

Evidence of Secondary Traumatic Stress, Safety Concerns, and Burnout Among a Homogeneous Group of Judges in a Single Jurisdiction

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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. Results from nine case study interviews conducted in a single jurisdiction among a homogeneous cohort suggest that judges are at risk of having these experiences. Although no judge demonstrated extreme symptoms, all had low levels of symptoms associated with STS, safety concerns, and/or burnout. Several recommendations are proposed to prevent or minimize these occupational experiences. Recognizing and addressing the problem are essential for the protection of our nation's judges and the integrity of our judicial system.

J Am Acad Psychiatry Law 37:214–24, 2009

Judges play an essential role in upholding the ideals of the American justice system. Inextricably linked with the judicial occupation are many experiences that judges regularly encounter. Long hours, substantial workloads, occasional traumatic cases, the making of important decisions, and recent violent incidents involving judges^{1–4} highlight some of the potentially traumatic occupational experiences of the judiciary. Further, judges may experience negative physical (e.g., becoming overweight) and emotional (e.g., boredom, burnout) outcomes from sitting on the bench for countless hours. It is important that we begin to understand and account for these experiences, as they have the potential not only to affect judges' personal lives negatively, but also to impede them from performing their duties to the best of their abilities.

It is worth noting that many of these occupational pressures and conflicts are not unique to the judiciary. For instance, many businessmen, doctors, and

professors presumably work long hours, handle large caseloads, and make important decisions on a regular basis. However, we argue that judges face a unique combination of occupational experiences that may be overly burdensome.^{3,4} Further, given that judges make important decisions that often determine the fate of parties involved (and, more generally, affect entire jurisdictions, states, or countries), the occupational experiences of judges have a large societal impact and are thus important to study.

There are several ways in which judges' occupational experiences may lead to negative outcomes for the justice system.¹ For instance, occupational burnout (i.e., physical and emotional stress stemming from occupational factors) may negatively affect a judge's ability to consider relevant evidence. Judges' experiences can also affect jurors who may be unable to perform their duties properly if they are not adequately instructed by a judge who is experiencing high levels of stress.³ For example, a judge who is experiencing secondary traumatic stress (STS; i.e., stress incurred from helping another person through a traumatic event) may not recognize that jurors are unable to understand complicated instructions that are crucial in deciding a verdict. Similarly, occupational experiences may affect judges' abilities to pro-

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tect jurors, plaintiffs, and defendants from potential stressors, such as those presented by the media.

Finally, experiences in the judicial occupation may influence the decisions that judges make, with obvious negative implications for the legal system. For instance, a judge may (perhaps subconsciously) modify a decision based on a perceived threat from one of the parties in a case, even though measures (e.g., motions for recusal) are in place to avoid such influences. In sum, judges play a crucial role throughout the trial process and it is therefore important to understand and attempt to alleviate the occupational experiences that may impede their decision-making capacities.

Although these propositions have not been tested directly and are purely speculative, there is some evidence that stress (which presumably stems from these experiences) affects the occupational performance of judges. Research in the field of occupational stress suggests that stress lowers one's memory capacity,⁵⁻⁸ undermines one's decision-making processes,^{6,9,10} and increases social stereotyping, thus leading to biased judgments.^{11,12} High cognitive demand (i.e., cognitive load) can influence the ability to recall facts and make impartial judgments.^{13,14} In sum, research suggests that these occupational experiences (i.e., STS, safety concerns, and burnout) may lead to negative outcomes for members of the judiciary and the judicial system in general. Coupled with sparse existing research,¹⁵ the current study provides some initial evidence about the impact of these experiences on the judiciary.

It was our goal in this research to draw attention to three classes of occupational experiences that judges face (STS, safety concerns, and burnout) and to present recommendations to alleviate them. First, anecdotal evidence will be examined to determine judges' susceptibility to each of the experiences. The evidence will include a discussion of the theoretical and empirical foundations of each experience, and the specific implications that these experiences have for judges' health. Second, the results of an exploratory qualitative analysis of case study interviews will be presented to provide evidence that judges are at risk of having these experiences. Results were taken from nine in-depth case study interviews with judges in a medium-size city in the western United States. The reason for including these data was not to present a representative picture, but simply to explore the experiences of some judges and what they

mean for the judiciary and the justice system in general. Finally, preliminary recommendations will be presented to highlight the role that judges, policy makers, officials, and researchers can play in preventing or curbing these experiences among judges. It is important to note that the recommendations are largely based on results of a survey in a single jurisdiction and that they may not be relevant or novel in other jurisdictions in the United States.

Secondary Traumatic Stress

It is not uncommon for judges, especially those in family or criminal courts, to be exposed to cases involving traumatic events. Throughout the trial process, they are often exposed to gruesome evidence and disturbing family circumstances. Recent high-profile cases exemplify the traumatic situations encountered by judges. For instance, the trial of Dena Schlosser, a mother accused of mutilating and killing her baby, certainly contained evidence that was deeply disturbing for those involved in the trial.¹⁶ Theories of STS indicate exposure to such evidence may be stressful for many judges who hear these cases.

