

Judges and Stress

Introduction

No one is immune from stress. The stress reaction is a natural physiological and psychological response to certain environmental triggers (stressors). Stress alerts us to a perceived threat and prepares us to address it (i.e., fight, flight, or freeze). Properly understood, we can identify our personal stressors and redirect our attention on how to better manage our lives. In doing so, we reduce the likelihood of falling prey to a state of distress and serious illness. This paper provides a general overview of the stress reaction and how we can increase our stress hardiness. This information is intended to be practical and useful. It utilizes the four principles of awareness, understanding, action and acceptance (AUAA). Being aware of your stress and understanding what is causing it empowers you to take appropriate action which will reduce your stress levels and improve your health, functionality and quality of life.

Awareness

The first step is to become aware of your body and the signals it is sending.

- Is your back and neck tense and stiff?
- Do you have frequent headaches?
- Is your stomach in knots or upset?
- Are you unconsciously clenching or grinding your teeth?

These are simple indicators of the stress reaction - something is making you worried, upset frustrated, irritated or angry. This occurs because your mind is constantly sizing up your environment and evaluating whether or not a threat to your well-being or peace of mind is present. This takes place on a subconscious level and occurs so quickly that you are unaware that it is taking place. It is part of an instinctual mechanism that is designed to ensure your survival. The belief that a threat is eminent is subjective. In other words, a situation that one person perceives as threatening may have no impact on another person. To varying degrees, everyone reacts differently to the same environmental triggers. A new judge may feel anxious or even overwhelmed whereas an experienced judge just takes it in stride. With experience, the new judge becomes more comfortable and relaxed with their role and responsibilities. However, an individual's stress reaction can vary depending upon their state of health. For example, even a seasoned judge may feel overwhelmed on any given day if he or she is tired, ill, in pain, or experiencing serious personal or family problems. Once the judge has returned to his or her "normal state", the feelings of being stressed out generally recede.

Although you cannot always stop the initial triggering of the stress reaction, by understanding the basic neural- physiological reaction you can learn to control it. Your senses are constantly picking up cues regarding your environment which are processed in the amygdala and hippocampus on a subconscious level. The amygdala, also known as the "sentinel", plays a key role in tagging an emotional charge to all of your memories. It works closely with the hippocampus -- a primary site for learning and memory. When, for whatever reason, your

subconscious mind detects a threat you go on alert. It triggers both a surge of negativity to our conscious mind (pre-frontal cortex) and the production of certain chemicals which prepare you for fight or flight. The perceived threat could be to your general well-being, personal safety, financial security, career plans, social status, or authority. It usually involves a feeling of being powerless or overwhelmed along with a sense that your plans are being thwarted.

The key stress chemicals involved are adrenocorticotrophic hormone (ACTH), adrenaline and cortisol. They trigger an increased heart rate and breathing, elevated blood pressure, slowing of digestion, the release of fats and sugars, and diversion of blood into the muscles. All of the above are designed to give you short bursts of energy enabling you to address the perceived threat. Once the situation is resolved or you come to terms with it, you return to your normal physiological, mental and emotional states. The body and brain are no longer on alert.

Your stress reaction is designed to motivate you to take action and, thereby, protect you. It is a good thing. It is only when we enter into condition of chronic stress that it turns against us. You cannot stay on high alert with elevated levels of stress chemicals and remain physically and mentally or emotionally healthy. Chronic stress increases your risk of developing heart disease, sleep problems, digestive problems, obesity, depression and, possibly, Alzheimer's.

