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MANAGING STRESS AND STRENGTHENING RESILIENCY: PRACTICAL STRATEGIES FOR JUDGES



System components:

- Prefrontal cortex: CEO, advanced thinking
- Basal Ganglia: emotions and motivation
- Amygdala: fear/primitive flight fright response
- Limbic system: mood, memory, sleep, appetite

The interaction of these systems create the physiological conditions for your actions and decision-making in every aspect of your life


Stress interferes with accessing your smartest self

- EXCESSIVE WORKLOAD
- EXPOSURE TO TRAUMATIC OR EMOTIONALLY-CHARGED SITUATIONS
- POLITICAL AND SOCIAL PRESSURES, PARTICULARLY IN SMALLER COMMUNITIES OR VIA SOCIAL MEDIA
- CONCERNS ABOUT SECURITY AND SAFETY
- ISOLATION/LACK OF RELIABLE FEEDBACK
- CULTURAL EXPECTATIONS: "COMPLAINING" IS INAPPROPRIATE BECAUSE HAVING THE JOB IS A PRIVILEGE
- TENDENCY TOWARD PERFECTIONISM
- TENDENCY TO AVOID EMOTIONAL CONFLICT OR COMPLEXITY

SOURCES OF JUDICIAL STRESS

- ACUTE STRESS IS NORMAL AND OFTEN PRO-SURVIVAL: FOR EXAMPLE, SEEING A TRUCK HURTLING DOWN THE STREET IN YOUR DIRECTION CAN CAUSE YOUR HEART TO RACE AND YOUR BODY TO MOVE QUICKLY TO GET OUT OF THE WAY
- ACUTE STRESS TYPICALLY DISSIPATES AFTER THE STRESS-PRODUCING EVENT HAS PASSED
- CHRONIC STRESS IS ABNORMAL AND TENDS TO DIMINISH ONE'S QUALITY OF LIFE
- CHRONIC STRESS DOESN'T HAVE THE TIME AND SPACE TO DISSIPATE AND INSTEAD TENDS TO ACCUMULATE, RAISING ONE'S STRESS-INDUCED BASELINE OVER TIME

ACUTE VS. CHRONIC STRESS

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- ▶ PREOCCUPATION WITH WORK (OR SOMETIMES, INDIFFERENCE TO WORK)
 - ▶ EMOTIONAL DISTANCE, MOODINESS, IMPATIENCE
 - ▶ INSOMNIA
 - ▶ FIXATION ON THE SAME NARRATIVES (E.G., ABOUT PEOPLE OR CASES)
 - ▶ INCREASED USE OF ALCOHOL OR OTHER SUBSTANCES
 - ▶ PHYSICAL MANIFESTATIONS (HYPERTENSION, EXHAUSTION, COMPROMISED IMMUNE SYSTEM RESULTING IN FREQUENT ILLNESS)
 - ▶ DEPRESSION AND ANXIETY

SIGNS OF CHRONIC JUDICIAL STRESS



BURNOUT

WHO definition: A syndrome resulting from chronic workplace stress that has not been successfully managed

Emotional Resilience: the skills needed to manage chronic stress



ROLE OF CHOICE

- Seeing change as a threat: amygdala, flight or fright, working memory shrinks, increase in anxiety
- Seeing change as challenge/opportunity: increase in O2, think clearly with front brain

- EMOTION REGULATION: ACKNOWLEDGING NEGATIVE EMOTIONS AND DESCRIBING THEM IN GRANULAR DETAIL—AVOIDING DENIAL, MINIMIZATION AND RATIONALIZATION
- MEDITATION AND OTHER STRESS-REDUCTION PRACTICES
- SELF-CARE: REST, RELAXATION, EATING AND SLEEPING WELL
- PRACTICING GRATITUDE AND SELF-COMPASSION—OVERCOMING PERFECTIONISM ONE DAY AT A TIME
- MAINTAINING A NETWORK OF HONEST AND SUPPORTIVE RELATIONSHIPS

