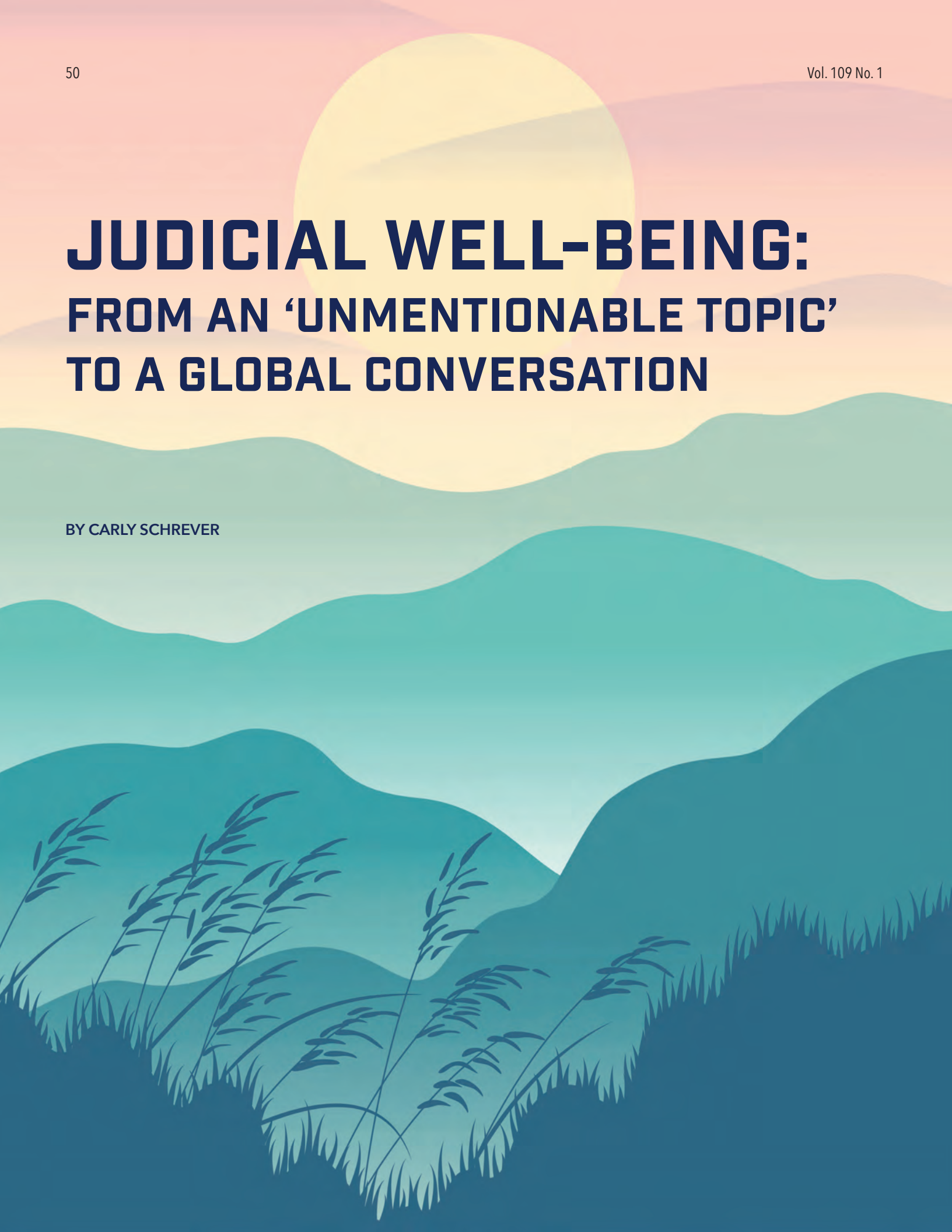
JUDICIAL WELL-BEING:
FROM AN 'UNMENTIONABLE TOPIC' TO A GLOBAL CONVERSATION

BY CARLY SCHREVER



On March 4, 2025, the United Nations General Assembly voted to declare July 25 as the International Day for Judicial Well-being.[1] The day joins a calendar of just over 200 official UN international days — and only the second that relates to the judiciary (the first was International Day of Women Judges, March 10).[2] The resolution, led by the Pacific island nation of Nauru and co-sponsored by 70 countries, followed from the Nauru Declaration on Judicial Well-being[3] — a statement of seven universal principles on the subject. The Nauru Declaration was drafted by an international committee of judges and experts and adopted at the three-day Regional Conference on Integrity and Judicial Well-being hosted by Nauru from July 23–25, 2024.[4]

