diverse friends outside of the field	73.4 (5)	97.4 (4)	24.0	7
Reading educational materials	77.3 (3)	94.5 (7)	17.2	11
Social support of trusted people	76.6 (4)	96.3 (6)	19.7	10
Asking for peer support	36.8 (12)	83 (11)	46.2	1
Personally support & confront colleagues	54.7 (9)	89.6 (10)	34.9	4
Involve staff in planning, scheduling, etc.	71.4 (7)	91.6 (8)	20.2	9

Recommendations

Recommendations are made to stakeholder groups:

1. State Supreme Courts
2. Judicial Regulators
3. Judicial Educators
4. Judicial Membership Associations
5. Lawyer and Judges Assistance Programs
6. Judges Individually

Recommendations: State Supreme Courts

1. Communicate and demonstrate – by example - that judicial well-being is a priority.
2. Convene statewide task force on well-being in the legal profession, including all stakeholders.
3. Ensure the judiciary has access to well-being resources, programming and protocols.
4. Work to ensure that JLAPs have adequate resources.

Recommendations: Presiding Judges

1. Share and discuss survey results in your district.
2. Be an example of well-being for others – take vacations, sick leave, exercise, meditate, eat healthfully!
3. Encourage/incentivize others to follow your example.
4. Utilize survey results to inform policies, protocols and educational/in-service opportunities.
5. Monitor and support specialized court judges/staff who may show signs of vicarious trauma.
6. Include well-being content at every bench meeting.

Recommendations: Judicial Conduct Commissions

1. Educate staff and leadership on judicial stress, mental health and substance issues. Include JLAP.
2. Implement policies that allow for a diversion or intervention program that's separate from other complaints. Offer remedial education on well-being.
3. Consider alternative referral of judges to the JLAP when misconduct is not present.
4. Provide reporting exemption (confidentiality) for JLAP volunteers who are judges.

Recommendations: Judicial Educators

1. Include presentations on judicial impairment and well-being topics regularly, include vicarious trauma.
2. Especially for new judges, provide information about these topics and JLAP as a resource in courses and all materials (print and online).
3. Offer experiential well-being programs, such as judicial roundtables or other small group sessions. Create time in schedule for making connections.
4. Conduct anonymous well-being surveys at conferences and use to design future programs.

Recommendations: Judicial Membership Associations

1. Provide online resources regarding impairments and well-being, including self-assessments and information about JLAP.
2. Create a judicial well-being committee and add a JLAP representative as a member.
3. Add recovery meetings and experiential components to conferences (yoga, meditation, exercise, small group gatherings such as judicial roundtables).
4. Offer presentation opportunities to JLAPs at conferences.

