



A Committee of the Conference of Chief Justices

Stress Resilience for the Judicial Family

A 2012 program by Hon. Thomas R. "Skip" Frierson, II, Chair, Tennessee Judicial Family Institute. In 2013 Judge Frierson was appointed to the Tennessee Court of Appeals. He formerly served as Chancellor in the Third Judicial District of four counties, as a County General Sessions Court Judge primarily handling domestic relations and probate matters, and as a Municipal Judge. He is Past President of the Tennessee Judicial Conference. This article outlines the stresses judges may encounter and points to the Tennessee planning model, mentoring, and programs presenting helpful information.

General Outline

I. Judicial Stress and Its Impact Upon the Judicial Family

- A. *"The professional life of a judge, for the most part, is very serious and stress producing. Spouses report that job-related tension is often brought from the courthouse into the judge's family life."* Ms. Mary Moyer, wife of former Ohio Chief Justice Thomas Moyer.
- B. *"Becoming a judge, though, does not involve just the family member holding the position. In states where judges are elected, the entire family has to 'buy in' to the concept of running a successful campaign in order for the campaign to enrich, rather than take away from, family life. This is challenging if one's spouse and children are socially shy and/or teenagers."* Ms. Maryanna D. Klatt, Ph.D., spouse of Judge William Klatt of Ohio.
- C. *"The spouses and partners of lawyers (and one might add judges) are also subjected to stress. It can come from shared anxieties, from the experience of lonely absences and from just empathizing with a companion under seemingly inescapable pressure."* The Honorable Justice Michael Kirby, AC CMG, President, Court of Appeal, Supreme Court of NSW (1984-1996).

II. Major Causes of Judicial Stress¹

- A. Professional and social isolation
 - 1. *"Before becoming a judge, I had no idea or warning, of how isolating it would be." "Except with very close, old friends, you cannot relax socially." "Judging is the most isolating and lonely of callings." "The isolation is gradual." "Most of your friends are lawyers, and you can't carry on with them as before." "When you become a judge, you lose your first name!" "It was the isolation that I was not*

¹ Reference is made to an address by the Honorable Justice Michael Kirby to the inaugural judicial orientation program of the Australian Institute of Judicial Administration and the Judicial Commission of New South Wales, Sydney, October 3, 1994.

prepared for.” “After all of these years on the bench, the isolation is my major disappointment.” “The Chief Judge warned me: ‘You’re entering a monastery when you join this circuit.’” “I live and work in a space capsule alone with stacks of paper.” “Your circle of friends certainly becomes much smaller.” “Once you get on the appellate bench, you become anonymous.”²

B. Professional role expectations

1. *“Like any other person, judges face marital conflicts, problems with parents or children, financial difficulties, and they suffer from physical ailments and other troubles. But unlike any other person, judges are expected to conceal their hardship. They must struggle with their demons in private and maintain the calm, cool, and collected image. As a judge once told me: “Who wants to have a case in the hands of a nervous wreck?”³ . . .*

C. Income reduction and financial disadvantages

D. Lack of feedback regarding judicial performance

1. *“But practitioners and litigants are inhibited in what they can say, and will say to a judicial officer, except through the formal process of appeal and judicial review. . . . The lack of feedback accentuates the feeling of loneliness which many newly appointed judicial officers experience.”* Honorable Justice Michael Kirby

E. Increasing caseload and work demands

F. Limited capacity to delegate judicial functions

G. Personal life factors

1. Needs of family members

! *“Often there are individuals in the judge’s personal life who also demand attention, compounding the stress. As a result, judges have less time to spend on their own physical, mental and emotional needs. Because they are seen as wise and as problem solvers, it is presumed they have little need of help.” “Stress Hardiness, the Path to Resilience for Judges.”* Nancy Stek, Assistant Director, New Jersey Lawyer’s Assistance Program.

2. Deterioration in health

3. Decline in physical self-image

² *Isolation in the Judicial Career* by Isaiah M. Zimmerman.

³ *Judges in Distress: When to Seek Help*, Mirelsa Modestti Gonzalez, Ph.D.

