University of Ottawa Faculty of Law (Civil Law Section)

From the Selected Works of Hon. Gerald Lebovits

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Judicial Wellness and Resilience (PPT)

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Judicial Wellness and Resilience

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Judicial Wellness:
The Ups and Downs of Sitting New York Judges
by Hon. Gerald Lebovits

Also in this Issue
Performing Artists and the WCL
Tax Malpractice Damages
Disputing IRS Tax Bills

N.Y. Judge Sheila Abdus-Salaam

Conference, Judicial Wellness - Hon. Gerald Lebovits
Agenda

• Ups and Downs of Sitting Judges
• Manifestations of Stress
• Ways to Enhance Well-Being
Ups and Downs of Sitting Judges

• Being a judge is an honor and privilege
• Judicial service is among America’s highest-status jobs and most fulfilling ways to serve
• Judges have accoutrements of power – courtrooms, gavels, robes, honorifics. People stand when they enter a room
• Judging is indoor work with no heavy lifting
• It’s a hard job to get – for a reason
• Judges get a pension
• Some people are in awe of judges
• But judicial service comes with stressors that negatively affect judges’ mental, physical, and social well-being
How judicial service comes with pressure and stress

• **Judges are subject to:**
  
  • High standards of ethics and competence in their personal and professional lives
  
  • They’re expected to be efficient and patient and to communicate well, always
  
  • They have enormous case loads that always grow larger
  
  • They see bad behavior
  
  • They see disturbing evidence
  
  • People try to get over on them
How judicial service comes with pressure and stress

• They have constant pressure meeting short deadlines
• People make demands on them all day, every day
• They’re responsible for the fate of litigants, as well to uphold the public good, due process, equal justice, and the Constitution
• They must sometimes render decisions that contradict their values
How judicial service comes with pressure and stress

• Judges deal with heightened oversight:
  • Decisions are subject to judicial review
  • They’re accountable for opinion writing that amounts to intemperate conduct
  • Decisions are scrutinized by the press and public
  • Judges fear that after years of service, they’ll do, say, or write something that’ll destroy their careers
How judicial service comes with pressure and stress

- Judges live in fear for their reputation
- Judges are:
  - Subject to public criticism for their rulings
  - Subject to public assaults on their character
  - Often portrayed in unsavory and inaccurate ways
How judicial service comes with pressure and stress

• Judges are confronted anonymously on the internet: blog posts, social-media networks, judge-rating websites, and media websites

• Removing information from the internet is nearly impossible:
  • It’s reserved for copyright holders under the Digital Millenium Copyright Act
  • The First Amendment protects information posted on the Internet

• People always Google judges

• Judges are sometimes victims of a negative (and false) Web footprint
How judicial service comes with pressure and stress

• Judges are more visible, vulnerable, and unprotected than most other public figures
• Judges collect enemies: They rule against people
• They may not respond directly to criticism
• Very few defend judges. Even when they’re right.
• Judge endure false, frivolous, and harassing claims by aggrieved litigants and lawyers
How judicial service comes with pressure and stress

• Women judges have more stressors than male judges:
  • They’ve the same difficult caseloads as male judges, all while facing gender bias and warding off gender-based attacks
  • Some lawyers and litigants reject women judges because they’re women (and see slides 18 & 26)
How judicial service comes with pressure and stress

• Judges live in fear of confrontation
• Judges fear for their safety in their courtrooms and homes
• Violence has resulted in the murders of judges and their family members (Chicago Judge Joan H. Lefkow)
• The law doesn’t protect judges from a threat unless it’s a “true threat” (Chicago Judge Richard Posner)
How judicial service comes with pressure and stress

- Judges live under the public’s attention and scrutiny
- They’re professionally and socially under the microscope
- Even jokes and offhand remarks outside the courtroom can be negatively interpreted, sometimes misinterpreted
How judicial service comes with pressure and stress

• Judges suffer from social isolation due to their position in society
• They lose contact with friends and peers after taking the bench
• They lose friends for not using judicial power for their benefit
• Judges must say no to friends and recuse themselves in accordance with the Codes of Judicial Conduct
How judicial service comes with pressure and stress

• Judges can’t confide “deep, dark secrets” to other judges, even judge-friends
  • Competition among judges to get elected, appointed, and promoted
  • Fear of looking weak and not in control, or of being reported

“A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or judicial assistance program.”

