Active judges are likely to face numerous work-related experiences (e.g., traumatic cases) that affect performance of their occupational duties. This module looks at the emotional, cognitive, behavioral, and physical effects of judicial stress and how it impacts performance both on and off the bench.

Links to related online resources are listed below. Non-digitized publications may be borrowed from the NCSC Library; call numbers are provided.

- **Featured Resources**


  Judges and other court staff may be at risk of suffering from secondary or vicarious trauma. There are strategies for building resilience that can help individuals deal with this issue.


  This article discusses the effects of close involvement with a primarily traumatized individual. While the article focuses on STS and attorneys representing traumatized clients, all of those involved in traumatic cases, from judges to juries to court staff, can suffer from STS.


  This article discusses obesity and its connection to judicial stress.


  When judges move beyond occasional displays of anger, frustration, or impatience and intentionally abuse or denigrate those who appear before them, they may be fairly described as bullies. Although some intemperate behavior from judges is to be expected if not welcomed, and not all judicial discourtesy or undignified behavior merits professional discipline, there is no place for bullies on the bench. This Article examines the limits on intemperate behavior by judges.

Tough budgetary times mean lower morale at the courthouse. What can judges do to improve staff morale and, thus, the administration of justice?

General


This pilot study examined the overall job satisfaction of Massachusetts judges, and additionally addressed these judges’ views of what might serve to increase their job satisfaction. Results indicated that these judges were highly satisfied with their jobs, and that they viewed increased pay as the most important contributor to increased job satisfaction, followed by improvements in professional support staff.


Active judges are likely to face numerous work-related experiences (e.g., traumatic cases) that affect performance of their occupational duties. Three occupational experiences (secondary traumatic stress [STS], safety concerns, and burnout) are outlined and applied to the judiciary. Several recommendations are proposed to prevent or minimize these occupational experiences.

Sisk, Susan M. Assessing Employee Satisfaction and the Administrative Reorganization of the North Dakota Court System. (May 2007). Institute for Court Management, Court Executive Development Program.

The management literature, some of which is reviewed in this report, strongly suggests that the strength of the workplace can be measured by having employees who are “engaged” and feel a profound connection to their employer. This in turn leads to more efficiency, less turnover, and in the case of businesses, a higher profit. This report summaries the results of surveys of court employees and recommends areas for improvement.

Coleman, Faye A. An Evaluation of the Level of Employee Morale and Employee Retention in the Twenty-First Judicial Circuit of Missouri in the Circuit Clerk’s Office of St. Louis. (May 2003). Institute for Court Management, Court Executive Development Program.

The goal of the project was to evaluate the level of employee morale and employee retention in the Office of the Circuit Clerk, of St. Louis County Courts. The findings and conclusion are based on a review of relevant literature, four surveys completed by court employees and a review of resignation letters from employees who have left the court.

Judicial Family Institute (JFI).

JFI is a national organization dedicated to providing information and education on topics of concern and importance to judicial households and their extended family members. Through educational programs, research, and this website, JFI encourages the exchange of information and resources between judicial branch educators and staff, judicial family members, and various organizations.
This paper examines emotional labour on the part of magistrates in court. This paper reports findings from interviews with over 40 magistrates throughout Australia and begins to address the issue of emotional labour and possible consequences for this branch of the judiciary.

**Causes and Impact of Judicial Stress**


The purpose of this study was to look at the stress factors of magistrates and see how they contribute to their overall health risks. This study analyzes various types and frequencies of stressors and looks at ways of preventing and fighting against them.


The purpose of this survey was to focus on stress-related manifestations of magistrates for the purpose of knowing their reactions and overall consequences to their state of health. This article also examines labor medicine services and current occupational health actions that have taken place.

**Judicial Conduct**


Judges have a tendency to let their accused colleagues off the hook out of favoritism, undue sympathy, and a desire to protect the reputation of the judiciary. To remedy the corrosive effect of institutional bias, this article argues that Congress must rewrite the Judicial Council and Disability Act of 1980 in several significant respects, and the judiciary should be more vigilant in enforcing it.