STS generally refers to stress incurred from helping another person through a traumatic event.¹⁷ Research on secondary trauma¹⁸⁻²⁰ has focused on identifying and treating stress in individuals (e.g., emergency workers, counselors, and therapists) who consistently encounter significant levels of secondary trauma. These studies provide a reasonable basis for the theory that judges experience secondary stress; however, lacking any empirical evidence, claims about STS in the judiciary are purely speculative. There are several different perspectives on secondary trauma, each of which suggests that judges are susceptible to secondary stress. Vicarious traumatization (VT), a particular type of STS, focuses on transformations that occur in trauma workers as a direct result of empathic engagement.^{21,22} VT can lead to changes in self-identity, spirituality, and psychological needs of the affected individual and may also disturb an individual's sense of safety, trust, and control.²³ Although typically applied to therapists and other caregiver occupations, judges may experience VT to the extent that they act as caregivers. A survey conducted by the National Center for State Courts²⁴ revealed that judges believe it is their duty to protect jurors from stress, suggesting that judges do care for courtroom actors. Similarly, Flores and colleagues²

found that judges felt that the court has a moderate to high level of responsibility for addressing the needs of jurors in their courtrooms. Judges might also experience VT from exposure to evidence of violence against a plaintiff or stories about a defendant's traumatic childhood. Thus, although judges may not act as caregivers in the same way as counselors or therapists, aspects of their job (e.g., ensuring fairness in the courtroom) appear to be tied to caretaking.

Safety Concerns

Violence and threats of violence against judges and their families have become prominent media topics in recent years. For instance, on June 28, 2006, a family court judge was shot and wounded in a Reno, Nevada, courthouse, where he had presided over his attacker's divorce trial.²⁵ This incident exemplifies the growing number of cases involving violence against judges.^{1,4} Recent incidents of hostility have presumably created a tangible source of stress for many judges, as each incident is brought to light by considerable media coverage. Violence aimed at judges is likely to create a sense of vulnerability and insecurity for anyone entering the judiciary. Concerns about safety may even extend to family, as violence against family members of some judges has occurred in recent years.²⁶

Safety concerns stem from threats of violence that judges encounter both inside and outside the courtroom. A survey of Pennsylvania judges revealed that 52 percent had received one or more threatening messages.¹⁵ Seventy percent of the judges who received threats stated that they occurred inside the courtroom, while 44 percent reported threats occurring outside the courthouse. In addition, active judges, compared with senior judges, were more likely to report that they had been threatened, suggesting that judges who serve full time may experience more threatening situations. In-depth interviews found that the judges shared several anxieties about courtroom violence. They believed that attacks, threats, and harassment are common occurrences. In addition, they unanimously expressed the belief that courtroom protection is not now and never will be sufficient to curb potential attacks.¹⁵ Taken together, these findings suggest that judges experience anxiety and stress from threats of violence.

It seems that policy makers have begun to recognize that violence and threats of violence against

judges are potentially serious problems. For instance, judges in some jurisdictions have recently been given the right to carry a concealed gun while on the bench.²⁷ Given the increase in incidents of courtroom violence against judges in recent years, the implementation of such a measure may be appropriate. The reported prevalence of threats further bolsters the need for measures to protect judges' safety. Although allowing them to carry guns is only one potential (and perhaps extreme) solution to a much larger problem of judicial stress, it may grant a sense of control to judges who are concerned about their safety in the courtroom.

Work-Related Burnout

The third major stressor that judges may experience is work-related burnout. The judicial occupation can demand long hours and thus the ability to cope with a consistently heavy workload. Because of long working hours and the plethora of cases, judges are faced with challenges that inevitably add stress to an already demanding job. Unprepared lawyers, uncooperative defendants, and conflicts with other judges are some examples of job-related stressors. Judges also may experience difficulties when they are forced to make decisions that will have a major impact on the lives of the parties involved in the case. One study²⁸ revealed that some of these claims have empirical merit, as judges reported experiencing significant amounts of stress when dealing with poorly prepared or disrespectful counsel and when exercising judicial discretion. Judges may also experience pressures apart from their primary occupational duties. For example, elected judges have the additional demand of preparing for (i.e., campaigning) and worrying about being elected. Similarly, publicity surrounding judges' decisions can be a contributing source of stress.²⁸

The occupational stressors already mentioned are potential contributors to work-related burnout.¹⁷ Burnout may result from workplace conflict, an overload of responsibilities, and the perception of inequity or inadequate rewards.²⁹ As discussed, judges are routinely given responsibilities (e.g., deciding a case) that carry important consequences and are commonly exposed to the trauma of others. Workplace conflict is also a prominent aspect of the judicial occupation, given the nature of the adversarial system and the subsequent threats of violence that many judges receive. Safety concerns stemming

from workplace conflict may contribute to work-related burnout. Notions of occupational inequity may be a common sentiment among judges, as the job requires long hours and intense emotional investment with relatively small rewards. Prospective judges certainly play an active role in seeking judicial appointment or election and should thus be aware of the long hours, heavy workloads, and important responsibilities that the position demands. However, it is plausible that some judges do not fully understand the nature of the position before entering it. All of these factors suggest that judges are highly susceptible to work-related burnout and its resulting detrimental physical and emotional consequences.