“A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question regarding the . . . fitness as a judge . . . shall inform the appropriate authority.”

Model Code of Judicial Conduct, 2014
How judicial service comes with pressure and stress

- Internalizing issues acts as a roadblock for judges to correct and prevent them, increasing the risk of negative manifestations and harm for their health and the judiciary.
How judicial service comes with pressure and stress

- **Financial hardship:**
  - Low judicial salaries lead to divorce, crippling loans, early retirement, and reduced pensions
  - It impedes retaining qualified and experienced judges and attracting the best and brightest to the bench
  - For 13 consecutive years, NYC’s Civil, Criminal, and Housing Court judges were by cost of living America’s lowest-paid judges
How judicial service comes with pressure and stress

• Judicial candidates can’t appreciate the weight of judicial stress until judicial service begins

• Judges are unaware that they’ve the same needs as everyone else

• Struggle keeping a good work-life balance:

• Particularly difficult for women and men with family responsibilities and those considering family planning
Manifestations of Stress

- Disrupted sleep
- Anxiety
- Fatigue
- PTSD
- Depression
- Burn-out
- Suicide
- Self-medication
- Weight gain
- Abuse
Manifestations of Stress

• Stressors cause stress. Stressors impair some of the most qualified, skilled, humane, and intelligent jurists

• **Effects of stress:**

• Frequently arguing; getting into disputes; getting annoyed easily; having frequent bouts of impatience; feeling disrespected over little things; engaging in temper outbursts; committing risky, reckless, or impulsive behavior; being angry and bitter
Manifestations of Stress

- Having trouble concentrating, making decisions, recalling simple and recent things, being punctual
- Not timely paying bills, filing tax returns, parking tickets, filling out judicial forms, or answering mail, email, and phone calls
Manifestations of Stress

• Delusional beliefs; expressing conspiracy theories
• Repeating the same stories over and over
• Signs of depression:
  • Unkempt in appearance; slovenly in dress
  • Quick, dramatic changes in personality, presentation, hygiene
• Dietary disorders; loss of appetite
Manifestations of Stress

- Change in sleep patterns
- Very diminished self-esteem
- Feelings of worthlessness
- Chronic guilt
- Profound indifference to things; not caring
- Diminished interest in things they used to like: pleasurable physical activities, restaurants, books, vacations . . . .
- Withdrawing from friends
- Saying that things will never change
- Feelings of helplessness
Manifestations of Stress

- **Signs of suicidal ideation:**
- They don’t want to wake up or get out of bed
- They say: “I’d be better off dead.”
- They say: “What’s the difference. I won’t be around.”
- They give away their possessions
Manifestations of Stress

- **Prevalence of Mental Health Issues Among Lawyers and Judges:**
  - **19%** of lawyers struggle with anxiety
  - **28%** of lawyers suffer from depression (more than 4x the general population). *(Positive Psychology and the Law: Why Lawyers Are So Dissatisfied, Lawyers Weekly USA, July 25, 2005)*
  - **11.5%** of lawyers report suicidal ideation (more than 5x the general population)
  - **36%** of lawyers are problem drinkers (more than 4x the general population). *(Patrick R. Krill et al., The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, 20 J. Addiction Medicine 46 (2016))*
Manifestations of Stress

• In a study of 500 U.S. judges, 73% of female judges reported incidents of compassion fatigue and symptoms of depression versus 54% of male judges. (Peter G. Jaffe et al., *Vicarious Trauma in Judges: The Personal Challenge of Dispensing Justice*, 54 Juv. & Fam. Ct. J. 1, 4 (2003))
Manifestations of Stress

• **Compassion fatigue:**

• Caused by the sadness judges see and from the tough decisions they make: families torn apart, catastrophic injuries, evictions, sending people to jail.