H. Future stress

1. Changes in legislation, legal procedures and the law
2. New technology and social media networking

! *“However, the use of technology does pose unique issues that may have significant ethical implications. Many of these issues arise from the loss of control one experiences when interacting in cyberspace rather than in person and with the accessibility and permanence of matters posted on the internet. While it is permissible to participate in online social network sites, a judge must be cognizant of the ethical implications of doing so.”*
California Judges’ Association, Judicial Ethics Committee Opinion 66.

I. High profile cases and media attention

J. Increasing public scrutiny and accountability

1. Code of Judicial Conduct

K. Safety and Security Concerns

III. Symptoms of Judicial Stress

A. Physical and mental exhaustion

B. Loss of sleep

C. Lack of interest or concern

1. *“In relationships, both inside and outside the courtroom, stress may produce an outburst of temper, an egocentric exhibition of self-confidence or the cynicism of hardened pessimism which produces a lack of concern about the cases which are just permitted to wash over the judicial officer, leaving him or her relatively untouched by their pain.”* The Honorable Justice Michael Kirby

D. Depression

E. Inability to make decisions

F. Occupational burnout⁴

⁴ In one study, researchers surveying 105 judges concluded that 63 percent reported one or more symptoms which they identified as work-related, vicarious trauma experiences. Such vicarious trauma referred to “the experience of a helping professional personally developing and reporting their own trauma symptoms as a result of responding to victims of trauma.” *Vicarious Trauma in Judges: the Personal Challenge of Dispensing Justice*, Peter G. Jaffe, et al, *Juvenile and Family Court Journal*, Fall 2003.

IV. Building Stress Resilience Within the Judicial Family

A. Personal and Professional Approaches

1. *“Resilience is the capacity for rising above significant adversity or trauma and forming lasting strengths as a result of the struggle. It is the ability to cope with stress and catastrophe and build resistance to future negative events. . . . (w)hen someone is high in hardiness traits and resiliency skills, they respond to life’s stresses and changes with greater success.” More on Building “Stress-Hardiness” by Nancy Stek*
2. *“The first step on the path to relieving stress in judicial as in other life is to admit its existence to one’s self and to close friends. Thereafter, it is necessary, if stress is creating a problem, to look to personal and professional responses which attack the sources of stress, both in the work environment and the personal life of the judicial officer.” The Honorable Justice Michael Kirby*

B. Embracing Viable Coping Strategies

1. *“Creating and maintaining a supportive, caring and encouraging environment goes a long way to enhancing and strengthening personal hardiness.” “Stress-Hardiness” The Path to Resilience for Judges by Nancy Stek*
2. In one study, researchers concluded that judges identified several coping strategies regarding judicial stress. The most frequently endorsed personal strategies noted by judges were physical activity, rest and relaxation, and social contacts. Regarding professional approaches, judges surveyed indicated the benefits of attending workshops, peer support and reading educational materials.⁵

V. National Judicial Family Institute⁶

A. General Purpose

1. The Judicial Family Institute (JFI) is a national organization dedicated to providing information and educational topics of concern and importance to judicial households and their extended family members.
2. *“We set aside personal differences in politics, geography and positions on controversial issues to attend to JFI matters.”*
3. Relevant information is offered to judicial families in all fifty states as well as in Guam, American Samoa, Commonwealth of the Northern Mariana

⁵ *Vicarious Trauma in Judges: The Personal Challenge of Dispensing Justice*, Peter G. Jaffe, et al, *Juvenile and Family Court Journal*, Fall 2003.

⁶ The Judicial Family Institute (JFI) is a subcommittee of the Past President’s Committee of the Conference of Chief Justices and enjoys an affiliation with the National Center for State Courts.