Some common physical and emotional responses to burnout include headaches, hypertension, depression, insomnia, and disillusionment.³⁰ Burnout may also cause a negative self-perception and negative attitudes toward work and others in general.³¹ Thus, occupational stress research suggests that judges who suffer from work-related burnout can experience a variety of negative physical and emotional outcomes. However, these suppositions lack direct empirical evidence, and further research is needed for accurate assessment of the prevalence of burnout among judges. In the current study, we attempted to assess occupational stressors in a single jurisdiction in a homogeneous sample of judges.

Overview of the Study

Methods

This research protocol was approved by the University of Nevada, Reno Social Behavioral Institutional Review Board. Nine judges, all Caucasians (two women and seven men) serving in a district court in a midsized city in a western state, agreed to undergo semistructured interviews. They had been on the bench ranging from a few months to over 15 years. Although it is unlikely that judges who have been on the bench for only a few months would exhibit symptoms of occupational burnout, they could experience STS and safety concerns. Thus, these judges were included in the study. One was a family court judge, and eight were general jurisdiction judges. In addition, all of them were in close proximity (physically and professionally) to the shooting of family court judge Chuck Weller.²⁵ Interviews were conducted by a female PhD-level psychologist and lasted between 45 and 90 minutes. All

participants were asked several standardized questions about stress they had experienced, their reactions to safety concerns, their occupational experience, and relationships with family. The questions were designed to be broad; the interviewer did not prime the judges with direct questions, such as “have you experienced burnout?” Instead, the questions allowed the judges to bring up experiences on their own. The interviewer allowed the judges to speak at length without interruption and probed for more information as needed. The basic research question that we hoped to answer in conducting these interviews was: when judges describe their work experiences, do they make comments that indicate that they experience STS, safety concerns, and burnout?

Transcripts from the nine interviews were analyzed for content that would suggest that they were at risk of STS, burnout, and stress related to their safety concerns. Thus the coding scheme used was based on the researchers’ expertise and understanding of the aforementioned concepts.

Two researchers coded the messages. Both were well trained in relevant research methods (i.e., content analysis) and were familiar with the concepts of interest. One was a female PhD-level psychologist; the other was a male MA-level psychologist pursuing a PhD in social psychology. The researchers discussed what types of comments would be considered evidence of STS, burnout, and safety concerns and developed a coding scheme that was based on the definitions of the concepts established in previous research. In collaboration, researchers discussed the parameters of the concepts until they felt comfortable that they were generally in agreement about the coding categories and definitions. For instance, to be an indicator of work-related burnout, a comment had to include a direct or indirect mention of one or any combination of the following stressors: overload of responsibility, workplace conflict, and perception of inequity.

Results and Discussion

The researchers identified 54 responses that were germane to these purposes. The responses were approximately equally divided among judges, although one judge offered more usable quotes than others, and another judge offered fewer than the rest. The two authors separately analyzed all of the messages for specific relevance to each of three proposed occupational experiences to determine intercoder reliability.

ity. The researchers agreed that 45 (87%) of the 52 messages were properly categorized as indicators of STS, burnout, or safety concerns. Disagreements between the coders were resolved through discussion. The results generally indicated that the judges were at risk of experiencing stress from these three sources. The quotations were taken directly from the messages.

Secondary Traumatic Stress

Thirteen messages were identified as potential indicators of STS in the judges. The researchers agreed that 10 of the 13 messages showed that the judges were at risk of STS, yielding a 77 percent agreement rate.

Several themes emerged from the analysis of comments relevant to STS. First, the judges noted that the courtroom can be a very emotional setting. In response to a question about courtroom interaction among courtroom actors one family court judge said: "We send people away here because, mostly of their own making, they don't get along together, they hate each other, and they come to family court and have a stranger tell them what's going to happen; there are a lot of emotions." Another judge specifically commented on the emotions common to family courts, stating, "We know that family cases are the most emotional cases in the world."

These comments provide an indirect connection to VT, the theory that emotion is an important component of secondary stress. Although these comments do not suggest that the judges exhibit empathy (i.e., care for legal actors), they imply that they may be prone to experiencing STS because the events in their workplace are inherently emotional.

The judges commonly described the anxiety and trauma experienced by plaintiffs or defendants. One mentioned the various types of trauma that judges experience vicariously: "[Judges] deal with death, paraplegia, burning, [and] infant trauma." The same judge also noted the trauma and anxiety inherent in divorce: "Anybody who has been through a divorce knows that that is among the most traumatic experiences of their life." Another judge also indicated that evidence heard in the courtroom can be traumatic, stating that judges "deal with people being horribly hurt or. . . murdered." These comments suggest that these judges were affected by the traumatic experiences of others, indicating that the courtroom may foster the development of some degree of STS.