Higher than normal levels of cortisol have been implicated as a causal factor for depression.¹ This is believed to come about because too much cortisol may interfere with the function of the prefrontal cortex. Specifically, it prevents the conscious mind from putting the brakes on the surges of negativity emanating from the amygdala. And, high levels of cortisol may interfere with the executive functions of the brain such as goal setting, planning, implementing, overcoming obstacles and maintaining a positive outlook. This could explain the 1991 Johns Hopkins report that the legal profession suffered from higher rates of depression than other professionals (e.g., medical profession). Judges face unrelenting pressures ranging from crowded dockets and the non-stop pace of the courtroom; dealing with difficult or indifferent people; interruptions and delays (waiting for attorneys or other people, missing files, etc.); communication breakdowns; confusion surrounding the facts of a case and difficulty getting to the "truth"; making tough decisions that leave all parties, attorneys, family members and police unhappy; negative publicity with no recourse to respond; and few, if any, people to whom a judge can confide his or her frustration, anger, anxiety, etc. Judges are at high risk. Non-stop stressors triggering a continuous cascade of chemicals weaken the judge's resistance to anxiety, depression and substance abuse. If these illnesses already run in a judge's family, their risk of becoming ill is even greater.

¹ Two or more continuous weeks of sleep problems, unusual weight gain or loss, low energy, poor concentration and focus, loss of enthusiasm, increased irritability and impatience, and overall negativity toward things you once enjoyed – these are some of the signs of depression. A persistent feeling of being unworthy, that no one understands, that nothing can help, and life will never get better are indicators of a major depressive episode. This person needs immediate medical assistance but may be unable to seek help. Please call Judges Concerned for Judges at 1-888-999-9706 if you are concerned about a colleague or family member. The call is confidential. For more information, see www.jcipa.org.

Add to the above a whole host of other factors that can add to your stress:

- acute or chronic illness
- impaired mobility, vision or hearing
- injury and/or disability and/or pain
- misuse of alcohol or prescription drugs
- anxiety, depression or bipolar disorder
- HALT: hungry, angry, lonely, and tired
- poor coping and/or communication skills

The end result is that, whatever the underlying causal factors, your subconscious mind has perceived a threat and triggered a chemical based arousal state which has far-reaching health implications if not timely and properly addressed.

Understanding

Having taken note of your body's stress signals, the second step is to understand what is triggering the stress reaction. For example,

- Is someone being disrespectful to you or challenging your authority?
- Do you sense that you have lost control over your courtroom?
- Are you frustrated that the heavy caseload places undue emphasis on clearing the docket rather than finding suitable resolutions?
- Do you feel that there is a lack of collegiality or camaraderie with your fellow judges?
- Are you concerned about your reputation?

Everyone faces challenges with regard to personal and work relationships. Every interaction with another human being creates the potential for either cooperation or conflict. When you sense that an individual is not cooperating, you may perceive them as an obstacle to resolving the case at hand in a manner that you deem appropriate. This may be exacerbated when the individual's demeanor, tone of voice, and words convey irritation or anger; or they do not listen and either interrupt you or try to talk over you. It is a natural reaction to interpret their behavior as disrespectful and a challenge to your authority. However, they may not intend any disrespect but, in fact, are caught up in the passion of the moment due to their own fears and frustrations. Or, they may be having a bad day as a result of HALT, illness, injury or pain, etc. By understanding "*where they are coming from*", you can change your interpretation of their conduct and the events that transpired. Pause until you are calm, gather your thoughts, and apply a measured response rather than an angry, retaliatory reaction.

You are a judge. You have the authority and power to set the tone and rhythm of your courtroom; command respectful behavior; and impose consequences upon those who fail to meet your standards. Do so in the spirit of the Code of Civility and trust your intuition.

Addressing your frustrations with regard to a fast paced docket that minimizes *procedural fairness*² is a more difficult matter to address. The conflict between your values (i.e., seeking a fair and practical resolution) and the need to clear the docket is unavoidable. Applying time management and working smart techniques may help but in the long run they are merely a temporary fix to a systemic problem within the justice system. Remain vigilant in your search for opportunities to assist an individual in moving forward with his or her life. Acknowledge to yourself that you are doing the best you can with the resources available to you. Live in a one day at a time (or one case at a time) framework. Know that you are making a difference in that person's life and that it will have a ripple effect within his or her family and community.