COPING STRATEGIES



CHOOSE HABITS TO CONTROL YOUR STRESS RESPONSE

- Sleep
- Sunlight
- Pets
- Social connection
- Structural choices (how you schedule yourself)
- Play/delight/glimmers
- Reframing
- Choose GRIT: how you see stress



BE HERE: NOT IN THE FUTURE, NOT IN THE PAST PATTERN INTERRUPTION

Cold: uncomfortable 11 minutes, moderate cold 45 minutes

Get up—stand and stretch, jump around, dance (shake it off)

5:1 grounding exercise

- 5 things you can see
- 4 things you can hear
- 3 things you can touch
- 2 things you can smell
- 1 thing you can taste



PAUSING IN THE STRESS TO CHOOSE HOW TO RESPOND A/K/A SITUATIONAL AWARENESS


Train brain to respond, not react

- The power to stop
- “Between stimulus and response there is space. In that space is our power to choose our response. In our response lies our growth and freedom”– Viktor E. Frankl
- Tapping
- How SEALS do it: breathing and sleeping
 - Box breathing: 4-4-4-4-
 - Physiological deep sign: 2 short inhales, one long exhale (sigh of relief)
 - 2-3 cycles engages parasympathetic system
 - 10-15 will put you to sleep

- RECIPROCITY
- APPROPRIATE BOUNDARIES
- KINDNESS
- RESPECT
- CANDOR

(POWER IMBALANCES AFFECT EACH OF THESE DIMENSIONS)

OVERCOMING ISOLATION: THE ELEMENTS OF GENUINELY SUPPORTIVE RELATIONSHIPS

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- ACTIVE LISTENING: DRAWING OUT AND REFLECTING BACK
 - LISTENING WITHOUT JUDGING
 - CURIOSITY
 - OPENNESS TO DIFFERENCES

USEFUL SKILLS AND ATTRIBUTES


- SYSTEM ONE: INTUITIVE, REACTIVE, SPONTANEOUS; GENUINE, BUT PRONE TO UNCONSCIOUS BIASES AND ASSUMPTIONS AND NOT ALWAYS CONSTRUCTIVE
- SYSTEM TWO: REFLECTIVE, REASONED, INTENTIONAL; NOT ALWAYS ACCESSIBLE IN EMOTIONALLY-CHARGED SITUATIONS, BUT CAPACITY CAN BE INCREASED THROUGH MEDITATION AND OTHER ATTENTION-BUILDING PRACTICES

THINKING FAST AND SLOW FROM DANIEL KAHNEMAN



MINDFULNESS

- BEING IN THE PRESENT INSTEAD OF THE PAST OR THE FUTURE
- LIMITING THE EFFECTS OF SYSTEM ONE AND GIVING SYSTEM TWO MORE SPACE IN WHICH TO FUNCTION
- CREATING SPACE FOR DEALING WITH DIFFICULT CONVERSATIONS OR SITUATIONS
- INTENTIONALITY: CHOOSING ONE'S RESPONSE, INCLUDING EXPRESSION OF EMPATHY AND COMPASSION TOWARD ONESELF AND OTHERS

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- PATIENCE
 - PERSPECTIVE AND SELF-AWARENESS
 - COMPASSION TOWARD SELF AND OTHERS
 - CONNECTION TO OTHERS

PRO-SURVIVAL ATTRIBUTES OF JUDGES



HUMILITY

- THIS IS HARD WORK
- YOU CAN'T FIX EVERYTHING
- YOU WILL DISAPPOINT YOURSELF REPEATEDLY
- FORTUNATELY, YOU WILL HAVE MANY OPPORTUNITIES TO PRACTICE AND LEARN



JUST ANOTHER COLD DARK NIGHT ON THE SIDE OF MOUNT EVEREST

- Choosing to do difficult remarkable EXTRAORDINARY things is difficult
- You likely choose some misery
- But the reward is worth it