It is nothing short of remarkable that the topic of judicial stress and well-being has achieved this level of global prominence and recognition. Despite the manifold intellectual and emotional demands of judicial work and the crossfire of stressors judges face on a daily basis — from punishing workloads and distressing case content, to volatile court users and hostile media and public commentary — the psychological impact of judicial work was, until quite recently, rarely if ever discussed, even among the judiciary. To quote Professor Terry Maroney of Vanderbilt University, a "persistent cultural script of judicial dispassion"[5] and invulnerability has, for much of history, silenced any open conversation about the human dimension of judging. In Australia, where I am from, a judge from our highest court, Justice Michael Kirby, once described judicial stress as "an unmentionable topic."[6] This attitude prevailed throughout much of the world until the last few years.

Fast forward to 2025, and a near universal consensus among the General Assembly of nation states has emerged: Judicial well-being is important enough that it should be commemorated annually in an official international day.

WHY ARE WE TALKING ABOUT JUDICIAL WELL-BEING NOW?

Three factors have come together to elevate judicial well-being from a hidden and taboo topic to a global conversation. The first was the expansion of empirical research on the mental health and well-being of judges. Prior to the last decade, the entire body of international research directed to nature, prevalence, severity, and sources of judicial stress comprised no more than 14 studies, mostly from the United States.[7] Since 2015, this number has more than doubled, with large-scale studies undertaken in every continent, many adopting rigorous measurement techniques to enable credible comparisons with the legal profession, other professional groups, and the general population. Following are a few statistics from my own research in Australia:[8]

- On a widely used measure of psychological distress, 52.9 percent of judges reported levels of distress in the moderate to very high ranges, compared to 43.8 percent of barristers, 63.6 percent of solicitors, and 32.7 percent of the general population.
- On a validated measure of secondary traumatic stress, a staggering 30.4 percent of Australian judges scored in the range suggestive of likely post-traumatic stress disorder (PTSD) (compared with the 12-month population prevalence of PTSD in Australian being 4.4 percent).
- On the World Health Organization's scale for alcohol use and dependence, 30.6 percent of Australian judges reported "problematic" levels of drinking (on par with the Australian legal profession (32 percent) but dramatically higher than the general population (18.8 percent)).

These findings largely align with those of similar research from other parts of the world.

Perhaps the most impactful study was a world-first international survey undertaken in 2021–22 by the UN's Global Judicial Integrity Network on ▸

the "linkages between judicial well-being and judicial integrity," involving 758 judges from 102 counties.[9] Almost all participants (97 percent) believed more prominence should be given to judicial well-being, 76 percent reported having insufficient time to maintain optimal mental and psychical health, and 83 percent indicated that support for judicial officers was insufficient. In addition, national studies have now been conducted in several countries, including the United States[10] and Australia,[11] that combine with the UN survey and the growing number of jurisdiction-specific projects to paint an increasingly consistent global picture of the psychological toll of judicial work, notwithstanding the deep and abiding sense of satisfaction and meaningful contribution that judges also experience in their roles.

The second factor that brought the judicial well-being conversation into the open was the COVID-19 pandemic, which mainstreamed conversations about stress and mental health throughout society, including the judiciary, and legitimized the sharing of personal struggles. As the pressure on judges increased in unprecedented ways worldwide and the use of online conferencing software became ubiquitous, international judges' associations and judicial education bodies, including the UN's Global Judicial Integrity Network,[12] hosted webinars on stress and resilience, inviting reflection on the personal impact of the work. Judges from jurisdictions where this topic had not previously been broached were able to participate either openly or anonymously in a global conversation on judicial well-being, learn about the research, and discover that they were not alone in the challenges they faced.

The third factor was judicial champions. In recent years, judges and retired judges shared a number of powerful and affecting testimonials about their personal experiences of psychological distress on the bench. For instance, in 2017, Karen Adam, a recently retired judge of Arizona's Pima County Superior Court, published a moving piece titled "The price I paid for being a good judge."[13] That same year, David Heilpern, a longstanding magistrate in New South Wales, Australia, presented a keynote speech titled "Lifting the judicial veil: Vicarious trauma, PTSD, and the judiciary — A personal story."[14] Both judges eloquently described their gut-wrenching journey with vicarious trauma despite their best efforts to remain untouched.