• Caused by guilt judges suffer second-guessing their rulings or behavior

• The symptoms of compassion fatigue parallel those of post-traumatic stress disorder (PTSD)

• In a study of **105 judges** representing a cross-section of U.S. urban and rural centers, **63% of judges reported experiencing one or more short- or long-term compassion-fatigue symptoms.** (Lee Norton et al., *Burnout and Compassion Fatigue: What Lawyers Need to Know*, 84 UMKC L. Rev. 987, 987 (2016))
Manifestations of Stress

• Judges also experience burn-out: A pattern of emotional overload and emotional exhaustion

- Chronic health problems
- Substance abuse
- Poor job performance
- Impoverished relationships
Manifestations of Stress

• Anger and bullying from the bench:
  • Benchslapping – public shaming in which judges criticize lawyers and litigants for real or imagined misbehavior
  • “Judgeitis” or “robeitis” – an imaginary illness that causes judges to believe they’re all knowing, all powerful, better than everyone else
• Becoming overly absorbed in their professional roles
• Being unable to relate as a peer to many people
• Losing their former identity
Manifestations of Stress

Judge Mark Ciavarella: 28 years’ jail, $1M fine in 2011 Pennsylvania “Cash for Kids” scandal

• Using negative coping methods to mitigate the effects of anxiety, depression, and burn-out:
  • Gambling
  • Self-medicating with drugs and alcohol
  • Results:
    • Decline in cognitive function and decision-making skills
    • Increase in judicial discipline
Ways to enhance well-being
Health and Wellness

• **Health** is a state of physical, mental, and social well-being, not merely the absence of disease or infirmity


• **Wellness** is an active process of becoming aware of and making choices toward a healthy and fulfilling life

• **Resilience** is the ability to recover
Health and Wellness

- **People have 2 systems** (from judicial-wellness expert Judge Jeremy Fogel):
  - **System 1**: Intuitive and reactive. Fight or flight. We make assumptions. We keep doing the same things
  - **System 2**: We deliberate before acting
  - “Deliberation” is crucial for judges
  - All it takes is a second or two of clear thinking to avoid a mistake in judgment
  - Judges can’t get to System 2 if they’re stressed, under attack, depressed, etc.
Who’s A Good Judge?

- People see good judges as:
  - Knowledgable, having good courtroom skills, efficient
  - Patient, good listeners, compassionate, empathetic, courageous
  - Excellent speakers and writers
  - Honest, fair, respectful, hard-working, intelligent, community leaders, etc.
Work-Life Balance

**BUT:**

- Many don’t appreciate that judges must also be healthy and have a good work-life balance
- Judges must be part of our world. They can’t be monastic
- If not, the public won’t get the timely and effective justice it deserves, expects, and needs
- If not, judges risk judicial disipline
- Judges often forget their human needs
- All biological systems require periodic repair
- The more the judge’s stressors, the more that repair is required
- **SO judges can handle a great deal of stress if they have an enhanced well-being!** (And that’s the point of this presentation)
Ways to enhance well-being

- **Recharge your batteries:** Recharging isn’t just for cellphones
- **It reduces stress:**
- When you step away from stress, you allow your positive traits to shine
- **It increases creativity:**
- By resting and recharging, you allow your creativity to take up space
Ways to enhance well-being

- It helps repair your body itself
- It can strengthen your immune system
- **You’ll feel better:**
  - The stress hormone cortisol makes you feel panicked. When you relax, your mood will change, and you’ll be better prepared to take on the day
- You’ll prevent burn-out
- You’ll maintain your work performance
Ways to enhance well-being

• Ways to recharge:

• Sleep well:
  • Get a good seven and a half hours of sleep a night
  • Getting five hours or less a night causes the same impairment as having two drinks
Ways to enhance well-being

• **Schedule time for getaways.** Use your vacation time

• **Get close to nature**

• **Walk or run in the morning when the air is fresh and the atmosphere quiet and refreshing**

