



Stressed Out? Not Me

Judge Kevin Burke



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Saying "No" all the time gets old



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Let's go to the video...



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People's Court video (Jimmy Kimmel)

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"If you don't know where you are going, you may not get there."

—Yogi Berra

Famous Yankee Philosopher

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Where We Are Going

- Awareness of problems of judicial stress and vicarious trauma
- Legitimizing the discussion
- Explore ideas for improving judicial wellness
- Offer and implement ideas for institutional/structural and peer support
- Helping each other

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What is the best part of your job?

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Sustaining Court Collegiality

- Honestly communicate no matter what
- Ensure each other's professional well-being & safety

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Do we trust that our colleagues act primarily in their own self-interest or in our interests?

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“Simply put, trust means confidence. The opposite of trust, distrust, is suspicion.”

-Steven Covey, The Speed of Trust



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The happy medium for a judge is a balance between individual contribution and group support.

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Successful Peer Relationship Management

- Finds common ground and solves problems for the good of all
- Focuses on the court's mission and vision and not on individual initiatives
- Is adept at leading and participating in a team
- Solicits input from others
- Gives recognition to others
- Communicates effectively
- Listens to and respects peers
- Is fair when communicating and in pursuing his or her goals
- Works to open communication and to facilitate its flow
- Identifies and removes communication barriers
- Is accessible
- Encourages others to share ideas
- Establishes boundaries
- Maintains confidentiality

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Understanding Yourself

Inclusion	Control	Affection
Participation, recognition of belonging	Power, authority, influence	Openness, closeness
You can include	How well do you give orders?	How are you at giving affection?
You can feel a need to be included	How well do you take them?	How much do need it?

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Judicial emotion...

- Hobbes (1651): a judge ought to be “divested of all fear, anger, hatred, love, and compassion”
- Sen. Grassley at Sotomayor hearing: a judge’s “most critical qualification” is “the capacity to set aside one’s own feelings”

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... and in reality...

- State v. Hutchison (Maryland, 1970): “Judges, being flesh and blood, are subject to the same emotions and human frailties as affect other members of the species.”
- Justice Sotomayor at her confirmation hearing: “We are not robots [who] listen to evidence and don’t have feelings.”

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There is an incomplete fit between conventional norms of judicial performance, emphasizing detachment and impersonality, and the practical, day-to-day judicial work in high volume, time-pressured courts.

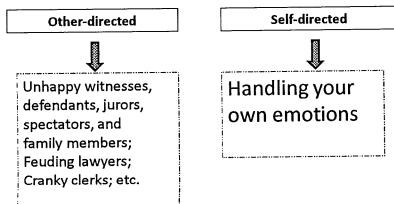
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Conventional understandings of the judicial role emphasize impersonality and dispassion as central to neutrality and legal authority.

- Emotions have been viewed as inherently irrational, disorderly, impulsive and personal and therefore as inconsistent with the legitimate exercise of judicial authority in the courtroom.
- Insight about emotion, including stress and work satisfaction, is critical.

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Judges perform "emotional labor."



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There is a range of emotions prompted by sentencing

- Anger
- Disgust
- Contempt
- Sorrow
- Compassion
- Hope
- Fear
- Guilt and regret

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- Terry Maroney video

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Angry Judges

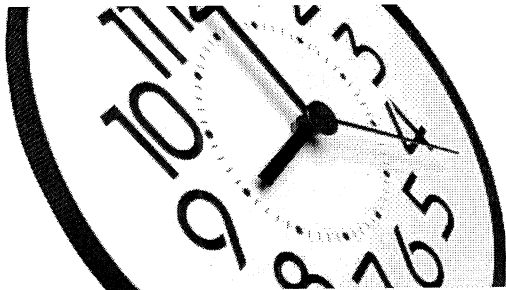


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Judges with a Sense of Humor



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Emotion can play a positive role...

- Signaling seriousness
- Conveying respect
- Instilling motivation

... or a destructive one.

- Hasty or overly punitive decisions
- Conveying wrong moral messages
- Becoming the story

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Avoiding emotional triggers is seldom an option

- Extremely effective in preventing emotional emergence, but –
- Relies on the judge literally not paying attention to important facts.

★ Tinkering is possible - modify situations rather than avoid them

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Choosing how to think about the emotion enhances control over it

“Cognitive appraisal”, i.e., examining the reasons behind the emotion and committing to a professional “lens”

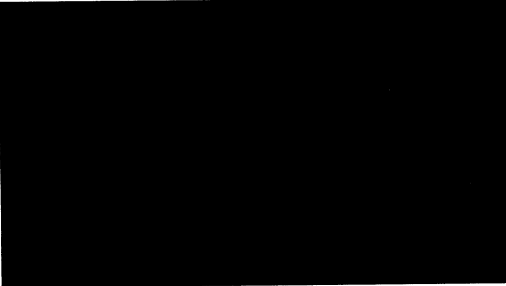
- Allows for appropriate expression
- Is highly effective in lessening impact

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Some Factors Affecting Awareness and Mindful Judicial Decision Making

- Fatigue
- Depleted resources
- Multitasking
- Mood

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Rick Perry video
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Fatigue

- Sleep deprivation leads to lack of innovation, inflexibility of thought processes, excess attention to distractions, over-reliance on past strategies, unreliable memories, loss of empathy, and inability to deal with unexpected events.
- These effects can occur when sleep is reduced to 6 or fewer hours over a 14-day period, which caused problems equal to those caused by 2 full nights of sleep deprivation.

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Factors Detracting from Mindful Decision Making

- Mood
 - In general,
 - Those in a positive mood engage in more reflexive, automatic processing.
 - Those in a negative mood engage in more reflective, deliberative processing.
 - Reliance on stereotypes may be more likely if you're in a good mood—and just cruising along.
 - Vigilance—and conscious thought—is important.

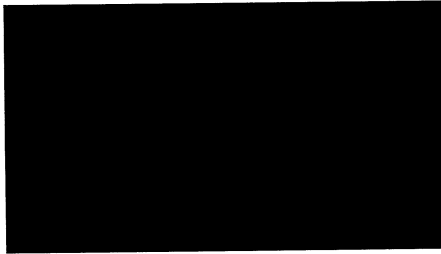
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Multitasking on the Bench: Norway



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The Monkey Business Illusion



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- Professional athletes have coaches who provide continual feedback and who demand accountability.
- Judges are often isolated and don't seek feedback.
- Simply asking yourself, "Why?," as you take various actions in a case can help to keep you accountable and to be deliberative in your decision making.

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Steps to creating a fun and vibrant court workplace



1. Understand yourself.
2. Ask questions and then take first steps. Are you satisfied with the level of motivation that exists in your court? If not, what could be changed? Can you identify barriers to motivating people within your court? What motivational activity could be done that has not been thought of before?
3. Consider writing a list of three to five things that motivate the judges, court administration, and the line staff.

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Thanks for Letting Me Join You

- The “good judge” is an **emotionally intelligent judge**
- An emotionally intelligent judge is a **healthier, happier judge**

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So why did he put a picture of a golfer on the first slide?

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