Meanwhile judicial leaders began citing empirical research to speak out on the need for both destigmatizating judicial stress and systemic change to address it.[15] It was becoming increasingly clear that judiciaries the world over are operating under significant and intensifying occupational stress, representing "a simmering occupational health and safety concern that demands action."[16] It was against this backdrop that work on the Nauru Declaration commenced. Justice Rangajeeva Wimalasena, president of the Nauru Court of Appeal and long-term advocate for judicial well-being since previous judicial roles in Fiji and Sri Lanka, championed the idea of formally bringing the issue of judicial well-being to the international stage.

HOW WAS THE NAURU DECLARATION DEVELOPED?

Drawing upon his networks, and with the help of the United Nations Office on Drugs and Crime's (UNODC) Global Judicial Integrity Network, Justice Wimalasena convened a committee of judicial leaders and other experts from every continent and almost every time zone to work together on an international declaration of judicial well-being.[17] Building upon the approach taken by the drafters of the now ubiquitous Bangalore Principles of Judicial Conduct and the Doha Declaration on Judicial Integrity, the committee set itself the ambitious task of distilling the well-being concerns and priorities of a large group of judges from widely different nations and cultures into a short yet comprehensive statement of universal principles. The intention was that these principles would be evidence-informed and practical, providing guidance to judges and judicial institutions worldwide on the key elements required for a systemic approach to judicial well-being.

Justice Wimalasena provided a starting point with his paper detailing numerous sources and impacts of judicial stress that he had observed over his career on the bench. This paper was circulated among the drafting committee, discussed, and elaborated upon over our first three online meetings. Judges from nations as different as Canada, Jamaica, Nigeria, Portugal, Singapore, Ukraine, and the UK shared stories and ideas about the drivers of stress in judicial work, and the contextual factors exacerbating or ameliorating it. What struck all of us over these early meetings was that, despite profound differences in social and political context, there was a commonality of judicial stress experience that united judges the world over. All judges spoke of high and increasing workloads, the stigmatization of stress and mental illness within legal professional culture, and the far greater impact that systemic and organizational stressors had on judges' well-being over those arising

from the intrinsic judicial tasks. The drafting committee was unanimous in its conviction that judicial stress, left unchecked, had profound implications for the administration of justice and the rule of law.

My role, as the psychologist and judicial well-being researcher on the drafting committee, was to review methodically the concerns and priorities of the judicial members, align them with the empirical literature, and find thematic throughlines in the disparate experiences and ideas to arrive at universal principles. This part of the process was more art than science and involved many days of sitting with the data, grouping and regrouping them into different themes and structures, until seven key ideas emerged that individually described something unique about the judicial well-being landscape and collectively encapsulated the breadth of topics the committee had raised. These seven ideas were rigorously discussed and debated among the drafting committee over our next four meetings. The choice of each word was tested, some ideas were amalgamated, and several new ideas were introduced, until we ultimately arrived at the final language for the seven principles of judicial well-being, each with commentary, that comprise the Nauru Declaration:[18]

1. **Judicial well-being is essential and must be recognised and supported.**
2. **Judicial stress is not a weakness and must not be stigmatised.**
3. **Judicial well-being is a responsibility of individual judges and judicial institutions.**
4. **Judicial well-being is supported by an ethical and inclusive judicial culture.**
5. **Promoting judicial well-being requires a combination of awareness-raising, prevention, and management activities.**
6. **Judicial well-being activities must suit the unique circumstances and requirements of national jurisdictions.**
7. **Judicial well-being is enhanced by human rights.**

In the tradition of other international judicial instruments, the seven principles were pronounced at a regional judicial conference on July 25, 2024, hosted by the Republic of Nauru and the UNODC and formally adopted by a delegation of judicial leaders in attendance. As discussed in the roundtable discussion that follows this article, to draft, by online committee, a universal statement on a highly sensitive topic, and to achieve consensus on the principles and the language across such a diverse group of judges, was an extraordinary feat — one that many of us who worked on it are enduringly amazed was accomplished. This declaration provided the basis and momentum for the International Day of Judicial Well-being resolution that passed just over seven months later.

WHY SHOULD THE INTERNATIONAL COMMUNITY CARE ABOUT JUDICIAL WELL-BEING?

The UN describes international days as "occasions to educate the general public on issues of concern, to mobilize political will and resources to address global problems, and to celebrate and reinforce the achievements of humanity."[19] It would be fair to ask why, of all pressing global issues, the UN and the international community should concern themselves with the well-being of judges. Shouldn't judicial stress remain a private matter that judges deal with individually within their home jurisdiction?