• **Take a short (15-20 minute) “power nap” when you’re tired:**

• **It’ll relieve stress, elevate your mood, improve your heart health and memory, and boost your productivity**
Ways to enhance well-being

- **Practice mindfulness:**
  - It cures a wide range of clinical disorders, including chronic pain, anxiety, and depression
  - It can be applied in small ways every day in our actions, no matter where we are or what we’re doing

- **Focus on breathing:**
  - Breathe deeply from the belly, allowing it to rise and fall slowly
Ways to enhance well-being

• Be in the present:
• Focus on the now
• Be aware of what you’re doing, feeling, and thinking
• Don’t let your mind wonder
• Plan for the worst. But don’t fret about things that haven’t happened
• Don’t worry about things outside your control. Put your energy into things in your control
• Appreciate life for what it is and what you have
Ways to enhance well-being

• Surround yourself with positivity:
• Start you day strong
• Create a morning ritual that reinforces how great life is and how happy we are to be alive
• Instead of watching bad news, especially in the morning, choose something positive that makes you happy
• Watch inspiring movies of people who live the lives of their dreams
Ways to enhance well-being

• “Garbage In, Garbage Out”:
  • Don’t feed yourself with negativity. You’ll feel negative as well. Put yourself on a negativity diet
  • Spend time with positive people. You have a similar level of health and lifestyle as the 5 people with whom you spend the most time
  • Laugh!

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Judicial Wellness and Resilience - Hon. Gerald Lebovits
Ways to enhance well-being

• **Live With Gratitude:**
  • We often ignore positive things, letting negative comments and events ruin our mood
  • Keep a gratitude journal where you can write down what you’re grateful for
  • Thank and credit people who help you
  • Forgive
Ways to enhance well-being

• **Change your language:**

  • Little changes in your language can change the way you think and how you act

  • Whenever someone greets you and asks how you are doing, answer with “great,” “fantastic,” or “amazing”

  • It’ll remind you that life really is great

  • It’ll lift the state of the person you’re talking to

  • People will always remember a nice or bad thing a judge says or does
Ways to enhance well-being

• “If you don’t change direction, you’re likely to end up where you’re headed.” (Lao Tzu, quoted by Dr. Ahnna Lake, judicial-wellness guru)
Ways to enhance well-being

• **Resolutions:**

• You can’t rely on your best self

• Plan with your weakest self in mind when making a New Year’s or other resolution

• Develop habits and rituals. If you do things by rote, like flossing your teeth when you retire at night, it’ll become your new normal

• You won’t waste time thinking about it, you’ll save energy, and you’ll do it

• **Develop healthy habits and stick to them!**
Ways to enhance well-being

• **Start by eating healthy!**
• **Follow a healthful eating pattern with a variety of nutritious foods and drinks**
• **Get the right number of calories for you (not eating too much or too little)**

*U.S. Department of Health and Human Services*
Ways to enhance well-being

• According to U.S. Department of Health and Human Services, making smart food choices and eating healthful foods can reduce your risk for:
  • Obesity
  • Heart disease
  • Type 2 diabetes
  • High blood pressure
  • Some types of cancer
Ways to enhance well-being

- Excessive weight gain because of judges’ sedentary lifestyles: Judges among the top four occupations most likely to report weight gain. (2012 Harris Interactive for Careerbuilder.com)

- The best diet: one you can follow without being a slave to it

- Decide in advance what you’re going to eat

- Making small changes to your eating habits can make a big difference over time in your health
Ways to enhance well-being

• **Eat balanced diet of protein, carbohydrates, and fats:**
  - Choose vegetables, fruits, whole grains, fat-free or low-fat dairy products, and a variety of foods with protein, including seafood, lean meats and poultry, eggs, beans, peas, nuts, seeds, and soy
  - Choose dishes that are steamed, baked, or grilled instead of fried
• Avoid fast food
• Try tea with lemon instead of coffee
• Skip soda, whether diet or not. Drink water instead
• Make hydration part of your routine. Drink water throughout the day, not just when you’re thirsty
Ways to enhance well-being

