Columbia Law School

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Judicial Wellness: The Ups and Downs of N.Y. Judges

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JUDICIAL DISPATCH

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PRESIDING MEMBER'S MESSAGE

Conrad D. Singer

For a number of years, I have been active in the New York State Family Court Judges Association, as I am an elected New York State Family Court Judge. I have served in numerous offices within that Association and was President for three terms. I've been asked many times why I volunteered for three terms and I've responded with answers such as a desire to have Family Court judges' voices heard and to make the Family Court a better place to litigate and work. During one of my terms as President, I became involved in the NYSBA Council of Judicial Associations which is comprised of presidents of every judicial association. The Judicial Council has enabled me to meet judges from different jurisdictions and different parts of New York State which is something a court-specific judicial association does not offer. It was through the Council that I became an active member of the Judicial Section of NYSBA. One of the unique qualities of our position as judges is the sense of collegiality that we have, with not only judges from our own areas, but with judges from all over the state. Initially I thought that was why I increased my involvement in the Judicial Section but as time progressed I realized it was not only for the opportunity to become familiar with the judges of different courts, but also for collegiality – the very reason I got involved in my state association.

How do you define collegiality? Well, a quick google search reveals several definitions. Among them: "Collegiality is the relationship between colleagues. Colleagues are those explicitly united in a common purpose and respecting each other's abilities to work toward that purpose." It is this definition that I hope will characterize the accomplishments of the Judicial Section of NYSBA in the coming years . . . and there's no better time to start than now. I hope you will choose to get involved and to encourage your fellow judges to do so as well.

Along with NYSBA, the Judicial Section has advocated on issues that are crucial to the judiciary, most recently judicial pay raises and the death gamble. Why these issues? Because as a section, we are comprised of judges from every different type of court in the state and every region in the state, and these issues are universal to all. At times, it may be difficult to find a common ground on highly contested issues because of the varied demographics of our statewide court system. But our differences should not define us. Collectively, we must work together to form a stronger voice and tackle the issues that are important to the judiciary and the court system, and the people we serve.

Let's unite and be the voice of many as opposed to the voice of few. To start, if you are not a section member or a NYSBA member, please join now. If you are currently a member, please invite one of your colleagues to join. I look forward to working with everyone this year.

Hon. Conrad Singer, Presiding Member

"Life is made up of a series of judgments on insufficient data, and if we waited to run down all our doubts, it would flow past us."
Judge Learned Hand, *circa* 1939

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NYSBA

JUDICIAL WELLNESS: THE UPS AND DOWNS OF SITTING NEW YORK JUDGES

By: Hon. Gerald Lebovits

(This is an abridged version of an article that appeared in the June 2017 NYSBA Journal)

Judges aren't immune from anxiety, addictions, or mental illness. Judicial responsibility comes with pressures. Judges are held to high standards of ethics and competence in our personal and professional lives, and make difficult decisions nearly every day. The burden of judicial decision-making is heavy. We are responsible not only for the fate of litigants, but also for upholding the public good, due process, equal justice, and the federal and New York Constitutions. Nothing is easy about doing that day in and day out.

The words judges use to render decisions are another source of stress. We walk a fine line between writing too much and too little. We fear that after years of service we will say or write something that in a micro-second might destroy our otherwise stellar careers. The high-stakes nature of exercising discretion to decide a case also is taxing, and inevitably there are times we must render decisions that contradict our values. Judging is stressful and demanding, and New York State judges struggle with the added anxiety that surrounds re-elections and re-appointments.

Because judges are subject to public scrutiny, we must remain circumspect and behave prudently at all times, both on and off the bench. A judge's behavior, professionally and socially, always is under the microscope. A monetary lapse in judgment, even in the form of a joke or off-hand remark can have catastrophic effects on a judge's career. Unfailingly, we must exercise the highest levels of integrity and wisdom without breaking a sweat, complaining, seeking anything in return, or expecting a thank you. And we must do it alone. After taking the bench, judges often lose contact with friends, family, and peers. The result: many judges suffer from isolation. The isolation felt by female judges is even greater than that of their male counterparts. In addition to generally bearing greater family responsibilities, many female judges face gender bias and must ward off gender-based attacks.

Our decisions sometimes subject us to criticism by lawyers, the public and aggrieved parties, and even threats of violence. These and other stressors have impaired some of the most qualified, skilled, humane, and intelligent jurists. Because we cannot respond to disparaging accusations, we suffer in silence.

Manifestations

Accumulating stress and suppressing emotions can have a damaging effect on the cognitive and decision-making skills of judges. After all, we are human. Judges suffer from compassion fatigue and burnout. Compassion fatigue and burnout lead to chronic health problems, poor job performance, and impoverished relationships. And sometimes judges use negative coping methods like gambling, drinking, anger, and abusing drugs to deal with these problems. But there are better ways to cope with our stressors.

Suggestions

As judges, we should integrate stress-management techniques and activities into our daily lives. Tackling milder stressors head-on can prevent long-term adversities like depression, substance abuse and other addictions. Physical activity, rest, relaxation, and social activity are among the most useful strategies to cope with bench-related stress. Take time outside the courtroom. Time spent outside the courtroom can make for a less stressful and more productive judicial career.

Learn to confront stressors and find healthy coping mechanisms. Instead of avoiding subjects and making excuses, acknowledge symptoms. Demonstrate the strength, courage and conviction to get held when needed. Help can be found through the Judges' Assistance Program of the NYSBA Judicial Wellness Committee. The Committee is made up of judges who assist other judges with stress-related concerns. With carefully tailored exceptions to protect the public interest, communications between judges and the Committee are confidential.

During the day, decompress, drink water, take short breaks, go for a walk, and eat a healthy lunch. Connect. Secure a network of like-minded individuals who deal with similar issues. Find or be a mentor. Attend judicial conferences, lunches and dinners, and bar association meetings. Educate. Attend substantive CLEs, and study and adhere to judicial ethics opinions. Judges who know the law are less stressed than those who do not. Do

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not overstress drafting perfect decisions, and don't live in fear of getting reversed. Control lawyers and control your courtroom, but do so patiently and without controversy. To avoid saying the wrong words while on the bench, speak one third slower and filter your thoughts. When things get stressful, take a deep yoga breath, in the nose and out the mouth.

Outside the courtroom, maintain a healthy regimen. Physical fitness, diet, and strong, supportive social networks will help keep mental health on track. Regular exercise increases a judge's ability to think better and perform at optimal levels, and it builds immunity to fight disease and illness. Spend time with loved ones, and take and enjoy regular vacations. Learn when to say no. Accept that perfection is the enemy of the good. Conduct yourself as though the whole world is watching. Remember, you are a judge everywhere – from your chambers to every unfamiliar street.

Judicial service is like joining hands with our maker to effect justice for victims and bring peace to our neighbors. Judicial service isn't for the faint of heart, and we don't have to do it alone. Never be afraid to get and stay well!