



An Assessment of Judges' Self-Reported Experiences of Secondary Traumatic Stress

By Charles P. Edwards and Monica K. Miller

ABSTRACT

Many judges experience occupation-specific stress, such as secondary traumatic stress (STS), burnout, compassion fatigue, and vicarious traumatization. A content analysis of 762 judges' open-ended responses to a survey asking whether they had suffered from STS revealed that judges moderately experienced most types of stress. Some case types (e.g., family court) and some job aspects (e.g., gruesome evidence) were particularly stressful. Judges reported both positive (e.g., social support) and negative (e.g., distractions) coping mechanisms. Interventions should be tailored to judges' characteristics, (e.g., gender), job (e.g., family court), beliefs (e.g., that STS does not exist), and level of distress.

Key words: judicial stress, vicarious trauma, secondary stress, burnout, Constructivist Self-Development Theory.

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"I will be out running and suddenly I see the burned-off face of a 5-year [old] child in my head and it won't go away." -Judge 84

Judges have the duty to decide the fate of others, whether it is deciding whether to send a person to jail or deciding whether to terminate a person's parental rights. In doing so, they can be exposed to stressful materials including testimony, evidence, or

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information presented during the course of trial (Lebovits, 2017). How judges deal with that stress and to what extent this stress has negative effects can vary greatly. However, it might be expected that experiences of stress, to an extent, would be somewhat consistent across judges because of the general overlap of responsibilities. Thus, how is it that, as shown by the quotes above, two people in the same occupation could have such wildly different beliefs pertaining to the existence (and, therefore, the experience) of secondary stress? This article will investigate this variety of beliefs and experiences.

Most studies examining judicial stress (e.g., Lustig et al., 2008; Miller, Edwards, Reichert, & Bornstein, 2018; Miller, Reichert, Bornstein, & Shulman, 2018), have used pre-developed survey-type measures developed for a broad population (for interview-type methods, see Chamberlain & Miller, 2009; Miller, Flores, & Pitcher, 2009). The current study used a new methodology: asking judges a simple yes or no question and allowing them to elaborate as they see fit. The qualitative data collected from open-ended responses provides rich, detailed insight into an issue that affects many judges while also allowing judges to provide information that would not necessarily be captured by the completion of a multiple-choice survey or similar forced-choice stress measure.

This article examined judges' perceptions and experiences of stress primarily through open-ended secondary data provided by judges when completing a survey regarding secondary traumatic stress. These data were then analyzed to evaluate whether judges' responses reflect characteristics of certain stress theories—specifically, vicarious trauma, compassion fatigue, and Constructivist Self-Development Theory. We also analyzed whether responses reveal common causes of stress, coping methods used, or suggested interventions. Results provide valuable insight on how judges experience and perceive secondary stress caused by their occupation, as well as suggest new approaches and potential concerns for those who desire to limit judges' stress.

JUDICIAL STRESS

Working in the legal system can be stressful, as revealed by research on correctional officers (Lambert, Kim, Keena, & Cheeseman, 2017), attorneys (Reed & Bornstein, 2013), police officers (Franke & Ramey, 2013), and probation officers (Slate & Johnson, 2013). Judges are no exception—they are susceptible to a variety of stressors (Chamberlain & Richardson, 2013).

Although many judges can believe that their work is rewarding, the position is accompanied by exposure to a myriad of potential stressors. Judges can experience stress when rendering decisions that will affect the lives of trial participants and their families, the community, and future rulings that might use the decision as precedent. Judges are also constantly under the public microscope, as their decisions can present the possibility for attacks from the media and community—a consequence that would affect elected judges more so than appointed judges (Resnick, Myatt, & Marotta, 2011).

Judges might also experience stress through indirect means. Judges must hear and see gruesome testimony and evidence (Chamberlain & Miller, 2008; Chamberlain & Miller, 2009). Juvenile and family court judges might be especially prone to stress, as

they follow a family through months or years of struggles. The judge hears about child abuse and neglect, struggles with substance abuse and domestic violence, and a general culture of maltreatment. Ultimately, the judge often has to decide whether to reunify the family or to terminate a parent's rights. The life-long implications of this decision are tremendous. Thus, it is no surprise that judges might experience stress as a result of their jobs. As these examples highlight, stress can be direct or indirect and can often result from witnessing the stressful experiences of others.

The indirect acquisition of stress, or secondary traumatic stress (STS), is a well-researched phenomenon that can occur in various occupations, such as emergency responders and social workers (e.g., Everly, Boyle, & Lating, 1999; Ortlepp & Friedman, 2002). STS is often used as a "catch all" term for indirect acquisition of stress¹, which can refer to a number of stress-related theories and perspectives—specifically, vicarious trauma, compassion fatigue, and Constructivist Self-Development Theory. Workers in occupations that provide care to others are potentially affected by these types of stress because of an emotional connection between the worker and those receiving care (Chamberlain & Miller, 2008; Najjar, Davis, Beck-Coon, & Doebbellings, 2009; Newell & MacNeil, 2010). Judges are not immune to such stressors, as discussed below.

Vicarious Trauma

Vicarious trauma (VT) refers to lasting changes in beliefs or ways of thinking as a result of having empathic engagement with others who have experienced a traumatic event (Newell & MacNeil, 2010). VT can result in changes to a personal sense of self, worldview, emotional or psychological needs, or beliefs about spirituality (Newell & MacNeill, 2010; Salston & Figley, 2003). Although VT can be a natural and normal occurrence for workers who provide care to others, failure to address the causes and symptoms of VT can lead to negative outcomes in a person's occupational and personal life (Salston & Figley, 2003). These negative occupational and personal outcomes can mirror those of the person who initially experienced the traumatic event and might include perceived threats to personal safety and trust in others, loss of spirituality, or changes in self-identity (Chamberlain & Miller, 2008).