Regarding collegiality, personal relationships can range from being merely polite and cordial to a close friendship. You cannot make people like you or be your friend. You can, through your behavior, influence how others regard you. The simple act of smiling, saying hello and being courteous sets a foundation for how others perceive you. Avoid gossip, be forthright in your dealings with others, and when you make a commitment, keep it. A reputation built upon courtesy, consideration and trustworthiness will offset the misunderstandings and mishaps which are a normal part of life. On those days when you are irritable or impatient with others, try to catch yourself and apologize for your behavior. From these simple actions you will earn your colleagues' respect and friendships may develop.

Do not fall into the trap of assuming what others are thinking - you cannot read anyone's mind. When we think we know what someone is thinking, we open the door to preconceptions, misunderstandings, anger and resentments. Avoid getting irritated and resentful because of a perceived snub, slight, or abruptness directed toward you. You really do not know what they were thinking unless you ask them (and hope they reply honestly). Perhaps they are having a bad day, not feeling well, struggling with a serious problem at work or home, or just heard some sad or disturbing news, etc. – all of which can contribute to their being preoccupied or rude but which have nothing to do with you. Give them the benefit of the doubt, especially if their current behavior is out of character.³

Conflicts will occur – some are short lived and others will persist. Being passionate about your position need not deteriorate into a personality conflict. In all situations involving negative feelings, the best course of action is to conduct oneself in accordance with the Code of Civility especially when emotions are aroused. Jettison any anger or resentment as quickly as possible; stay on track with what you are trying to achieve. Do not place expectations on how you think others should behave. Focus on your conduct, not theirs.

² Procedural fairness takes into consideration the level of understanding and needs of the parties. It uses certain techniques to build trust in the justice system which results in greater compliance with court orders and reduced recidivism. It is individual, not procedural, oriented geared toward problem solving. It takes extra time and effort.

³ If a colleague presents a change in demeanor, appearance, hygiene, functionality, etc. for two or more continuous weeks, they may be in distress. Call the Confidential Judges Helpline (1-888-999-9706) to discuss your concerns and explore options for assisting your colleague.

Of course, some people are difficult. They just can't seem to be pleased no matter what anyone does. Keep in mind that they are the problem – not you. Avoid these toxic types as much as you can but, when you can't, the best course of action is to be polite and professional. Stick to your principles and standards. Try to understand that they may have personal or health problems that contribute to their behavior and forgive them. Be slow to judge and quick to forgive.

Action

The third step in managing our stress reaction involves behavioral changes coupled with certain practical tips for addressing specific stressors. The result is better physical, mental and emotional health and improved functionality. You will develop the physical and mental stamina to endure the difficult days and maintain a positive outlook on life.

There are three key areas which impact your overall health:

1. the 3 pillars of good health (sleep, diet and exercise),
2. substance use and/or mental health issues, and
3. a lifestyle appropriate to your (current and long term) needs.

1. Everyone needs sleep – the question is how much is enough to ensure good health and optimal functionality? Getting an adequate amount of sleep cannot be underestimated. First, while we sleep the brain is actively processing the day's events, engaging in problem solving, and storing information (memory and learning). Lack of sleep interferes with these activities. Ongoing sleep deprivation adversely impacts our functionality. Second, adequate sleep leads to the release of super oxidase enzyme in the brain. This enzyme removes oxygen molecules which have escaped from blood vessels in the brain which, left to their own devices, kill healthy brain cells (neurons). Third, a consistent sleep schedule improves our overall health. Human beings have a body clock that regulates our time for falling asleep and awakening. By establishing and maintaining a sleep routine we optimize our ability to stay healthy. If we go to sleep at the same time each night we activate our immune system at a time certain after we fall asleep. On those nights where we go to bed earlier or stay up later, we disrupt our body clock and the immune system is not properly activated; thereby, retarding the healing process and leaving us more vulnerable to illness.