All judges spoke of high and increasing workloads, the stigmatization of stress and mental illness within legal professional culture, and the far greater impact that systemic and organizational stressors had on judges' well-being over those arising from the intrinsic judicial tasks.

Oversight of the executive branch by the judiciary is a democracy's strongest bulwark against absolutism, corruption, and the misuse of government power. Fundamentally, the judiciary is the institution that upholds the rule of law.

This is a question that anyone who grapples with the issue of judicial well-being confronts at some point. And, as I discuss in the roundtable, there are cogent reasons for holding that view.

However, it must be remembered that judicial well-being is not only, or even principally, about the subjective health and happiness of judges. It is inextricably linked to judicial integrity and the administration of justice. As the commentary on Principle 1 of the Nauru Declaration states:

> Judicial well-being is essential for individual judges' occupational health and sustainability, for court users' experience in court, for the quality of justice, and ultimately for public confidence in the courts. As such, judicial well-being warrants attention and investment commensurate with other institutional priorities, such as access to justice, the upholding of judicial values, judicial training, and judicial efficiency.

So how exactly does a lack of judicial well-being potentially undermine the functioning of the judiciary? There is a wealth of research in psychology on the impact of stress on human behavior and decision-making and upon which I elaborate during the roundtable. This research suggests that unacknowledged and unmanaged judicial stress will increase the likelihood of dysregulated and impulsive judicial behavior as well as compromised judicial decisions.[20] In the UN's global survey, judges most frequently reported the following negative consequences resulting from diminished well-being:[21]

- Overall poor performance
- Procedural errors and errors in judgment
- Decreased ability to stay open and be receptive to submissions
- Indifference to the rights of the parties
- Tendency to be biased or resort to stereotyping
- Impatience, irritability, and anger

Taking the psychological research and judges' own reflections together, a clear link between judicial well-being and the functioning and legitimacy of judiciaries in society emerges.

The importance of a well-functioning judiciary to a stable, democratic society can scarcely be overstated. As we know, in any democracy, the judiciary represents the third branch of government, coequal and independent of both the legislative and executive branches. It is responsible for interpreting laws made by the former and reviewing the decisions and actions of the latter. Oversight of the executive branch by the judiciary is a democracy's strongest bulwark against absolutism, corruption, and the misuse of government power. Fundamentally, the judiciary is the institution that upholds the rule of law. And, as the preamble to the Nauru Declaration observes, the institution of the "judiciary is made up of human beings — individual and independent persons appointed to judicial office; therefore, the judiciary is fundamentally a human system, dependent upon the collective human capacities and faculties of individual judges." In many parts of the world, judges are reporting that the pressures on the courts are escalating. To quote an Australian chief justice, Andrew Bell, in a recent speech:

> Our judges and magistrates can only be stretched so far. And overstretched they are, both in terms of numbers and resourcing. The pool of their undoubted goodwill and physical and emotional capacity is not infinitely deep. . . . The nature of an essential service is that society could not function without it. So it is with the courts.[22]

No individual or system can sustain high and increasing pressure without showing signs of distress and impaired functioning. This is the context in which the UN and the international community are now taking a keen interest in judicial well-being.

WHAT DOES THIS MEAN FOR JUDGES?

Will this international acknowledgement really improve the working lives of judges and the quality of justice they deliver? The only honest answer is, of course, we will have to wait and see. On its own, an annual day to recognize judicial well-being would not be of great consequence. The global support and study that led to its enactment coupled with the attention and activity it has already inspired, however, shows the day's potential to ensure that judicial well-being remains a core part of a robust and sustainable justice system.

To close, I share a brief reflection from Victor Reyes, a judicial educator and retired judge from the Tenth Judicial District of Colorado, in a recent public webinar on the International Day for Judicial Well-being:[23]

> I get very emotional about this because I wish that these conversations would have been had when I was a judge — because my life would have been a lot healthier . . . if I had been in a position to recognize the impact of the job on me as a human being. What you have done, and I commend you so much for this, is that *you have given judges a voice*. As I go through every part of that declaration I can hear judges from around the world saying these things, because I have been blessed enough to do trainings with judges in different parts of the world and this is what they talk about. . . . We are not alone. This is an international issue. Judges around the world are recognizing it. . . . And as we raise the awareness, we lower the stigma.