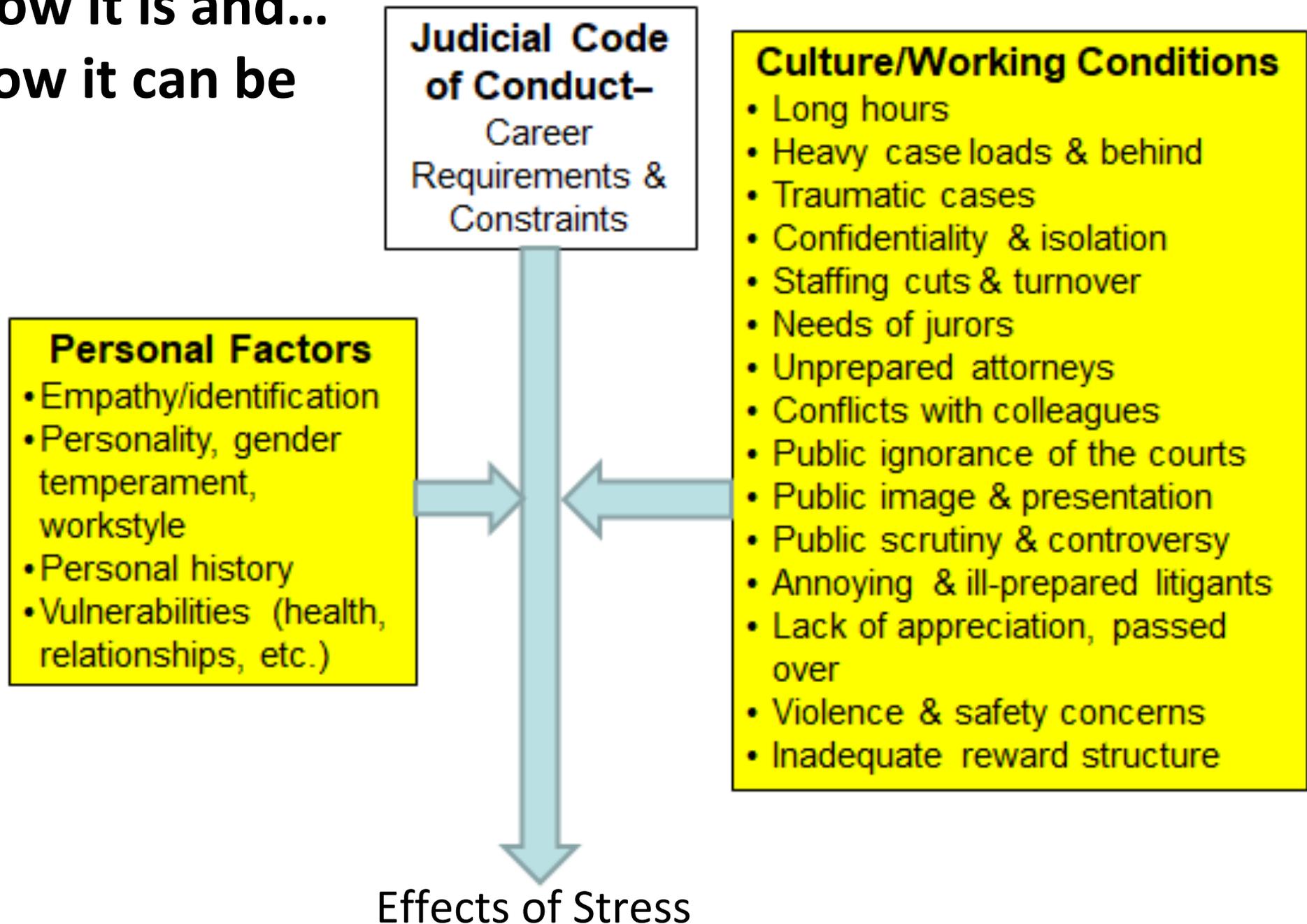
Recommendations: Judges and Lawyers Assistance Programs