• **Strictly limit nutrients and ingredients that can kill you:**
  - Sodium, salt
  - Added sugars
  - Refined grains and starches
    - Refined grains and starches are in foods like cookies, white bread, and some snack foods
Ways to enhance well-being

• **Shop smart at the grocery store:**
• Make a shopping list in advance. Buy only what’s on your list
• Don’t shop when you’re hungry
• Don’t buy junk food
• Avoid processed food
Ways to enhance well-being

• Read and understand the Nutrition Facts label:
• It can help you make healthful choices
• Look at the serving size and the number of servings per package — there might be more than 1 serving
Ways to enhance well-being

• **Check out the calories:**
  • Calories tell you how much energy is in 1 serving of a food
  • In general: 100 calories per serving is moderate; 400 calories per serving is high

• **Look at the percent Daily Value (% DV) column:**
  • The DV shows you if a food is higher or lower in certain nutrients
  • Look for foods that are lower in added sugars, sodium, and saturated fat (5% DV or less) and higher in fiber, calcium, potassium, iron, and vitamin D (20% DV)
Ways to enhance well-being

- **Watch Your Weight:**
  - A healthful diet and physical activity can help you control your weight
  - Balance the calories you eat and drink with the calories you burn
  - Use Body Mass Index (BMI) calculator – it calculates your Body Mass Index (BMI) to show whether you’re overweight, at healthy weight, or underweight
Ways to enhance well-being

• Quit smoking and vaping NOW!

• Avoid alcohol:
  • If you don’t drink alcohol, don’t start
  • If you drink, have only a moderate (limited) amount: Up to 1 drink a day for women; up to 2 drinks a day for men

• To cut back drinking, keep track of your drinking

• Use this drinking tracker card: Keep track of every drink. It can help you slow down
Ways to enhance well-being

• Use the drinking analyzer card to examine the causes and consequences of your drinking pattern

• Once you know the main causes and situations when you might be tempted to drink, plan ahead. Avoid those situations

• Think ahead about how to say “no” if someone offers you a drink
Ways to enhance well-being

• **Set goals:**
  - Decide how many days a week you’ll drink and how much you’ll drink on those days
  - If you have a bad day or are feeling angry, don’t reach for a drink. Find healthy ways to manage stress: take a walk, call a friend, see a movie. . . .

• Avoid places where people drink a lot

• It’s easier to avoid than to resist temptation. Keep alcohol (and unhealthful food) out of your house

• Make a list of reasons not to drink (or smoke, vape)
Ways to enhance well-being

• If you think you might have a drinking problem, ask for help:
• Ask your friends and loved ones to support you
• Talk to a doctor or nurse if you’re having a hard time cutting down on drinking
• If one type of treatment doesn’t work, try another. Don’t give up! Call 1-800-662-HELP (1-800-662-4357) for information about treatment. (U.S. Department of Health and Human Services)
Ways to enhance well-being

• **Exercise!**

• Regular exercise increases a judge’s ability to perform at optimal levels, think better, and build immunities to disease and illness

• **Start today; start slowly:**

• Even 5 minutes of physical activity have real health benefits. Once you start, add a little more activity each time

• **Do a combination of aerobic and muscle-strengthening activities:**

• You’ll get all the benefits of physical activity
Ways to enhance well-being

• **150 minutes/2 days/a week:**

  • Ideally, do 150 minutes of moderate-intensity aerobic activity and at least two days a week of muscle-strengthening activity or

• **Get the same benefits in a half the time:**

  • If you step up to vigorous-intensity aerobic activity, aim for at least 75 minutes a week

• **How do we know whether an activity is moderate or vigorous?**

  • **Try talking:** If you’re breathing hard but can still have a conversation easily, it’s moderate-intensity activity. If you can say only a few words before having to breathe, it’s vigorous-intensity activity
Ways to enhance well-being