CARLY SCHREVER is a lawyer, psychologist, empirical researcher, and director of Human Ethos. She provides education, facilitation, advice, and individual therapy services to individuals and organizations within the judiciary and legal profession worldwide. In 2024, she worked on an international committee of judges to draft the Nauru Declaration on Judicial Well-being, a statement of universal principles to guide judicial well-being reform globally.

1 G.A. Res. 79/266, International Day for Judicial Well-being (Mar. 4, 2025).

2 UN, *List of International Days and Weeks*, https://www.un.org/en/observances/list-days-weeks.

3 UN Office on Drugs and Crime, *Nauru Declaration on Judicial Well-being* (July 25, 2024) https://judicialwellbeing.info/wp-content/uploads/2024/07/Nauru-Declaration-on-Judicial-Well-being.pdf.

4 *See* Rangajeeva Wimalasena, et al., *The Nauru Declaration: A Milestone for Judicial Wellness*, Judicature Int'l (2025), https://judicature.duke.edu/articles/the-nauru-declaration-a-milestone-for-judicial-wellness/ (describing the conference leading up to the creation of the Nauru Declaration).

5 Terry A. Maroney, *The Persistent Cultural Script of Judicial Dispassion*, 99 Calif. L. Rev 629 (2011).

6 Michael D. Kirby, *Judicial Stress: An Unmentionable Topic*, 13 Australian Bar R. 101 (1995).

7 *See* Carly Schrever, *Where Stress Presides: Investigating Occupational Stress within the Australian Judiciary* 45 (Dec. 2023) (PhD dissertation, University of Melbourne), https://minerva-access.unimelb.edu.au/items/0e118021-1413-4e79-a780-f56696ca3e8e (describing the previous scholarly literature on the effect of stress on judges).

8 Carly Schrever, et al., *The Psychological Impact of Judicial Work: Australia's First Empirical Research Measuring Judicial Stress and Wellbeing*, 28 J. Jud. Admin 141, 155, 161–62 (2019).

9 UN Office on Drugs and Crime, *Exploring Linkages between Judicial Well-Being and Judicial Integrity* 6 (Mar. 2022), https://www.unodc.org/res/ji/resdb/data/2022/exploring_linkages_between_judicial_well-being_and_judicial_integrity_html/Global_Report_Judicial_Well-being.pdf.

10 David Swenson, et al., *Stress and Resiliency in the U.S. Judiciary*, 2020 J. Prof. Law. 1 (2020).

11 Carly Schrever, et al., *Preliminary Findings from a Large-Scale National Study Measuring Judicial Officers' Psychological Reactions to their Work and Workplace*, 36 Jud. Officer Bull. 53 (July 2024).

12 UN Office on Drugs and Crime, *The Impact of Judicial Well-Being on Judges' Behaviour and Judicial Integrity*, YouTube (June 15, 2022), https://www.youtube.com/watch?v=wnRpYwaiUc0.

13 Karen Adam, *The Price I Paid for Being a 'Good Judge,'* Nat'l Jud. Coll. (Apr. 20, 2017), https://www.judges.org/news-and-info/the-price-i-paid-for-being-a-good-judge/.

14 David Heilpern, Lifting the Judicial Veil: Vicarious Trauma, PTSD and the Judiciary – A Personal Story (Oct. 25, 2017).

15 *See, e.g.*, Chief Justice of Victoria Anne Ferguson, keynote address at the National Wellness for Law Forum (Feb. 15, 2024); Chief Justice of New South Wales Andrew Bell, The Bicentenary of the Supreme Court and Its Significance (Jan. 31, 2024); U.S. District Court Judge Jeremy Fogel (ret.), *Mindfulness and Judging*, 101 Judicature 14, 14–15.

16 Carly Schrever, et al., *Australia's First Research Measuring Judicial Stress and Wellbeing: A Preview of the Findings*, 92 Australian L.J. 855, 856 (2018).

17 *See* Regional Judicial Conference on Integrity and Judicial Well-Being, *Draft Committee*, https://judicialwellbeing.info/draft-committee/ (last visited May 15, 2025) (listing the members of the Nauru Declaration's Draft Committee).

18 UN Office on Drugs and Crime, *supra* note 3.

19 UN, *United Nations Observances*, https://www.un.org/en/observances (last visited May 15, 2025).

20 Schrever, *supra* note 7 at 14–19.

21 UN Office on Drugs and Crime, *supra* note 3, at 1.

22 Bell, *supra* note 15.

23 Australian Catholic University, *International Day for Judicial Wellbeing and its Global Impact*, YouTube https://www.youtube.com/watch?v=53Kh2awi1bA.