Several of the participants also indicated that they had become emotionally involved in trials, suggesting that some may experience empathy for those who have been traumatized. For instance, one judge explained that he sometimes struggles "to keep [his] emotions in check" and that he has "let [his] emotions go because of [his] experiences and [his] personality." The same judge also expressed some concern for victims, stating, "I find myself having to watch myself from striking out [in response to] what I perceive to be a personal attack. . . on the victim." Another judge conveyed similar concerns for victims, explaining that the court was "able to provide [a victim] with some counseling." These comments seem to provide support for the argument of STS among judges—namely, that judges feel empathy for plaintiffs and defendants and sometimes even act as caregivers.

The judges also appeared to assume the role of caretaker by ensuring the well-being of their jurors. One stated, "Years ago I had a murder trial. . . . One of the jurors stayed in the jury room for three or four hours, and we were able to provide her with some counseling and so on. . . . Nobody in a case really wants to be here." One judge even sympathized with a defendant who expressed feeling out of place and stressed by the court proceedings, stating that "This is an alien place for most people to be who are parties and witnesses, and in some cases even lawyers." Thus, the judges recognized the toll that the court process takes on those involved in the proceedings. Although a judge may not act as a caretaker in the same way as a counselor or therapist, these comments suggest that some judges assume the responsibility of caring for the well-being of courtroom actors.

These analyses indicate that the judges may be at risk for STS given the nature of their work environment. First, the judges indicated that trials were often emotional and traumatic for the parties involved. Second, they exhibited emotional responses to victims, which included empathy for traumatized victims, jurors, and defendants. Although the judges did not explicitly state that they had experienced stress from others' traumas, the findings suggest that they may be at risk of STS.

Safety Concerns

Twenty-three statements were identified as possible signs of stress due to safety concerns, with re-

searchers agreeing on 22 (96%). Several key themes emerged.

First, the judges were very much aware of the safety concerns involved in being a judge. The majority of them mentioned that they knew of, or were troubled by, incidents in which judges or their families were injured. In response to the recent act of violence against his colleague, one judge said, "This is an extremely emotional and stressful environment. . . . It doesn't surprise me that people act out and we have to expect [violence]." Another expressed a similar sentiment: "[Violence] is a recognized possibility, but the possibility turning into an actual [act of violence] is more than the postal experience; anybody, an employee, could go off and try and get you." As a result, the judges feared for personal safety and their family's safety. Several indicated that they were afraid for older parents and children who might be exposed to violence. For instance, one judge stated, "I have this thought or belief I could probably protect myself but my kids can't."

Second, many of the judges gave examples of threats they had personally received. Some had received threatening letters; others had been approached in public by disgruntled individuals. One indicated that if he was shot, he could immediately think of four or five suspects. One judge admitted being concerned about a specific individual in a case who was "calling the house and stuff like that for a while. That was sort of unnerving because. . .he'd sit across the street. . .and watch the garage at night."

The third theme that emerged involved the effect of safety on legal decision-making. Nearly half of the judges indicated a fear that violence could affect a judge's decision. Several indicated that they sometimes suspect that a defendant might be dangerous or might retaliate, and they must be very careful not to let that affect their decisions. One said, "The institution needs to provide an environment where the judges are free to issue appropriate sentences under the law. Not to have something where any decision is influenced out of physical harm [or threat]."

Finally, most of the judges indicated that they had specifically done things to prevent individuals in their courts from becoming angry. One said, "I've always believed that the amount of patience you show to the litigants and the way you treat them will put you in a better situation with regard to retaliation." Another commented:

I think it is important for litigants to understand why a judge makes a decision, I think it is important for a judge to make a decision as quickly as possible, because delay causes frustration. . .and a feeling of helplessness, [that] is one of the things that causes incidents like this. When people feel like they've been pushed to the edge and they don't have any other recourse, that's when they take totally illogical and irresponsible steps, like getting a gun.

Another judge stated that he expects a high level of formality, respect, and decorum in the courtroom. He feels this encourages individuals to respect the legal system and can reduce the chance that someone would want to strike out.

As this analysis indicates, the judges had experienced a variety of stressors related to their safety concerns. They were concerned about threats they had personally received and potential threats to their family. They were aware that the threats could affect their decision-making and had taken steps to prevent harm to themselves and their families.

It is important to note that safety concerns were likely to be fresh in the judges' minds because the interviews were conducted shortly after another judge (not included in this study) was shot and injured, allegedly by a man who was unhappy with his ruling. Nevertheless, all of the judges indicated that they had been taking steps to ensure their safety since becoming a judge. Many had been taking precautions for many years and had become accustomed to the safety concerns that accompany their occupation. All exhibited concern about their safety or the safety of those around them. These stressors, among others, could lead to work-related burnout.