• **HIIT:**
  - Judges with a history of physical activity are ideal candidates for **high-intensity interval training (HIIT)**
  - It involves quick bursts of intense work periods that allow for a full workout in 20 minutes
  - HIIT isn’t suitable for judges with a history of coronary disease, smoking, hypertension, diabetes, abnormal cholesterol levels, and obesity
Ways to enhance well-being

• Yoga:
  • It can prevent disease and help you recover from it
  • It can enhance flexibility, build muscles strength, perfect posture, drop blood pressure, make you happier, make you focus, help you sleep deeper, boost your immune system functionality, give you peace of mind, and increase self-esteem
Ways to enhance well-being

• You can always do this:

• **Skip the elevator:** this is the easiest way to get some good, quick exercise

• Walk or bicycle to work

• **Exercise while watching TV:** When the commercials start, do sit-ups, push-ups, squats, etc.
Ways to enhance well-being

• **Make your free time more efficient by having it double as time with friends or family:**
  
  • Go on a family walk after dinner to stay active while also spending time with your spouse and children

• **Start small; be consistent:**
  
  • Set your alarm 20 minutes earlier than you’d normally wake up to do a short exercise routine

  • By being consistent with the small things, you can later increase to longer and more intense workouts
Ways to enhance well-being

• Help yourself to prevent and reduce stress
• Plan your time:
  • Think ahead about how you’ll use your time
  • Keep a to-do list; figure out what’s most important; do that first
• Be realistic about how long each task will take
Ways to enhance well-being

• **Organize:**

• Create daily routines. Invent shortcuts for work and home. Use your cell’s calendar function. Keep your courtroom, chambers, and home neat. Become tech-savvy

• Delegate. (But supervise and teach your court staff. And your law clerk’s decision drafts must represent your views and your authentic voice, comma for comma)
Ways to enhance well-being

• Decide motions quickly. You’ll worry less, forget less, and be more appreciated.

• Address communications like email quickly.

• Say no (politely) if you have a lot on your plate.

• Don’t refuse court assignments too often or recuse yourself without a proper reason: Your colleagues will resent you. They’ll have to work harder.
Ways to enhance well-being

• All day long you’re bombarded with choices

• **Develop ways to handle too many choices. You’ll save your time and energy and reduce stress:**

• Having choices is something to be grateful for. Yet it causes “**decision fatigue,**” a condition that saps our vitality and happiness, paralyzes us, and steals our time and energy.
Ways to enhance well-being

• “Choice can be good sometimes, but most people find the amount of options available nowadays to be overwhelming.” (Barry Schwartz, The Paradox of Choice (2004))

• To handle decision fatigue, try these techniques:

• Don’t multitask. Multitasking is a myth. It only splits your focus. It slows you down. It decreases the quality of your work, negatively affecting your concentration and organization
Ways to enhance well-being

• Routinely set aside time to think strategically, proactively – have a meeting with yourself

• Pre-decide. Decide as much as possible in advance: where to put your keys, cellphone; even what to eat

• Focus your time and energy on choices that matter

• After limiting your choices, evaluate your options

• Write down the pros and cons of each option – it’ll give order and structure to your thoughts
Ways to enhance well-being

• Center yourself: “chill out” before making important decisions
• Don’t be overly afraid of making a wrong decision. Don’t overstress over decisions
• If you’re afraid of making wrong decision, delegate, and it’s no longer your responsibility
• Make the right decision for the right reasons. Then don’t regret your decision; find the strength to commit to it. Decide and move on. Don’t look back. Don’t feel guilty
• Once you’ve made a decision and accept it, you’ll feel relieved
• If you’re wrong, admit your error, fix your error, and forget it. Never think about it again
Ways to enhance well-being

