

A New Judge in the Family: Challenges for the Spouse and Children Mirelsa Modestti-González, Ph. D.

Change is an essential aspect of life. Although it is part of our everyday life, it is still associated with something that has also become part of our lives: stress. There is a direct proportional relationship between the degree of change and its capacity to generate stress. Many people think that only negative changes produce stress. However, scientific investigation has produced ample evidence that even changes that people normally perceive as positive, can generate a considerable amount of stress. When an attorney receives a judicial appointment for the first time, the candidate, as well as his or her relatives, experience many mixed feelings, although they are not always aware of it.

It is a great honor to be considered to serve in the Judiciary. A candidate must possess a high level of intelligence, vast knowledge of current law, judicial temperament, capacity for analytic reasoning, a keen sense of justice, and impartiality, among other qualities. A judicial appointment presupposes that the legal community assigns these characteristics to the candidate. However, the entire selection process can generate a great deal of apprehension to the candidate, as well as the family members.

Why is it such an arduous process? The Judicial Branch is one of the pillars of our government system. Besides administering justice to citizens, it is the arbitrator of all legal controversies, even between the other two branches of our system. The Constitution of Puerto Rico establishes that all citizens and entities must abide by the decisions of our Judiciary, and it is this system which is called upon to interpret the Constitution and the laws. In view of a task of such magnitude, it is of paramount importance that the people in charge of imparting justice are very carefully selected.

What implications does this have for the family of a judicial candidate? As I mentioned before, it is a great honor, and the pride and sense of accomplishment are usually experienced by the family as well. On the other hand, feelings of apprehension and anxiety regarding the changes this appointment will bring to the family, are common. The new judge will be subject to a thorough training process which will refresh his or her judicial knowledge, present new concepts and processes and get him or her acquainted with the ethical and moral standards of the profession. Once in office, the new judge will face an adjustment period, both professionally and socially. His or her relations with those who have been his or her former colleagues will not be the same and each judge will have to find the balance between what is permissible, what is desirable and what is possible. For the family of the new member of the judicial system, this process implies dealing with the stress these changes produce to the judge, as well as changes in some of the activities they previously enjoyed as a family, a possible change of residence, and all the other changes this could entail (school and job transfers, etc.). When there are children, and specially, teenagers, there should be a great deal of communication, since it is very important that they understand

the significance of their parent's new endeavor, and the ways in which their conduct can affect it.

The place of assignment of new judges is one of the major causes of apprehension. Rule number 36 of the Court of First Instance requires that superior court judges reside in any of the municipalities of their assigned judicial region, and that municipal judges reside in the municipality to which he or she has been assigned to perform his or her duties regularly. On this matter, the rule specifies that, "When according to the opinion of the Chief Justice, or of the Administrative Director of the Courts in the event that said authority were delegated thereto, there are extraordinary circumstances or justified cause, a judge may be excused from the residence requirement for the length of time and under the conditions deemed reasonable. When granting a dispensation, factors such as distance and facility of access through public highways, are taken into account, a determining factor being that the efficient administration of justice is not prejudiced or undermined". There are circumstances in which the Chief Justice of the Supreme Court may authorize a judge to reside outside the assigned judicial region, provided there are extraordinary circumstances which so justify it and that the proposed place of residence is close enough to the assigned Judicial Center so as to ensure that the judge's working hours are not affected; and that he or she will not be exposed to an exhausting commute that could imperil his or her physical or mental health, or the performance of his or her judicial duties. However, these are exceptions to the rule.

Statistically speaking, most of the newly appointed judges live in the San Juan Metropolitan Area and neighboring municipalities, and would prefer to be assigned to one of the judicial regions in or near the San Juan Area. However, most of the vacant positions arise in the judicial regions outside the Metropolitan Area. If we add to this, the fact that there are judges in the system with more seniority and years of service than the newly appointed ones, who request transfers to the Metropolitan Area, we would have to conclude that most of the newly appointed judges will have to be appointed to regions other than the ones in which they reside. Hence, one of the very first issues to be faced by the new judge and his or her family is the possibility that the judicial appointment may involve a change of residence.

Another important adjustment for the judges and their families is their exposure to public opinion. In the past, judges were untouchable figures whose opinions were seldom challenged or publicly criticized. However, in the past few years, judicial decisions, and the judges who make them, have become the target of attacks by the press, radio programs and even gossip shows. The Judicial Code of Ethics provides that judges must adhere to "the dignity of silence". Judges may not defend their decisions or accept interviews. Likewise, their family members must remain silent when their judicial work is publicly or privately attacked or challenged. Since it is likely to be presumed that when a judge's spouse, child, parent or sibling speaks, he or she represents the judge's position, it is required that they abstain from commenting when someone questions the latter's decisions. This automatically generates a great deal of apprehension and stress among the family members. Does this mean that my loved one is at the mercy of the

press and public opinion? Does the Courts Administration turn its back on the judges in moments of crisis? The answer to both questions is, no.

The Courts Administration has a press office which continuously monitors the media. This office is in constant communication with the Administrative Director of the Courts and with the Chief Justice. When an action or a decision of one of the members of the judiciary is commented by the press or the media, the press director communicates directly with the judge involved to obtain, firsthand, the correct information regarding the issue. The press director consults with the Administrative Director and the Chief Justice to decide whether the situation calls for an intervention. If it is determined that a judicial decision or the situation merits clarification, the press director issues an official communication with the necessary clarifications or explanations. On occasions, if the press coverage has been too extensive and has created confusion in the public, the Courts Administration may call a press conference, whereby an authorized officer may address the press to clarify issues, answer questions and express support in regard to the decision of the judge in question. Fortunately, most of the time, criticism of the judicial decisions fades, and there is no need to activate these mechanisms. The families of the judges learn to ignore sporadic criticism, and they, too, adhere to "the dignity of silence".

All in all, a judicial appointment implies drastic changes in the life of the family. The Courts Administration, aware of the multiple challenges that these changes represent, has created a program to offer support to the families of our judges. To the extent that the spouses, parents and children of our judges are able to understand the magnitude of the latter's responsibility and express their support to them, they will be helping them to accomplish their commitment and facilitating their entry into the judicial career. This family support is a valuable contribution to the success of our judicial system.