Work-Related Burnout

Sixteen comments were originally identified as signs of burnout in the sample. Coders agreed that 15 of the 16 comments suggested that the judge was vulnerable to burnout. Thus, intercoder reliability was relatively high at 94 percent. Comments in this category were grouped into themes according to how they relate to the concept of burnout.

The analysis revealed that the judges exhibited each of the burnout symptoms: overload of responsibility, workplace conflict, and perception of inequity. Most notably, they described stress related to an overload of work-related responsibilities. They explained that large caseloads and other responsibilities were major contributors to stress. One judge explained that some judges were "killing themselves" by working "50 to 60 hours a week." Another judge commented that "[The work] never goes away. . .it's

not deciding the case, but it's writing the decision. . . .that causes stress." A different judge explained that "there is constant pressure to hear the cases."

One type of occupational responsibility that was particularly stressful was the task of making decisions in court. When asked to explain the causes of workplace stress, one judge said:

It (making a decision) is not altogether so clear and somebody usually benefits by your decision and somebody is usually harmed by it in some way: it costs them money, or they lose property, they go to jail, or are on probation. And so it's stressful to me to make those decisions because I tend to go out of here and think about them for a day or two, or wake up in the middle of the night and wonder if it's the right thing.

Another judge stated, "Most of the stress in the office is from difficult decisions, and trying to figure out what the appropriate ruling is on a given issue." These statements suggest that judges experience a great deal of stress from an overload of decision-making responsibilities.

The public nature of the occupation also seemed to contribute to an overload of responsibility. One judge stated:

The judge represents the legal system in the eye of society. How we conduct ourselves. How we conduct our courtroom. How we are attentive to anger and irrationality in the courtroom, and deal with it, and try to minimize it so that the courtroom, and the legal process, is efficient and orderly.

This comment suggests that judges may experience the added pressure of being perfect exemplars because they often face public scrutiny. Several of the judges explained that public scrutiny is especially high when running for office. One judge noted that, "Campaigns can be very stressful. . . . If you have a campaign your whole year is entirely devoted to the campaign." Another judge found the fundraising process to be particularly burdensome, stating, "I don't want to have to go through the fundraiser process. It's tough for judges because you're making decisions and people that are involved in the process are trying to make campaign contributions." In short, the judges, especially those who had to run for office, experienced an overload of responsibility stemming from the public nature of the occupation. There was some indication that the elected judges face the task of balancing their public and private interests when campaigning.

Another commonly discussed symptom of burnout was workplace conflict. Several of the judges indicated that they had experienced conflict (or per-

ceived conflict) with legal actors, staff, and colleagues. As a byproduct of the traumatic courtroom environment, judges may experience conflict via violence within the cases. As one judge explained, "people [can] find criminal cases very stressful because you see man's inhumanity to man, and it's very ugly." In addition, violence against other judges has seemingly created a source of conflict. For instance, one judge stated, "[The possibility of violence] is always on our minds. . . . I think anybody who does the kind of work we do over a period of time [becomes] hypervigilant." The judges also experienced more direct forms of workplace conflict through contact with staff and other judges. For instance, one judge said:

I have my own staff so I have personnel issues that always cause [me] anxiety and stress. . . . Dealing with other judges within the framework that we have is kind of stressful; sometimes we aren't as kind to one another as perhaps we should be, and I find that very stressful. Disrespecting each other is very hard on me.

This analysis suggests that judges may experience occupational conflict from a variety of sources. The reporting of indirect and direct workplace conflict from courtroom experiences, perceived threats of violence, and contact with colleagues and staff suggests that the judges may be vulnerable to burnout.

Transcript analyses also revealed that some of the judges perceived occupational inequities. Specifically, they indicated that courthouse safety concerns were not being properly addressed by officials and citizens. One expressed frustration about the lack of action in regard to safety measures:

Nothing is really getting done; there is more talk about it but nothing is really happening. We have been talking about having an order about guns in the courthouse since December, but as we speak now, July, still no order has been signed.

Another judge expressed frustration with the system, stating that the sheriff's office had originally planned to conduct safety surveys with judges and court personnel but had failed to take action. He explained that the survey "had been distributed to no one." The judges also expressed a lack of public support for the cause. In discussing changes that needed to be made at the courthouse, one judge said:

Voters don't really care about the courthouse. . . . [I]t makes [me] somewhat jaded about the people, your fellow humans, who you work with. . . . I do think it has a lot broader effect on people where you just seem resigned that it's just going to happen again.

These comments suggest that the judges may feel underappreciated by the officials and, more generally, the public. Given the demands of the occupation and the sacrifices that the judges make for their work, it is plausible that they perceived an inequity in the lack of public and private support for their protection in the courtroom. Frequent mention of this problem seems to suggest that they did not believe they were receiving adequate support.