Islands, Puerto Rico and the U. S. Virgin Islands.⁷

B. Personal Observations

1. *“Being part of a judicial family, going through campaigns, reading newspaper articles about my father’s judicial decisions, and living a public life has bonded us as a family. It has also given me a sense of process, a subtle understanding of how our political system works, and a deep respect for those who choose to make it a career.”* Ruth Ann Newcomer, Court Relations Program Manager for the Supreme Court of Ohio
2. *The highly respected elderly judge was surprised and pleased to learn of the Judicial Family Institute when I was introduced to him as serving in our organization’s effort to provide helpful information to judicial families. I explained we share ideas on ethics, conflicts of interests, home and travel security, parenting in a high visibility situation, and other topics. He said he appreciated our work. Then as others moved on, with tears in his eyes, he grasped my forearm and privately and quietly said, “Tell them to spend more time with their children.”* Jan Aikman Dickson, Founder of the national Judicial Family Institute

VI. Tennessee Judicial Family Institute

A. Mission statement

1. The Tennessee Judicial Family network is an initiative of the Tennessee Judicial Family Institute (TJFI) Committee of the Tennessee Judicial Conference. The primary focus of TJFI is to identify the needs of and challenges confronting judicial families today while responding appropriately by making available useful information relevant to such issues.
2. The Tennessee Judicial Family Institute supports judges and their families through a broad range of programs which include an association of judicial spouses and families, annual conference plenary sessions, a judicial mentoring program, and online resources. The TJFI strives to convey a positive message that the judicial conference cares about the families of judges and is available to support their needs.

B. Historical perspective

1. The Tennessee Judicial Family Institute was established as an *ad hoc* committee in 2003. Its purpose is “to encourage an exchange of positive information regarding the responsibilities and challenges of judicial families”. Among other things, the institute serves as a valuable resource for judges and their family members with respect to a full range of

⁷ The national Judicial Family Institute website can be found at <http://www.judicialfamilyinstitute.org>.

pertinent topics.

2. In June 2005, the Tennessee Judicial Conference approved the transition of the Tennessee Judicial Family Institute (TJFI) from an *ad hoc* committee to a full standing committee of the Conference.

C. TJFI Judicial Conference Registration/Welcome Table

1. During each of the three Tennessee Judicial Conferences annually, the Tennessee Judicial Family Institute Committee hosts a registration and welcome table. Special emphasis with regard to judicial spouses and family members is placed during the June annual conference. The table provides beneficial information, copies of relevant articles, as well as “hot topic” materials addressing the needs of and challenges confronting judicial families today.

D. Tennessee Association of Judicial Spouses and Families

1. Creation

! The Tennessee Association of Judicial Spouses and Families marked its inception during the Annual Conference of the Tennessee Judicial Conference in June 2006. Under the leadership of Ms. Catherine Barker, wife of Chief Justice Mickey Barker, the Association hosted an organizational meeting with an emphasis upon developing and implementing a support network for the corporate judicial family of the Tennessee Judicial Conference, similar to one offered by the State of Ohio.

! As the Association endeavors to identify the needs and concerns of judicial families, this network of judicial spouses and families has supported educational and recreational opportunities designed to address pertinent issues challenging judicial families today.

2. Specific Initiatives

- ! Spouse and children activities during conference
- ! Educational sessions
- ! Judicial Spouse Surveys and networking
- ! Door prizes

E. Judicial Conference Plenary Sessions

1. In June 2004, during the Tennessee Judicial Conference’s annual meeting in Nashville, Tennessee, judges, spouses and other judicial

family members convened in plenary session to consider judicial family topics including personality profiles, ethics and avoiding conflicts of interest, managing the judge's own family challenges and stress management. These joint sessions benefitted both judges and their families by addressing appropriate means of functioning effectively while dealing with the challenges associated with public family life. A panel discussion of participants which involved judges, judicial spouses and judicial children focused upon judicial family issues. Moderator Jan Aikman Dickson of the national Judicial Family Institute Committee facilitated the plenary session discussion.