▶

THE GLOBAL LANDSCAPE OF JUDICIAL WELL-BEING: A ROUNDTABLE DISCUSSION

The following is an excerpt of a recent roundtable conversation for *Judicature International* between **Judge Jeremy Fogel**, retired federal judge and executive director of the Berkeley Judicial Institute; three drafters of the Nauru Declaration – **Justice Rangajeeva Wimalasena**, president of the Nauru Court of Appeal, **Justice Lynne Leitch**, superior court judge, Canada, and president of the Commonwealth Magistrates' and Judges' Association, and **Carly Schrever**, director of Human Ethos – in which they discuss the genesis and surrounding context of the Nauru Declaration.

JEREMY FOGEL: Thank you all so much for speaking with me today about the Nauru Declaration and judicial wellness more broadly. For the uninitiated, Rangajeeva, can you explain what led to the declaration?

RANGAJEEVA WIMALASENA: In 2014, I was the secretary of the Judicial Services Association in Sri Lanka. By that time, I had seen how judicial stress could affect judges, so I drafted an action plan, trying to promote collegiality and also to involve judges in the performing arts to promote a balanced mind — to enhance their other facilities so we can assist them in maintaining a balanced mind. At that time, I was not aware of the terms "judicial well-being" or "judicial wellness," so that's why I used the term "balanced mind." At that time, I thought stress was primarily due to lack of infrastructure and other facilities in the developing world.

But fast forward to 2020 when I moved to Australia, and after hearing a radio interview with Dr. Carly Schrever on judicial stress, I began to realize this issue is not limited only to developing countries or the countries with less facilities. After reading the reports of judicial well-being studies, I realized this is a universal problem.

I spent a while thinking about what we could do. Later, I got in touch with Marie Cauchois, the regional anti-corruption advisor of the United Nations Office on Drugs and Crime (UNODC). When I pitched this idea, they agreed to come onboard and support it. I slowly reached out to judges across the world who were known to me as well as through other contacts. We were able to gather about 18 judges and other stakeholders from Canada to Ukraine to the Caribbean, Singapore, and other parts of the world. Alongside judges, we contacted Dr. Schrever, one of the pioneering experts in this field, as well as some experts from the UNODC.

Over several months, we analyzed studies conducted across various jurisdictions, including Australia, the United States, and the United Kingdom, and the judicial well-being study conducted by the UNODC. We came up with these seven principles. It was a long process.

Last year, on 25 July, we successfully adopted the Declaration. But I felt that adopting a declaration alone wasn't enough — we needed to build momentum and raise global awareness. So I proposed to the government of Nauru that they consider tabling a resolution at the United Nations. As a result, a resolution was submitted to the UN General Assembly, and with 160 votes in favor and 70 co-sponsors, 25 July was declared the International Day for Judicial Well-being.

FOGEL: That's a great story. It's a great statement to the world that this is an important subject, and it's truly cross-cultural. It affects countries all over the world.

Lynne, the UN has made a lot of statements, such as the Bangalore principles and various other things that guide courts around the world. How does the Nauru Declaration fit into that framework?

LYNNE C. LEITCH: One of the elements of the Bangalore principles of judicial conduct is a generalized statement that judges should have sufficient time to permit the maintenance of physical and mental well-being. Acknowledgement of the stress of fulfilling judicial duties is increasing. Because of that principle, and the fact that there were a lot of increasing concerns about the difficulties of judging around the globe that came into focus because of the pandemic, the advisory board of the Global Judicial Integrity Network suggested that the network investigate this aspect of judicial well-being.

As a result, UNODC undertook a global survey. I think it was really an alignment of stars, if you will, that while this survey was being done, Rangajeeva was percolating interest in this in the way that he can do so effectively, engaging Carly and the UN, and speaking to lots of other people. Rangajeeva did a remarkable job in keeping this diverse group together. As we all know, it's not easy drafting by committee. I am quite happy with how we were able to synthesize all our discussions.

That was a considerable challenge because when we first started out, we had a lot to say. We had almost too much information, too many observations, and too many expressions and perspectives. We distilled it down to these seven principles that encapsulate many of the concerns. But we had a tremendous leader in Rangajeeva, and those of us who worked on drafting it signed it. I signed it on behalf of the Commonwealth Magistrates' and Judges' Association. Then of course, Carly's expertise assisted us with some of the language that we used, which was exceedingly helpful.