Similar to STS, burnout is a form of stress that is not easily recognized among those it affects. Thus, it is often necessary to assess the symptoms of burnout to determine its presence. As discussed by Maslach and Leiter²⁹ symptoms of burnout may include workplace conflict, an overload of responsibilities, and the perception of inequity. Although the judges did not explicitly state that they were suffering from work-related burnout (probably because they were not directly asked whether they were), there were several indications that they were at risk. First, they experienced an overload of responsibilities stemming from large caseloads, decision-making pressures, and public scrutiny. Second, they indicated that there was a great deal of workplace conflict from indirect (e.g., trauma in the court cases, violence against judges) and direct (e.g., conflict with colleagues and staff) sources. Finally, there was some indication that they perceived occupational inequities in dealing with individual citizens and public officials. Taken together, these comments suggest that they are at risk of work-related burnout. It is worth mentioning that they experience symptoms of both case-related burnout (unique to the judiciary) and administration-related burnout (common to many professions). Thus, the results presented herein indicate that the judges in this small, homogeneous sample have had a unique combination of occupational experiences. Future research, with more representative samples, should further assess the prevalence of burnout in the courtroom.

Recommendations

As discussed, judges encounter a trio of occupational experiences: secondary traumatic stress, safety concerns, and work-related burnout. A variety of measures are proposed in this section, many of which have been derived from the judges' comments in the current study. Because these recommendations are based on the experiences of judges in only one jurisdiction, they may not be relevant or novel for judges

in other jurisdictions in the United States. Thus, these recommendations are merely intended to provide a basis for addressing the negative impacts of STS, safety concerns, and work-related burnout for judges who have similar occupational experiences and working environments.

First, judges should be trained to recognize the effects of these occupational stressors. As one judge noted, it is important for judges "to seek help from physicians, counselors, and psychologists if necessary." Although some judges may be able to recognize when they are experiencing STS, safety concerns, or burnout, it is likely that many judges are too busy to acknowledge the physical and emotional manifestations of these experiences. Leaders in judicial workplaces should promote an environment that accepts stress prevention and stress relief as a natural part of the trial process. This culture would encourage judges to take the necessary steps to recognize symptoms of these stressors and prevent their negative consequences.

Second, judges should be encouraged to take time off to relieve the effects of difficult occupational experiences. As discussed, judges often experience an overload of responsibility. For instance, one judge explained:

And the calendar can be very stressful in that there is constant pressure to hear the cases. . . . How do I get those 10 cases heard? And then I've got the lawyers waiting that want to start. And you're a little bit late starting on that hearing because you finished the first hearing, and how do you juggle all of that? That can get kind of stressful at times.

Anxiety stemming from occupational responsibilities can be remedied by an occasional break from work. Even an extra day off to engage in a favorite hobby can help a judge come back to the bench refreshed and relaxed. Longer-term sabbaticals should also be encouraged from time to time to allow judges to get away for a few weeks or months. Having a break from the constant stream of work can help give them renewed focus. For instance, having a break could help prevent the long-term damage of vicarious trauma.

Third, safety should be a primary concern for all courthouses. As the Pennsylvania survey¹⁵ indicated, judges do not feel that courthouses are safe enough. The judges in the current study expressed concerns about safety as it related to judicial decision-making. For example, one judge explained that "the institution needs to provide an environment where the judges are free to issue appropriate sentences under the fact of the law. . . not where any decision is influ-

enced out of [fear of] physical harm.” It is impossible to prevent every kind of harm that a judge can experience at work or in his personal life. However, strict safety measures can make great strides in helping judges feel safer. Professionals who are trained to recognize weaknesses in safety should assess courthouses on a regular basis. The experts' recommendations should be followed to ensure that courthouse employees (and visitors) are as safe as possible. Further, judges can be more vocal about safety concerns than they might have. For instance, one judge explained that he had once called ahead to make sure an armed bailiff was present “because the person on the other side had made threats.”

Fourth, judges should be provided with the opportunity, information, and skills needed to protect themselves. The need for such protection was confirmed by the judges who expressed doubt that they could protect themselves from violence in the courtroom. For instance, personal safety programs can help judges be more vigilant and defend themselves against a personal attack. Safety devices such as car and personal alarms should be provided for judges who want them. While many jurisdictions already have such measures in place, they should be a standard feature of every jurisdiction.

Fifth, steps should be taken to preserve professionalism within the courtroom. As a means of protecting the integrity of the courtroom, several judges suggested that it was important to establish positive rapport with legal actors. For instance, one judge stressed the importance of patience and courtesy, explaining that a “higher level of decorum is expected in the courtroom.” Another judge stressed the importance of “letting people know why you [made that] decision” so that “everyone [can] walk away from the court feeling like they were heard.” Individuals who do not respect the courtroom and court procedure will be more likely to strike out at judges, as suggested by one: “If you're rude to a defendant they're more likely to send their family members after. . . your family members.” In contrast, individuals who respect the authority of the court and feel it is a legitimate governing body will follow the court's rulings and will be less likely to retaliate. Such individuals obey court orders, not because they have to, but because they believe that the court, as a legitimate authority, should be obeyed.³² Most judges presumably understand the importance of courtroom professionalism; however these comments serve as an

important reminder that positive courtroom rapport conveys legitimate authority and encourages respect among the courtroom actors.