2. Additional Tennessee judicial conference plenary session presentations have been offered during the annual June conferences as follows:

2005 Judicial Family Security

2006 Judicial Family Ethics

2007 Protecting Your Personal Privacy

2008 (1) Stress and the Judicial Family
(2) Investing in Judicial Retirement and Deferred Compensation Benefits Review

2009 Stress Resilience

2010 (1) Online Social Networking and the Ethical Implications for Judicial Family Members
(2) Benefits & Retirement Programs for Judicial Family Members

2011 The Emotional and Spiritual Journey to Recovery

2012 Thriving in Times of Change: Mastering Resilience

F. Tennessee Judicial Mentoring Program

1. In October 2005, the Tennessee Judicial Conference adopted for 2006 implementation the Tennessee Judicial Mentoring Program for new judges. Tennessee's new-judge mentoring program has been established as a means of orienting new judges to the bench. This initiative is designed to formalize individual mentoring relationships among participating members of the Tennessee judiciary. Through the program, a mentor judge is assigned to assist and counsel each new judge of the conference. The primary aim of the mentoring program is to provide an appropriate, comprehensive approach to the responsibilities and challenges immediately experienced by new judges. As mentoring is only one component of socializing and inducting new judges into the judiciary,

additional resources, such as pre-bench orientation and post-induction education, are contemplated. All new judges are encouraged to engage actively in the mentoring process for at least one year following election or appointment to the bench.

2. For the new judge, being mentored is an affirming experience which facilitates the judge's ability to become an involved member of the conference and the judiciary. For the judicial conference, mentoring serves as a vehicle by which a new judge can more easily learn both the formal and informal structures of the organization and be an early contributor to the conference's success. The judiciary is further shaped and advanced by the new judge's contribution to its endeavors.
3. A successful mentoring program promotes public confidence in the integrity and impartiality of the judiciary. Whether mentoring is individually engaged in or formalized through the establishment of a mentoring program, it creates and provides far beyond what was originally contemplated. Mentoring leaves a lasting legacy.
4. *"Mentors can act as important confidants and help newer judges recognize and address their stress. Mentors can also help new judges conduct their duties in ways that minimize stress."*⁸

G. Community Outreach Initiatives

1. During the February 2007 Conference of Chief Justices held in New Orleans, Louisiana, the national Judicial Family Institute sponsored a volunteer project visit for judicial spouses to the Albert Wicker Elementary School. During the visit, spouses had an opportunity to make book donations to the school library which had been devastated by hurricane Katrina.
2. During the June 2011 Tennessee Judicial Conference in Chattanooga, Tennessee, the Tennessee Judicial Family Institute sponsored a visit by judicial spouses to the Children's Hospital at Erlanger. During the visit, spouses had an opportunity to read to young patients and leave as gifts copies of the book, *Count On Us, A Tennessee Number Book* by Michael Shoulders, which had been signed by appellate and trial court judges.

⁸ *Addressing the Problem of Courtroom Stress*, Monica K. Miller, David M. Flores and Ashley N. Dolezilek, *Judicature*, Vol. 91, No. 2, 2007.

H. Tennessee Judicial Family Institute Logo

1. The Tennessee Judicial Family Institute Committee has developed a TJFI logo which facilitates the dissemination of pertinent information and heightens awareness of TJFI initiatives during judicial conferences.



VII. Tennessee Lawyer's Assistance Program (TLAP)

- A. TJFI supports the work of TLAP
- B. TLAP offers help to law students, judges and attorneys troubled by substance abuse, psychological disorders, and similar impairments which may affect an individual's ability to practice law in a competent and professional manner.
- C. TLAP helps with a variety of issues, including:
 - ! Stress and burnout
 - ! Anxiety
 - ! Depression
 - ! Worries about bar implication issues
 - ! Career concerns
 - ! Balancing school and family
 - ! Substance abuse

VIII. Final Analysis

- A. *The Judicial Family Institute applauds lawyers who are willing to serve as judges. Their work makes a very big difference to individuals, communities, and the rule of law in a democratic society. JFI encourages judges' families to be supportive and judges to persevere. Being a member of a judge's family holds some special opportunities and challenges. Balancing good attitude with concrete steps to manage the unique features of judicial family life results in maximum enjoyment of being in a judge's family. Judicial educators and judiciary-related organizations invite families to access materials and participate in educational programs that will increase their awareness of solutions to judicial family life challenges.*⁹
- B. *"The family is a harbor of safety in an ocean of change. In this kinship, we find the strength to swim together and eventually the courage to swim apart."*¹⁰

⁹ National Judicial Family Institute (JFI) History and Mission, July 12, 2001.

¹⁰ Anonymous.