A proper diet provides the building blocks for neurotransmitters, hormones and various chemicals which are essential for good mental, emotional and physical health. For example, vitamin C assists in the production of norepinephrine which helps combat depression and low levels of vitamins B-6 and 12 have been linked to depression. Also, a high-protein / low carbohydrate diet lowers your level of the amino acid tryptophan which is one of the building blocks of serotonin – a key neurotransmitter. A proper diet improves our mental health both in terms of cognitive functioning and emotional well-being. The general rules of good eating include not skipping meals, avoiding heavy dinners, and eating foods which provide the appropriate level of vitamins, minerals, proteins, fats, etc. based upon your personal health needs. A final word on foods - if you suffer from chronic headaches or digestive problems, you

should consider being tested for food allergies. The elimination of certain foods from your diet may dramatically improve your overall health.

The benefits of exercise are well known. Exercise strengthens bones, the heart and lungs; tones muscles; increases physical reserve and vitality; increases the basal metabolic rate (the number of calories burned while at rest); improves sleep; and halts the stress reaction, thereby lowering the level of stress chemicals in your mind and body. Exercise has also been found to relieve the symptoms of depression. The bottom line is that you should do something to exert yourself more often even if you cannot regularly exercise. For example, take the stairs and park away from the store so as to increase your walking. Every little bit helps to get the heart pumping and maintain your flexibility and mobility. If possible, establish an exercise routine to offset the effects of aging. It is believed that by pumping blood to the brain through exercise, we slow down age-related cognitive impairment and/or memory loss.

2. Not to be overlooked or taken lightly are the issues of substance abuse, substance dependency and mental health disorders. No one, especially a judge, intentionally sets out to develop an alcohol or drug problem. Most people can safely drink alcohol or use drugs (e.g., pain killers or tranquilizers) but some develop a problem. Because not everyone who drinks or uses drugs develops a problem, scientists began to look for the reason why. Clearly, it was not the alcohol or drug that triggered addiction; rather, there had to be something else involved. What they found was a brain function dysregulation that occurred in only a relatively small percentage of individuals. These individuals are vulnerable to developing an addiction - a chronic, progressive illness which left untreated will destroy their health, family, livelihood and career. Genetics appears to play a major role in who becomes addicted and who does not as does one's childhood experiences and current health and lifestyle. Because alcoholism / addiction generally progresses slowly and may take many years before causing undeniable havoc in a person's life, many may not think they are alcoholic or addicted to drugs. Further complicating the matter is that because the drugs are prescribed by a physician for a legitimate medical condition, the individual does not believe an addiction can occur. The \$64,000,000 question is whether or not this person can reduce or stop (and stay stopped) drinking or taking drugs without professional help. If they can, they were either merely misusing or they stopped before the disease progressed to the point of impaired control. If they cannot, abstinence and treatment is the safest course of action. In either case, a judge who is experiencing problems at work or home or with their health is adding to his or her stress levels. The solution is simple - reduce or stop drinking and if you find you cannot, seek professional help.

The judge who worries excessively or has lost his or her energy and enthusiasm may have slipped into an anxiety disorder or depression. Sometimes, it is a temporary condition which passes with time and the resolution of the personal or professional problems which triggered it. Other times, however, the condition will not pass without medical assistance; e.g., therapy and/or anti-depressants. There are many possible causes for anxiety and depression. Some people are genetically predisposed; major illness, injury or surgery can trigger depression; and, as discussed above, chronic stress may be a contributing factor. Anxiety and depression

generally respond well to treatment. Unfortunately, a mental health disorder can sabotage a person's ability to recognize the illness, seek help or comply with treatment.

Please note that certain medications carry a high risk for abuse and or addiction; e.g., benzodiazepines - also known as tranquilizers (the most commonly known ones are Valium, Xanax, Ativan, Klonopin, Librium). These drugs are intended for short term use only due to their quick-acting and powerful effect. They should not be used in combination with alcohol.