We also recommend that research be conducted to get a better understanding of the occupational experiences that lead to stress for judges. Researchers should develop measures to identify stress so that prevention and treatment programs can be developed. The stress theories discussed herein have not been tested on judges to the extent that would be necessary to get a full understanding; thus, little is known about judges' reactions to the stressors of their jobs.

Finally, the findings presented in this article indicate that government funding is needed to assess and address the experiences of judges. In discussing the lack of funding for the prevention of violence in the courtroom, one judge stated, “You sort of seem resigned that it is just going to happen again and it is going to keep happening until we get some leadership in the executive branch.” Courthouses need funds to make safety improvements, court administrators need funds to provide safety programs, and researchers need money to study stress. More employees are needed to take some of the heavy load off of judges and allow them to take time off when needed. Ultimately, the government should provide greater funding to protect this important branch of government.

Limitations

A few limitations of the survey are worthy of note. First and foremost, in the current research, the judges were not directly asked if they had experienced STS, safety concerns, or burnout. Instead, more general questions about stressful and anxiety-provoking experiences were asked to avoid introducing a response bias. Future research should be more direct and use more specific measures (e.g., closed-ended measures) to ensure reliability and objectivity in analysis. A related limitation is that judges may be unwilling to disclose their symptoms and experiences. It is likely that the judges did not explicitly state that they had encountered some experiences because such an admission would imply weakness in judicial decision-making, an outcome that is presumably undesirable for all judges. There was evidence of this in the interviews, as some of the judges were hesitant to say that they had personally suffered and were more likely to state that other judges and employees at the court-

house had experienced trauma. Thus, the fact that they did not explicitly reference STS, safety concerns, and burnout does not imply that they do not encounter them; rather, it may simply suggest that they are wary of the consequences of admitting these experiences. Our experience shows the challenges that future researchers face in accurately gauging the experiences of judges.

Another limitation of the current research is the restricted generalizability of the results due to the small and homogeneous sample. All of the interviewees were Caucasian and most were men. Furthermore, only one judge was a family court judge; the remainder were judges of general jurisdiction. Thus, it is impossible to determine if these results generalize to the population of judges as a whole. For instance, it is possible that the safety concerns of those interviewed were inflated because of the proximal (in terms of time and location) nature of the recent shooting of a fellow judge. On the other hand, violent acts perpetrated against judges and their families may increase safety concerns among judges across the country, given the wide media coverage garnered by these occurrences. In short, the current exploratory study provides a picture of judges' experiences in a limited context and does not provide a broad picture of the judiciary as a whole.

Conclusion

As legal gatekeepers, decision-makers, caretakers, and disciplinarians, judges play a fundamental role in the American justice system. Inherent in the judicial occupation are several experiences that can negatively affect judges' decisions. This research has outlined three broad experiences that judges should understand and attempt to account for. Secondary traumatic stress, which includes vicarious trauma, refers to trauma stemming from helping another through a traumatic event. Results from this qualitative interview study suggest that judges are vulnerable to STS, as they are regularly exposed to trauma and often feel empathy for victims. Safety concerns stemming from acts of violence and threats of violence against judges and their families also may contribute to judicial stress. Results revealed that judges often experience safety concerns. Violence against judges is likely to create a sense of vulnerability and insecurity for anyone assuming the bench. Finally, there was evidence that judges are at risk of burnout, as many of the judges in the current study exhibited some of the

primary symptoms of burnout, such as workplace conflict and an overload of responsibilities. Although no judge demonstrated extreme symptoms, all had low levels of symptoms associated with STS, safety concerns, and burnout.

There are several recommended steps that judges, policy makers and officials can take to prevent or minimize the impact of these occupational experiences. Judges should be trained to recognize symptoms of STS in themselves, and officials in judicial workplaces should foster an environment that accepts STS prevention. Judges should also take breaks (e.g., retreats, sabbaticals) from work to minimize work-related burnout. They should be provided with the necessary opportunities, information, and skills needed to protect themselves. To address judges' safety concerns, courthouses should be properly equipped with the necessary technology and personnel to stop acts of violence. The integrity of the courtroom should be protected by establishing mutual respect among judges, attorneys, plaintiffs, and defendants. Research should also be conducted to better our understanding of judicial stress. Perhaps most important, government funding is necessary to ensure that judges have the resources to employ the aforementioned recommendations. These steps are essential in protecting our nation's judges and the integrity of our judicial system.

Acknowledgments

The authors thank Jim Richardson for helpful comments.