This article examines the newly adopted misconduct rules against the background of these recent controversies. It addresses the major issues raised by the new rules: the move toward greater centralization in the administration of the disciplinary system; the definition of misconduct; the possible need for greater procedural formality; the nature and timing of public disclosure; and efforts to make the process more visible.

This is the memorandum and order of five complaints of judicial misconduct that were filed against a circuit judge of the Second Circuit in 2004.


This is an order by the Judicial Council of the Ninth Circuit regarding a misconduct complaint filed against a district judge.


This article will review both cases in which a finding of misconduct was based on legal error and cases in which legal error was not sanctioned to describe the “something more” that transforms legal error into judicial misconduct.


This article discusses the procedures for regulating judicial misconduct under state judicial conduct rules and the related federal Complaints Against Judges and Judicial Discipline Act of 2002. It also discusses how judges' decision-making abilities may be adversely impacted by these issues and how such conduct may erode the public trust and confidence in the judiciary.

**Judicial Ethics/Accountability**


In November 2010, the California Judges Association released an advisory opinion, Opinion 66, describing its views on judges using social networking sites. Opinion 66 stated that a judge may not include an attorney in her online social network if the attorney is appearing before the judge. This note details the views expressed by Opinion 66 and by opinions for several other states.


Judicial independence does not imply immunity from oversight or from criticism. The problem-judge is atypical, and, the problems are indeed limited. But the federal judiciary has failed us in several high-profile cases, and there is room for reform. This article offers a modest reform that will help keep our judiciary independent and accountable.


The author believes that the supporters of the impropriety standard have not yet fully explained why the appearance of impropriety standard should be retained in a judicial disciplinary code for
the twenty-first century. The purpose of this article is to explain criticisms leveled against the appearance of impropriety standard for judges as unwarranted.


This essay aims to define a role for citizen-lawyers in advocating and protecting the independence of judges, and especially the independence of Justices of the Supreme Court, who increasingly exercise political power, and who are subject to no personal accountability whatsoever for the social and economic consequences of their decisions.


This article discusses how a system of influence can undermine the integrity of the bench and make it impossible for judges to decide cases "on the merits."


When federal judges go bad, attorneys are usually the first to know, but the last to register a formal complaint. There is, in fact, little incentive for attorneys to complain, and ample reason for them to keep quiet. The judiciary must confront and address the problem of the reluctant tattletale—finding ways to bring these complaints out and protect the attorneys involved—before it can defend the present system of judicial discipline as sound.


Unlike the Court's treatment of equal protection, the ABA has not defined the "appearance of impropriety" with any precision. This article focuses on "appearance of impropriety" because it is even more vague than "impartiality might reasonably be questioned."

Stress Management


Judges are subject to a wide range of physical and emotional problems and stresses but often don't get the help they need. A “wellness initiative” in the courts could help overcome the unique barriers they face in obtaining assistance.

Bremer, Celeste F. Impact of a Mentoring Program on Occupational Stress, Personal Strain, and Coping Resources of Newly Appointed U.S. Magistrate Judges. (December 2002).

Using a quasi-experimental design, this research investigated the results of a project that offered paired mentoring to newly appointed United States Magistrate Judges for a five-month period as part of their orientation program by the Federal Judicial Center. This study supports social support mentoring as an addition to traditional judicial orientation skill-building programs.

The purpose of this research project is to determine if individuals working at the United States Immigration Courts feel stressed as a result of their job, and if stress affects those individuals and the courts resulting in loss of productivity, such as increased absenteeism.

**Substance Abuse/Impairment**


A survey of 355 judges examined the differences in judicial satisfaction between those assigned to problem-solving courts -such as drug treatment and unified family—and judges in other more traditional assignments such as family law and criminal courts. Significant differences were found on each of the three survey scales: (1) helpfulness, (2) attitude toward litigants, and (3) positive effects of assignment.


Deciding the appropriate sanction in cases involving impairment requires conduct commissions and courts to weigh the importance of public confidence against the fact that the judge is suffering from a disease.