It is also important to know that it is not uncommon for a person who has a mental health disorder to develop a substance abuse problem (and vice-versa). They may use alcohol with or without tranquilizers to try to manage their anxiety or to dampen a manic episode of an undiagnosed bipolar disorder. Eventually their bodies adapt to the alcohol and/or drugs and it takes more and more to try to get the relief they seek. Co-occurring disorders are more complicated to treat. They require the use of experienced and qualified healthcare providers.

Chronic pain sufferers are also at risk of substance abuse. These men and women should seek guidance from an addiction professional as well as the physician who is managing their pain through the use of medications.

***If you are concerned about a colleague (or a member of your family),
call the Judges Confidential Helpline at 1-888-999-9706.
Your conversation is confidential. You may remain anonymous.
For more information about these illness and JCI's services, see www.jcipa.org.***

3. Balancing healthy behaviors, work demands, personal needs, marital and family obligations, social commitments and community obligations, etc. is not easy. Developing a healthy lifestyle is not a once and done matter – it requires constant attention and fine tuning because of the ever-changing nature of our lives and the lives of those around us. Periodically step back and observe your daily activities and routines and then ask yourself:

- Are my needs and the needs of those whom I care about being met?
- Am I relatively happy and content with my life?
- Am I expecting too much of myself - do I have unrealistic goals?
- Am I over committed or over extended?
- Do I get enough sleep and exercise and am I eating properly?

If you don't like the answers, consider what changes can be made to obtain the life you desire.

- Set your goals and prepare a realistic plan of action.
- Review it with an objective person whose opinion you respect, verify your plan is both valid and realistic, and discuss it with anyone who will be materially affected by it.
- Changes should be incremental and made over a period of time to ensure a greater likelihood of success and to minimize unforeseen, adverse consequences.
- Periodically review your progress. Revise your goals, plans and timetables as needed.
- Patience and persistence are the keys to implementing permanent and positive change.

Acceptance

There are some areas of our lives over which we are powerless. The only way to find peace of mind is to admit and accept it. The high volume docket and need to move it through your courtroom quickly may be one of them. You cannot control the number of cases coming through nor can you expand the hours of the day to handle these cases in a manner which you think is appropriate. When the sensory overload of the courtroom gets to you, take a break. You can literally “take a breather” – conscious control of and focus on your breathing for a few minutes halts the stress reaction. You may also be able to implement certain organizational and time management techniques which will allow your courtroom to function more efficiently; thereby, freeing up additional time to address certain cases which you believe demand additional attention. But in the end, you must accept the fact that you can only do the best you can within the justice system as it exists and with the limited resources (time, energy, staff) available. Acceptance is easier said than done; however, the following suggestions may help.

Focus on the positive. Do not dwell on what you wish you could have done or should have done. Be grateful for the small victories -- the one case, the one individual who benefited from your extra attention and effort. You may never fully know the positive impact you had on that one individual and all whom he or she will come into contact with during their lifetime.

Incorporate other positive events and experiences into your life; be it personal, family or community in nature. In other words, expand your life to include more than just your courtroom so that when you have a good day in court you can be grateful but when you have a bad day in court is not the end of your world.

Take pride in your position as a judge and the influence you have to improve the lives of some of the individuals who come before you in court. Know that you have done your best and be grateful for the opportunity to be of service to your community.

Practical Tips

Worry:

1. Write down your Top 10 Worry List.
2. Put aside for two weeks. How many items on your list actually occurred?
3. Make a new list.
4. Strike those worries that probably won't happen.
5. Strike those worries you can't do anything about.
6. Make an action plan for each remaining item and begin working on them.
7. When finished working on an item, put it aside and go on to the next one.
8. When completed, you can either relax or (if you're a workaholic) create a new list.
9. If you are still worried, ask yourself “What is the worst thing that can happen and can I survive it?” The real answer is that you can't survive anything.
10. If you are still worried, consider calling the JCJ's Confidential Judges Helpline as you may have a medical condition that can be readily remedied.