References

1. Chamberlain J, Miller MK: Stress in the courtroom: a call for research. *Psychiatry Psychol Law*, in press
2. Flores DM, Miller MK, Chamberlain J, *et al*: Judges' perspectives on stress and safety in the courtroom: an exploratory study. *Court Review*, in press
3. Miller MK, Flores D: Addressing the problem of courtroom stress. *Judicature* 91:60–9, 2007
4. Miller MK, Richardson JT: A model of causes and effects of judicial stress. *Judges J* 45:20–3, 2006
5. Johnston JH, Driskell JE, Salas E: Vigilant and hypervigilant decision making. *J Appl Psychol* 82:614–22, 1997
6. Keinan G: Effects of stress and tolerance of ambiguity on magical thinking. *J Personal Social Psychol* 67:48–55, 1994
7. Keinan G, Friedland N, Kahneman D, *et al*: The effect of stress on the suppression of erroneous competing responses. *Anxiety Stress Coping* 12:455–76, 1999
8. Klein K, Boals B: The relationship of life event stress and working memory capacity. *Appl Cogn Psychol* 15:565–79, 2001
9. Janis IL: Decisionmaking under stress, in *Handbook of Stress: Theoretical and Clinical Aspects* (ed 2). Edited by Goldberger L, Breznitz S. New York: Free Press, 1993, pp 56–74

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10. Keinan G, Friedland N, Ben-Porath Y: Decision making under stress: scanning of alternatives under physical threat. *Act Psychol* 64:219–28, 1987
11. Keinan G, Friedland N, Even-Haim G: The effect of stress and self-esteem on social stereotyping. *J Soc Clin Psychol* 19:206–19, 2000
12. Kruglanski AW, Freund T: The freezing and unfreezing of lay-inferences: effects on impression primacy, ethnic stereotyping, and numerical anchoring. *J Exp Soc Psychol*, 19:448–68, 1983
13. Nordstrom CR, Williams KB, LeBrenton JM: The effect of cognitive load on the processing of employment selection information. *Basic Appl Soc Psychol* 18:305–18, 1996
14. Van Knippenberg A, Dijksterhuis A, Vermeulen D: Judgment and memory of a criminal act: the effects of stereotypes and cognitive load. *Eur J Soc Psychol* 29:191–201, 1999
15. Harris DJ, Kirschner CL, Rozek KK, *et al*: Violence in the judicial workplace: one state's experience. *Ann AAPSS* 576:38–53, 2001
16. Associated Press: Mother confesses to severing baby's arms. MSNBC. November 23, 2004. Available at <http://www.msnbc.msn.com/id/6561617/>. Accessed on August 10, 2006
17. Salston M, Figley CR: Secondary traumatic stress effects of working with survivors of criminal victimization. *J Traum Stress* 16: 167–74, 2003
18. Everly GS, Boyle S, Lating J: The effectiveness of psychological debriefings in vicarious trauma: a meta-analysis. *Stress Medicine* 15:229–33, 1999
19. Ortlepp K, Friedman M: Prevalence and correlates of secondary traumatic stress in workplace lay trauma counselors. *J Trauma Stress* 15:213–22, 2002
20. Trippany R, White Kress V, Wilcoxon S: Preventing vicarious trauma: what counselors should know when working with trauma survivors. *J Counseling Dev* 82:31–8, 2004
21. Jaffe PG, Crooks CV, Dunford-Jackson BL, *et al*: Vicarious trauma in judges: the personal challenge of dispensing justice. *Juvenile Fam Court J* 54:1–9, 2003
22. Pearlman LA, Mac Ian PS: Vicarious traumatization: an empirical study of the effects of trauma work on trauma therapists. *Prof Psychol* 25:558–63, 1995
23. Rasmussen B: An intersubjective perspective on vicarious trauma and its impact on the clinical process. *J Soc Work Pract* 19:19–30, 2005
24. National Center for the State Courts: Through the Eyes of the Juror: A Manual for Addressing Juror Stress. Available at [http://www.ncsconline.org/WC/Publications/Res_Juries_JurorStressIndex Pub.pdf](http://www.ncsconline.org/WC/Publications/Res_Juries_JurorStressIndexPub.pdf). Accessed on April 15, 2006
25. Associated Press: NBC: Police expect Reno suspect to surrender. June 14, 2006. MSNBC. Available at <http://www.msnbc.msn.com/id/13282424>. Accessed August 10, 2006
26. Coen J, Heinzmann D: Suicide, double-murder linked. *Chicago Tribune*. March 11, 2005. Available at http://www.ocregister.com/ocr/2005/03/11/sections/nation_world/nation_world/article_438555.php. Accessed on April 1, 2006
27. Decision allows judges to carry guns. NY1 News. July 16, 2006. Available at <http://www.ny1.com/ny1/content/index.jsp?stid=3&aid=61055>. Accessed on August 10, 2006
28. Eells TD, Showalter CR: Work-related stress in American trial judges. *Bull Am Acad Psychiatry Law* 22:70–83, 1994
29. Maslach C, Leiter MP: *The Truth About Burnout*. San Francisco: Jossey-Bass, 1997.
30. Farber BA (editor): Dysfunctional aspects of the psychotherapeutic role, in *Stress and Burnout in the Human Service Professions*. New York: Pergamon Press, 1983, pp 97–118
31. Pines A, Aronson E: *Career Burnout: Causes and Cures*. New York: The Free Press, 1988
32. Tyler TR: Restorative justice and procedural justice: dealing with rule breaking. *J Soc Issues* 62:307–26, 2006