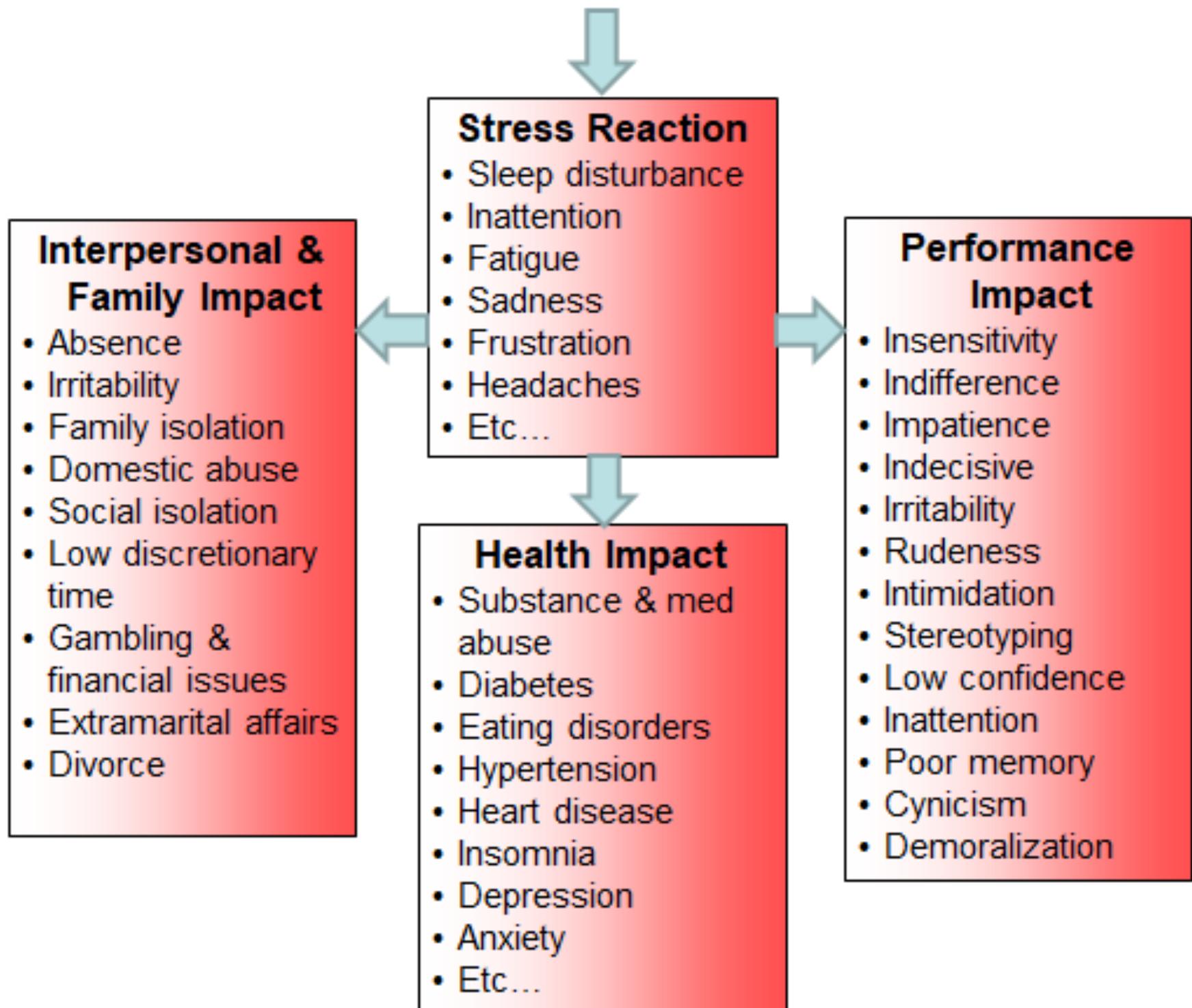
1. Publicize the CoLAP Judicial Survey and offer programming to meet needs/wishes it identifies.
2. Develop a peer support network of judges, or other avenues for peer-to-peer connection.
3. Advocate for including court personnel in well-being efforts.
4. Reach out to new judges (especially chiefs) to educate them about JLAP services.
5. Promote the National Judges Helping Judges Hotline.
6. Volunteer for Supreme Court task forces or judicial well-being committees.

Recommendations: Individual Judges

1. Commit to adopting at least one new well-being strategy commonly used by the judiciary.
2. Act as a well-being leader and exemplar for other judiciary and lawyers in your jurisdiction.
3. Make a commitment to attend programming and learn about resources on judicial well-being.
4. Learn about JLAP resources as a way to support colleagues in the Bar.
5. Consider getting involved with your JLAP.

How it is and... how it can be





How it can be...



Stress

Resiliency & Stress Management

- Peer support
- Physical fitness
- Relaxation & sleep
- Recreation, hobbies
- Clear boundaries
- Community involvement
- Mentoring & teaching
- Friendships outside of field
- Honest dialog
- etc...



Outcomes

- Good work-life balance
- Supportive friendships
- Feeling of control
- Alertness & energy
- Constructive pastimes
- Renewed commitment to career
- Long, active & satisfying career

Mitigated Stress Effects



Resources

National Judges Helping Judges Hotline

1-800-219-6474

Judges and Lawyers Assistance Programs

https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state/

Research and Reports

- The Path to Lawyer Well-Being: Practical Recommendations for Positive Change:
<http://ambar.org/lawyerwellbeingreport>
- Well-Being Toolkit: <http://ambar.org/wellbeingtoolkit>
- ABA Presidential Well-Being Working Group and Employer Pledge: <https://ambar.org/lawyerwellbeing>
- The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, P.R. Krill, R. Johnson, & L. Albert, 10 J. Addiction Med. 46 (2016)
[https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The Prevalence of Substance Use and Other Mental.8.aspx](https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx)

Questions and Discussion

Merci

ΑΙΤΑΗ

Shukren

Go raibh maith agat

Spasiba

спасибо

Gracias

grazie

DANKU

σας ευχαριστώ

謝謝

Thank You!

DANK U

cảm ơn bạn

hvala

ALIIQUAM

təşəkkür edirəm

ありがとう