Working Smart:

1. Make a list of your major and minor projects at work or at home.
2. Strike those projects which are either unimportant or can be delegated.
3. Identify how much time you have available to work on the remaining projects.
4. Prioritize and allocate how much time you can give to each project.
5. Create an action plan for each project including deadlines.
6. Establish a schedule (planning calendar) which incorporates final deadlines and interim deadlines as per your action plans.

Set and Keep Boundaries:

1. Use your Working Smart tools (e.g., planning calendar) to establish proper boundaries.
2. "First things first" - be helpful to others but not to the point that it will cause you to miss deadlines or interfere with your established plans, priorities and commitments.
3. If you cannot say "no", ask yourself why and address any fears attached to your answer.

Perfectionism:

1. Set realistic expectations for yourself and others. Avoid hyper-criticism.
2. When you make a mistake, learn from it and grow.
3. Apply the Working Smart tools to identify how much time, energy and other resources are available to work on your project.
4. Utilize your planning calendar and action plans to take the first step and, thereby, avoid procrastination.
5. Remember, "*if it's worth doing... it's worth doing poorly!*" This annoying phrase is a reminder that we perfectionists expect too much of ourselves and what we deem a poor effort will in fact yield a good result.

Anger:

1. Remind yourself that anger is a stress trigger and it will ultimately injure you.
2. Catch yourself and apply restraint of tongue and pen.
3. Consciously take control of your breathing and use it to shut down a stress reaction.
4. Consider the person or event that has caused your anger - ask yourself:
 - a. "Are they under a lot of stress or fearful?"
 - b. "Are you really threatened by their words or behavior?"
5. Don't take it personally. Will a little understanding and humor diffuse the situation?
6. What is it that you want to accomplish? Will an angry reaction help you?

Resentments:

1. Justified or not, resentments hurt you the most; they are ongoing stress triggers and are toxic to both your body and your peace of mind.
2. Ask yourself, "Do I really want that person to live rent free in my head?"
3. Try to understand what has happened and consider the other person's position/needs.
4. Recognize whether they are in distress, ill or in pain - which can cause the person to act in a manner which is contrary to their normal self.
5. Forgive the person for their transgressions or seek the willingness to forgive them.

Building Self Esteem:

1. List your strengths and accomplishments.
2. Learn to spot automatic (self)put downs and reject them as thinking errors:
 - a. I should do better.
 - b. I should have _____; I didn't so I am incompetent, etc.
 - c. I am responsible (when something goes wrong).
 - d. I am failure because I did not achieve my goal.
 - e. I am incompetent because I made a mistake or was reversed on appeal.
 - f. I feel I am _____, therefore I must be _____.
 - *I feel I am a failure; therefore, I must be a failure.*
 - *I feel I'm not as competent as others; therefore, I'm not a good judge.*
3. If feeling less than others persists, identify what goals or changes you want to make and get to work on. Identify and challenge feelings of self-pity; focus your time and energy on self-improvement.

Do Something You Enjoy or Find Relaxing:

- hobbies
- exercise and/or Sports
- yoga and/or meditation
- movies, plays, symphonies
- reading, listening to music
- writing or journaling
- walking or taking a ride
- taking a nap

For Your Consideration

One of the greatest challenges facing a judge is not having someone to confide in who understands what it is like to be a judge. Frankly, only another judge can fit the bill – a judge who is non-judgmental and will keep your disclosures confidential. Talking to another judge puts an end to your isolation and the belief that no one else understands what you are feeling or experiencing. The sense of relief can be immediate.

Judges Concerned for Judges can help. Our network of judges is available to you for those times when you wish you could talk to someone and know it is safe to do so. You are only a phone call away to connect with an understanding colleague or to find out more about our services:

Judges Concerned for Judges
Confidential Helpline
1-888-999-9706

www.jcjp.org