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Why Judges are Stressed: Key Revelations from a National Survey

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Judges in the U.S. are physically and mentally exhausted, and often traumatized by their experiences on the bench; this according to the “National Judicial Stress and Resilience Survey,” a landmark study and the most thorough examination to date on the well-being of judges.

The results of that study, which offer a snapshot of some deeply concerning insights about the state of the judiciary, were recently presented by the American Bar

Association's Commission on Lawyers Assistance Programs (CoLAP) at the 2019 National Conference for Lawyer Assistance Programs. The study utilized the voluntary responses of 1,034 judges nationwide, with the largest pool of responses (38 percent) coming from judges between 60 and 69 years old, followed by judges between 50 and 59 (35 percent).

When asked to rate the primary sources of stress, the responding judges listed these as their top five challenges:

1. Importance/impact of decisions
2. Heavy docket of cases
3. Unprepared attorneys
4. Self-represented litigants
5. Dealing repeatedly with the same parties without addressing underlying issues

Judges who participated in the study further listed how they are affected by stress:

1. Fatigue/low energy after hearing several cases in a row
2. Sleep disturbance (insufficient sleep, awakenings, daytime drowsiness)
3. Interference with attention and concentration; tend to be distracted
4. Ruminates or worry about cases after they have been decided
5. Increased health concerns (high blood pressure, etc.)

One of the most concerning findings was that 2.2 percent of judges “had thoughts of injuring myself or suicide” in the last year; this may be the tip of an iceberg considering suicidal ideation is often underreported in our culture. And this type of concern for one's own life can be deeply distracting when asked to focus upon the matters at hand.

Other reported depression symptoms included having fatigue or low energy (38 percent), “not having initiative to do what I used to” (22 percent), and preoccupation with negative thoughts (22 percent). Nineteen percent of judges responded that they had intrusive thoughts of traumatic images of people or evidence, which can be a symptom of anxiety.

Trauma and fatigue in the judiciary was further shown to have an impact on decisions made about parole. A 2011 study, [“Extraneous Factors in Judicial](#)

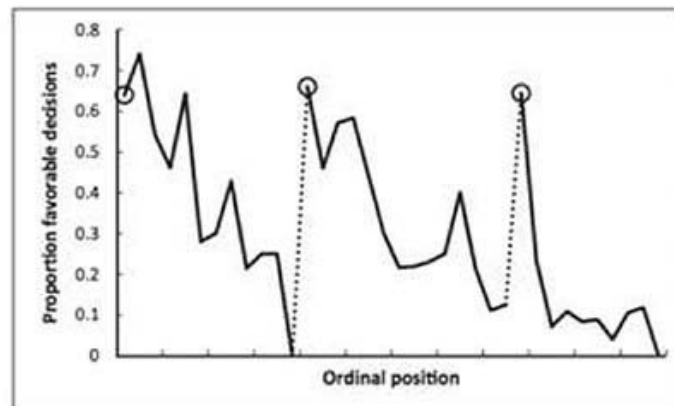
Decisions,” about judicial decision fatigue (an unwillingness to make hard choices after a few difficult choices have been made), reviewed 1,112 judicial parole rulings based on time of day. That study showed how much more likely judges are to grant parole at the beginning of the day or after lunch, and how much more likely a tired judge is to say “no” in the late morning or late afternoon when they might feel mentally worn out.

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.

[Insert “Fatigue and Determination of Parole” image here]

The authors of the Judicial Stress and Resilience Survey made recommendations to members of the judiciary, state supreme courts, judicial assistance programs, and bar associations about ways to address the exhaustion, trauma, and isolation found among the judiciary. The repeated theme was to share the results of this study and create a conversation about judicial wellness.

This makes sense, as judges typically hold themselves to high standards for being alert, attentive, and capable. On the flip side are the feelings of shame one might experience about being in less than optimal health. Since secrecy is a petri dish for shame, the key is to talk about this issue with vulnerability about one's own challenges. If the judiciary pretends like this is not a problem, it will be hard to find stakeholders and resources to address the demands of an onerous docket or feelings of isolation on the bench.

Other solutions include setting time aside for judges to open up with each other about the challenges of their profession, and creating room for Judicial Assistance Programs to step in and educate the judiciary about the advantages of counseling, wellness trainings, and other treatments for depression and stress.

About the Author



Dan Crystal, Psy.D. Dan has enjoyed working at WSBA since 2008. He doctorate in clinical psychology from the University of Denver in 2007 completed a postdoctoral fellowship at the Seattle VA Hospital in 2008. expertise include addictions, post-traumatic stress disorder, and foren psychology. At the Member Wellness Program, Dan leads job-seeker groups, handle abuse referrals, and conducts outreach to bar groups statewide on mental health is works with the Office of Disciplinary Counsel as the Diversion Administrator. He ca reached at danc@wsba.org.

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