- **Decision-making theory:**
  - Decide when you’re not ruled by emotion
  - Stick to the merits and not make it seem personal
  - Efficiently and quickly deciding cases is a priority
  - Clear your docket by quickly issuing short decisions on less-complicated matters
  - When appropriate, decide motions from the bench without issuing written opinions
  - Consider the losing side’s arguments; consider the losing side’s facts.
  - Avoid in written opinions humor, puns, satire, embellishments, personal asides (and be careful on the bench, too). Anyway, there’re no funny judges. Only funny people who’ve made career mistakes
  - Don’t write in rhyme. That’s like going from bad to verse
Ways to enhance well-being

• **Control your courtroom:**
  • Monitor court staff to assure that they engage in respectful behavior and have a proper appearance
  • Treat your court staff as a team. Have open and respectful dialogues with them. Appreciate them
  • Court officers, bailiffs, clerks, interpreters, and others can protect judges and prevent mistakes. (Another reason to be very nice to them)
Ways to enhance well-being

• Do your homework:
• Study and adhere to ethics opinions of your state’s Judicial/Advisory Committee on Judicial Ethics
• Ask ethics questions to clarify concerns
• Keep up with law and procedure
• New judges must learn the law and confer with court staff and peers on complicated matters
Ways to enhance well-being

• **Avoid controversy and rise above it:**
  - Don’t sue. Avoid being sued
  - Smile when you’re in public. Show kindness all day. Open doors for people; tip properly; be good to the less fortunate
  - Don’t try to be right. It’s better to be liked than right
  - Watch out for your use of social media. When in doubt, don’t
  - Don’t do stupid things! Certainly don’t do them in public. Someone’s always watching you
Ways to enhance well-being

• Stay out of fights between other judges. Never pick a fight with colleagues or supervising judges. You’ll always lose

• Avoid political activity unless it’s for your own campaign for elected office

• Don’t talk about pending or impending cases – yours or anyone’s

• Avoid debating religion and politics on and off the bench
Ways to enhance well-being

- **Uphold the judicial image:**
- Professionalism and civility come from the bench
- Don’t lecture at people from the bench
- To avoid saying the wrong thing, speak a third slower and filter your thoughts
- Avoid eye contact with those in the courtroom who aren’t speaking
Ways to enhance well-being

• Never go *mano a mano* with lawyers or litigants
• Keep good posture on the bench. Don’t eat or chew gum
• Regardless what kind of bad day you’re having, you can’t show it
• Keep a serious but kind judge-like face about you
• **Stay humble:** Just because people call you “Your Honor” doesn’t mean you shouldn’t wash the dishes and discard the trash
• The humble will inherit the earth, while the vain will inherit the wind.
• **BUT** most judges are perfectionists. It’s hard to be humble if you’re a perfectionist.

*Stay Humble*
Ways to enhance well-being

• Be an active listener:
  • If you ask a question, let the person answer
  • Don’t give advice when you’re not asked to. Sometimes people don’t want advice. They want you to listen
  • Don’t be judgmental while exercising judgment
  • Be honest. Show empathy and compassion. But don’t care too much: Have a neutral detachment
  • You have only limited impact on things. You can’t change someone’s life
  • Don’t try to fix everything
  • You didn’t cause the problem. It’s not your fault
Ways to enhance well-being

• **Be safe:**

• Judges should keep a low profile and fly under the radar (if they can)

• Don’t tell people what they do for a living (unless there’s a reason to do so). That includes strangers, police officers, everyone

• Forgo judicial privileges like vanity judicial license plates

• Never take advantage of the judicial office for personal gain

• Don’t respond to insults
Ways to enhance well-being

• **Take short breaks in court:**
• When you’re overwhelmed or agitated: get up, go for a walk, drink water
• Take short tea and coffee breaks twice a day
• Eat a healthful lunch every day
• **Stretch and relax your muscles:**
• **Eye movement:** Close eyes. Slowly and gently move eyes up to the ceiling, then slowly down to the floor. Repeat 3 times. Close eyes. Slowly and gently move eyes to the left, then slowly to the right. Repeat 3 times
Ways to enhance well-being

• **Side band: Neck Stretch.** Tilt head to one side (ear towards shoulder). Hold for 15 seconds. Relax. Repeat 3 times on each side.