That was a long answer to your short question, but it dovetails nicely with the Bangalore principles. I think it's really adding some meat on the bones, if you will, to that principle.

FOGEL: I have two reactions to what you said, and one is that you're dealing with such diversity. You're dealing with well-developed countries like Canada, which have an abundance of resources, and you're dealing with places like Sri Lanka, which I know just from having worked with people from there, is a very different situation. Being able to come up with a definition and a set of principles that crosses those boundaries to which everyone says, "Yeah, this is us, this is something we really agree to," that's really quite remarkable.

The other observation is that when I started talking about judicial wellness 30 years ago, people said, "Well, okay, wellness is what you do privately. It's your own private business. It's like you're taking care of yourself and your own, but what's it got to do with judging?" I think what has become clear, and Carly, I'm going to turn to you and ask you about this, but it's that the quality of judging is inseparable from the wellness of the judges.

Ultimately, you have to pay attention to what shape the judges are in, but it's been a long time getting to that realization. It's really been a hard sell to get the judicial community to realize that actually you need to be at least somewhat healthy — mentally and psychologically — in order to do the job. So please say more about that, and I think we can play out some of those implications.

CARLY SCHREVER: I completely agree that in order to do the intellectually demanding, often emotionally intense work of judging, judges need for the most part to be feeling well and feeling that they're able to manage their stress. This sits alongside the inevitability that judges will experience stress in the workplace. The work is inherently incredibly demanding. Having worked with judges on judicial well-being now for more than 10 years all over the world, I know that all judges experience stress. That is normal. The conversation has these two parts, where we need to be able to normalize the experience of stress so that we can talk about it, and then we need to think as individuals, but also collectively as institutions, how we can support judges to manage their stress to the best of their ability to be able to fulfill their judicial functions effectively.

We know from decades of psychological research — not just with judges — that stress undermines key human faculties required for good decision-making. It undermines our objectivity and critical thinking, making it more likely that decisions will be infused with unconscious biases or heuristics.

Also, stress undermines our human capacities for emotion regulation and impulse control, making it more likely that we'll behave in ways that we later regret on the bench. We know this from human psychology. Therefore, it's really important that we address the issue of judicial stress, but we don't want to stigmatize it because it's a natural human response to the incredible demands of judicial work. We want to acknowledge it, normalize it so we can talk about it, and therefore deal with it appropriately.

FOGEL: One of the challenges that judiciaries around the world are experiencing is maintaining public trust and confidence. There's a tremendous amount of cynicism about courts and people being concerned they're not really getting fair adjudication of their cases. How does this effort contribute to trying to address that problem?

LEITCH: I look at it as a question of ensuring that judges have the capacity to fulfill their important public responsibilities. We're not the only people who have to do this, but when I think about what a judge's responsibilities are, I think about the fact that we become quite intimately involved in people's problems, their experiences, ▸

"We're dealing with human dynamics, and we're addressing human behaviors. We do all of that in real time and in the public domain. That inherently is extremely stressful. On top of that, our decisions really matter. We're impacting people's lives."

– LYNNE LEITCH

sometimes their traumas. We're dealing with — as I say to a jury — human dynamics, and we're addressing human behaviors. We do all of that in real time and in the public domain. That inherently is extremely stressful. On top of that, our decisions really matter. We're impacting people's lives.

I think we must be careful in addressing these problems. It's not just simply workload, but, of course, workload is a factor. It's other things like security issues. It's also timeliness of assignments and the timely receipt of materials to be prepared the way we need to be. Judicial well-being is not just a simple matter of saying, "Well, fewer cases, more judges." It's not about that.

My experience has been that those who receive the appointment and privilege of being a judge are people who take their public responsibilities seriously, and they want to perform their job well. I think one of the reasons this is coming a bit to a head right now is because the circumstances in which we work are becoming more challenging. Capacity demands are increasing, and because the resources are not increasing, the demands on us are increasing along with the other problems that I mentioned.

As you've said, public confidence and trust in the judicial system are essential to our societies. They're very fragile. We must work hard to preserve and maintain that confidence, and that's why it behooves the institutions to ensure that is accomplished.

