

Judicial Wellness

Even judges aren't immune to the effects of stress and work-related vicarious trauma.

BY EDWARD SPILLANE

Judges see members of our community every day at citizens' lowest points. In fact, defendants' appearances in our courts often are due to behavior crying out for help and desperation. Many times this behavior is fueled, or at least mixed in with, substance abuse, depression, or mental illness. After spending the entire New Year's Eve reviewing blood search warrant calls, I experienced at least secondarily individuals not having their best night.

What is not often examined is the health of judges. How do judges deal with stress? What happens when substance abuse or long-term depression accompanies this stress? I have been working with the Texas Lawyers' Assistance Program, or TLAP, to reach out to judges not only to inform them about the confidential, anonymous help that is available but also to communicate with judges about the stresses they face and how they can deal with the secondary trauma of being on the bench. Often building resilience to stress and learning how to handle it can make us all better judges in the courtroom.

We know from various studies that lawyers are experiencing a high level of depression, anxiety, and/or substance abuse. Also, younger lawyers are more likely to suffer from or have experienced these troubles.¹

The American Bar Association has been working on surveying judges to discover how stress is affecting our judiciary. Currently, very little is known concerning judges and stress. The National Judicial College has examined the issue of judges suffering from secondary and vicarious trauma over what occurs in their courtrooms. Sixty-three percent of judges reported symptoms of work-related vicarious trauma.²

The National Center for State Courts now provides a judicial stress resource guide at <https://www.ncsc.org/Topics/Judicial-Officers/Judicial-Stress/Resource-Guide.aspx>.

Although not much is known about the depth and extent of stress that judges experience, I have tried this year to talk to judges across the state about building resilience. Judges report that there are various barriers to seeking help. First, judges are supposed to be the pillar of objective strength the community looks up to and relies

on every day. Showing any weakness implies that this strength is perhaps a facade. Second, judges fear the stigma of seeking help, and in our communities—where word travels fast—judges fear a loss of privacy or actual repercussions professionally for seeking help. While the State Bar of Texas' TLAP program is confidential and offers peer support to judges (attorney or non-attorney), judges either are not fully aware of the program, question the confidentiality, or resign themselves to their fear of talking to anyone outside of staff or close family. Third and finally, I have heard judges tell me that “peer pressure” still exists among judges and there is a sense that any display of weakness will affect their standing in the legal or judicial community.

During my visits with judges, mostly at judicial seminars but also in smaller groups attended as well by clerks, I have discussed strategies to build resilience and cope with stress. We've talked about the bountiful research on optimism and gratitude—the simple act of thinking and talking about positive aspects of one's practice and life can make us feel better.

Judges and clerks independently and together report to me that the connections they share with the public actually make their work meaningful and provide them with the most happiness. Even though we often face a lot of stress and witness individuals not at their best moments in life, this human connection enhances the workday, makes time pass more quickly, and provides a sense of purpose and meaning.

Finally, judges and court personnel can use mindfulness as a tool to better focus on what is actually happening in front of them. At the 2018 annual meeting of the National Association for Court Management, the theme was employing mindfulness in our courts. Mindfulness involves examining what is happening in the present without judgment. Working on being a mindful listener allows judges to gain insight into what people in the courtroom are actually saying to them and can strengthen their ability to apply the law in a more thoughtful and less impulsive manner.

Practicing mindfulness is an incredible way to deal with the constant flow of stress that often fills our courtrooms. Taking a few

minutes each day to just empty our mind and focus on our breath can do wonders in terms of calming us and allowing us to better do our work. Sometimes we are so surrounded with stress and balancing an avalanche of tasks (with our smartphones only increasing those problems), the state of stress becomes our new normal even outside of work. Mindfulness can allow us to return to a sense of calm and gain insight into what is actually occurring in the present.

A quote commonly attributed to Mark Twain states: “I've been through some terrible things in life; some of them happened.” Our thoughts often shift us from the present moment. They can create an impulsive response that pushes us to make bad decisions and have an unrealistic perspective. Some judges have found that by slowing down, concentrating on their breath, and proceeding forward, they can handle better the times when, as U.S. Supreme Court Justice Stephen Breyer has stated, “the practice of law is like attempting to drink water from a fire hose.” Embracing the present is not only a worthwhile goal but also makes the world a better place.

TLAP is available 24/7 and is confidential by statute. For assistance, call (800) 343-8527 (TLAP). The ABA also sponsors a national helpline for Judges Helping Judges at (800) 219-6474. Judges need to reach out and call someone when they need help. The State Bar of Texas is taking positive steps to make them aware of this help and also how to become even better jurists. **TBJ**

Notes

1. Patrick Krill, Ryan Johnson, Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, *Journal of Addiction Medicine*, January/February 2016, at 46.
2. Peter G. Jaffe et al., *Vicarious Trauma in Judges: The Personal Challenge of Dispensing Justice*, *Juvenile & Family Court Journal*, Fall 2003; *Nearly half of all judges have suffered from this condition*, *The National Judicial College*, (Oct. 20, 2017), <https://www.judges.org/nearly-half-judges-suffered-condition/>; and Deborah Wood Smith, *Secondary or Vicarious Trauma Among Judges and Court Personnel*, *National Center for State Courts*, (2017), <https://www.ncsc.org/sitecore/content/microsites/trends/home/Monthly-Trends-Articles/2017/Secondary-or-Vicarious-Trauma-Among-Judges-and-Court-Personnel.aspx>.



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