• **Diagonal Neck Stretch.** Turn head slightly. Look down as if looking into your pocket. Hold for 15 seconds. Relax. Repeat 3 times on each side.
Ways to enhance well-being

• **Shoulder Shrug.** Slowly bring shoulders up to your ears. Hold for 3 seconds. Rotate shoulders back and down. Repeat 10 times

• **Foot Rotation.** Slowly rotate each foot from the ankle. Rotate 3 times in one direction, then 3 times in the opposite direction. Repeat 1 time

• **Wrist Stretch.** Hold arm straight out in front of you. Pull your hand backwards with the other hand. Then pull downward. Hold for 20 seconds. Relax. Repeat 3 times each
Ways to enhance well-being

• Involve yourself in community affairs:
  • Community events foster a positive relationship between the judiciary and the public
  • Judges may participate in mock trials and moot-court competitions
  • Judges may teach, write, and, in New York, make extra cash playing in a rock band and racing motorcycles

• Volunteer work is important for your health:
  • Volunteering improves psychological and physical health
  • Volunteers feel a personal sense of accomplishment while building social networks
Ways to enhance well-being

• **Work on your relationships with friends and family:**

• Help them understand: Part of you belongs to the public now

• Don’t cross examine people. Don’t expect them to speak like lawyers

• Stop cellphone use when you’re with others

• Break bread often with friends and family

• Spend money on experiences (and creating memories) with loved ones, not on mere stuff.
Ways to enhance well-being

• Judges’ stress affects family members:

• Judges see awful things. But they can’t talk to their family about it

• Also difficult to talk because information is sometimes or boring, complicated, or confidential

• Press & Media: When the press is bad for judges, it’s bad for their families, too. Especially in small towns.
Ways to enhance well-being

• Socialize with other judges:
  • It’ll reduce compassion fatigue, stress, and other judicial challenges
  • Other judges may provide a support network of likeminded individuals dealing with similar issues
  • Attend events like judicial conferences, judge lunches, judge dinners, and bar-association meetings
  • Attend state and national judicial-education programs offered by judicial associations and court administrators
Ways to enhance well-being

• Find a judicial mentor:
  • It’ll give judges insight into maintaining a healthy career
  • New judges who participate in a mentoring program show a statistically significant reduction in the stress domains of role overload, role boundary, and psychological strain
  • Experienced judges act as important confidants to help newer judges recognize and address stressors
  • These relationships give experienced judges an opportunity to give back to the judicial community and find satisfaction helping other judges
Ways to enhance well-being

• Rely on Lawyer Assistance Programs (LAP) of American Bar Association and each state’s bar association
• They provide confidential services and support to judges, lawyers, and law students facing substance-use disorders or mental-health issues
• Seeking assistance helps judges avoid behavior that might lead to sanctions
• Communications between judges and judicial-assistance committees are generally confidential
Ways to enhance well-being

• Schedule an appointment with your doctor. Stop procrastinating!

• If you or someone you know needs help, contact your state or local LAP’s helpline:

• The contact information for each state’s helpline and assistance program is available on the American Bar Association’s website:

  • [https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state/](https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state/)


• Programs don’t help that much, though. **It’s up to you**
Thanks for your attention!

Questions & Answers
Hon. Gerald Lebovits is an acting New York State Supreme Court justice in New York, New York. He is the president of the New York State Acting Supreme Court Justices Association and an adjunct professor at Columbia, Fordham, and NYU law schools. He has written six books and hundreds of articles, including Judicial Wellness: The Ups and Downs of Sitting New York Judges, 89 N.Y. St. B.J. 10 (June 2017), available at https://works.bepress.com/gerald_lebovits/310/. For their excellent help with this PowerPoint, Justice Lebovits thanks his judicial fellows Matea Scepanovic (LL.M. ‘19 NYU; Magister Iuris ‘11, University of Split, Croatia) & Mathias Kjaersgaard Larsen (LL.M. ‘19 NYU; Bachelor’s and Master’s in Law, Aalborg University, Denmark).

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