FOGEL: When I was a young judge and trying to get people to speak about judicial well-being, they usually said, "No, get out of here. We don't want to talk about that. This is not really appropriate." There was that taboo, and it has gotten better. It's really interesting that when you do surveys where people can actually say what they're feeling, 90 percent of the people say, "This is important, but we don't get to talk about it because there's this element in the culture that doesn't buy into it." And that leads me to my next question: What are some strategies for addressing that problem of resistance?

SCHREVER: I've given a lot of thought to this because a big part of my work is going into new jurisdictions to get the conversation started. I think we need to acknowledge that the topic is historically taboo and remains somewhat sensitive for some good reasons. There's a concern that admitting stress might imply admitting some impairment, and that this could have a detrimental impact on public confidence in the courts. I think that's a fair concern. Also, legal work is adversarial and combative, and by the time lawyers become judges, they've spent many years needing to hide their vulnerability from opponents and clients.

Thus, it's baked into legal culture in a particular way. I think once we acknowledge that there is this sensitivity for some good reasons, then we can start to bring in some facts from psychology that can temper that a little bit.

The equation of stress with impairment is actually an erroneous equation in psychology. Stress doesn't necessarily equal impairment. It's when stress goes unacknowledged and unmanaged that it has the potential to be most problematic, and, of course, stress is most likely to go unacknowledged and unmanaged in a culture of stigma and silence. We need to be able to have a conversation, at least among ourselves as judges, to break down the

stigma so that stress can be managed, acknowledged, and therefore not lead to impairment.

Another way is to bring in some information from psychology about what stress is. Stress isn't all bad. There's healthy stress. Stress can be used to galvanize our energy and our attention. Judicial work is inherently stressful. We can't make it stress-free. But when stress gets to the point that it leads to *distress*, that's not good for the judge's personal experience. It's also not good for the experience of the people in the courtroom or potentially for their decision-making. When we can have a nuanced conversation about the sensitivities around this topic, then I think it helps overcome some of that natural resistance that some judges can have around it. In addition to that, we've got increasing empirical data on the nature, prevalence, and severity of stress within the judiciary. We know it's extremely common.

FOGEL: The anonymous surveys are stunning. Huge majorities of people talk about it.

SCHREVER: Absolutely. The majority experience is some degree of distress on a regular basis. A significant proportion of respondents experience high levels of secondary trauma and burnout. It's not just a tiny minority. It's the majority. I think that's important for people to understand as well.

WIMALASENA: That's why I think we made the second principle say that judicial stress is not a weakness.

LEITCH: I think something that will assist the judiciary in moving forward in these efforts is that the legal profession itself is addressing it. Many — the Canadian Bar Association, perhaps the American Bar Association — are trying to focus on this concept and to destigmatize it and make people more aware. I think changes within society generally, but more importantly within the legal profession, are going to be quite pivotal in getting courts to address this.

FOGEL: Any thoughts about how to increase the awareness of judicial leaders?

LEITCH: Even when needed initiatives are undertaken or new resources are added, sometimes there's not an adequate analysis as to the impact of that initiative or new resource on a judge's workload. This should be taken into consideration as a factor in how leaders are going to add those resources. Look at how they could be best rolled out and implemented to minimize the potential negative impact on those using them.

SCHREVER: I think we also need to acknowledge at the start that being a judicial leader has got to be one of the most challenging leadership roles out there for so many reasons. Judicial leaders don't have the same levers of control as, for instance, CEOs in other organizations, which are also challenging roles and probably very stressful.

One of the best examples I've seen in a large court in Australia is not only the establishment of a judicial well-being committee, which is now becoming pretty commonplace in many parts of the world, but also creating the role of a supervising magistrate or judge for judicial well-being. That supervisor sits across other governance structures within the court to bring a well-being lens to all the decision-making in other areas of the court — on the IT committee, the assignments committee, etc. — to make sure that well-being implications are considered with any significant change, improvement, or intervention being brought into the court.

FOGEL: That seems like a great initiative and one that we must follow up on. I just want to say, as somebody who wasn't involved in the creation of the Nauru Declaration, what a great thing you all did. Thank you all very much.

JEREMY FOGEL is executive director of Berkeley Judicial Institute, former Federal Judicial Center director, and former U.S. district judge.

RANGAJEEVA WIMALASENA is the president of the Nauru Court of Appeal and an adjunct professor at Australian Catholic University.

LYNNE LEITCH has been a Superior Court of Ontario judge since 1992. She is president of the Commonwealth Magistrates' and Judges' Association.

CARLY SCHREVER is a lawyer, psychologist, empirical researcher, and director of Human Ethos.