The leading study of vicarious trauma in judges found that 63% reported one or more symptoms; females and judges with longer time on the bench had higher levels (Jaffe, Crooks, Dunford-Jackson, & Town, 2003). Although not using a direct measure of VT, Chamberlain and Miller (2009) found that many judges believed the courtroom to be an emotional place and felt empathy for those who had been traumatized. More broadly, many judges believe it is their responsibility to address the needs of jurors (Flores, Miller, Chamberlain, Richardson, & Bornstein, 2008-9; National Center for the State Courts, 2002). This suggests indirectly that judges experience empathy for others in their courtroom and thus are susceptible to VT (for review, see Chamberlain & Richardson, 2013).

¹ A discussion of the sometimes complicated and small differences between the types of stress is beyond the scope of this article. For a discussion of these types of stress in judges, please see Chamberlain & Richardson (2013).

Compassion Fatigue

Sometimes used synonymously with STS, compassion fatigue (CF) refers to an emotional and physical exhaustion that results from continuous empathic engagement with others who are suffering (Bride, Radey, & Figley, 2007; Najjar et al., 2009; Newell & MacNeil, 2010). Unlike some stress frameworks which allow for an almost immediate onset of negative symptoms, CF tends to have a more gradual onset (Newell & MacNeil, 2010). Consequences of CF can include reduced occupational satisfaction, poor decision making, and reduced socialization (Bride et al., 2007).

CF is composed of two dimensions—secondary trauma and burnout. Secondary trauma refers to being affected by another person's traumatic experience. Burnout refers to responses from continued exposure to demanding interpersonal situations (Adams, Boscarino, & Figley, 2006).

Secondary trauma: In general, secondary trauma refers to a type of stress incurred as a result of helping another person through or after a traumatic event (Salston & Figley, 2003). This type of stress is more likely to affect people in specific occupations; primarily, ones in which workers are in direct contact with and provide care to other people who have experienced a trauma (Najjar et al., 2009). This type of stress is classically associated with emergency and mental health providers—such as ambulance and hospital workers, counselors, and therapists—but can also be applied to judges because of their work with victims and defendants.

Research supports this notion that judges experience secondary traumatic stress (Chamberlain & Miller, 2009; Miller, Reichert, et al., 2018). This is not uniform, though, as previous research has found general jurisdiction judges experience significantly less trauma than other judges, including family court judges (Miller, Reichert, et al., 2018). Additionally, demographic factors, such as gender, have been related to differences in reported levels of secondary stress (Edwards, Snider, Miller, & Devereux, 2019).

Burnout: Burnout is defined as a physical, emotional, or psychological exhaustion caused by continued exposure to occupational stressors (Najjar et al., 2009; Newell & MacNeil, 2010). For example, burnout could be caused by responsibility overload, inadequate or imbalanced rewards, and time pressures (Maslach, 1998; Najjar et al., 2009; Salston & Figley, 2003). Workers experiencing burnout can experience physiological, emotional, or behavioral responses (Salston & Figley, 2003) such as headaches, high blood pressure, depression, anxiety, decreased occupational performance, or boredom. Although experiences of burnout are not limited to those who work with trauma survivors, it is an aspect of judges' occupation that could lead to negative outcomes (Salston & Figley, 2003).

There are three sub-components to burnout—emotional exhaustion, depersonalization, and reduced personal accomplishment (Najjar et al., 2009). Emotional exhaustion refers to feelings of being overextended and depleted of emotional resources. Depersonalization is an interpersonal dimension of burnout and entails a loss of idealism and increases in detached responses to others. The third component, reduced personal

accomplishment, is a self-evaluation dimension and includes a decline in perceived occupational competence and productivity (Maslach, 1998).

Judges often experience declines in job performance from burnout (e.g., Eells & Showalter, 1994; Miller, Reichert, et al., 2018), though this can vary by factors such as gender, level of social support, years on the bench, and type of judge. For instance, general jurisdiction judges experienced higher subjective job performance than other types of judges, such as family court judges. Judges often experience stress due to conflict at work (especially with attorneys), trial interruptions, problems with infrastructure, perception of inequity and experience overload of responsibility—signs of burnout (Chamberlain & Miller 2009; Flores et al., 2008-9; Lustig et al., 2008)

Constructivist Self-Development Theory

Constructivist Self-Development Theory (CSDT) is a framework for understanding the impact that traumatic experiences might have on development and perception of the self (Saakvitne, Tennen, & Affleck, 1998). CSDT includes five different psychological needs: safety, trust, esteem, intimacy, and control (Saakvitne et al., 1998). Safety refers to the need to feel safe or to not feel vulnerable. Trust involves perceptions of trust in the outside world, personal relationships, or the community and general public—or the lack thereof. Esteem involves the need to be valued and to value others, or the opposite—feeling useless or unvalued. Intimacy includes the need to feel connected with others or the community or, conversely, withdrawing from others personally or professionally. Lastly, control refers to a desire to be in charge of oneself, the situation, or others—or the feeling of being out of control (McCann & Pearlman, 1990; Saakvitne et al., 1998). Stressful or traumatic experiences could potentially threaten one or more of the CSDT needs which might result in disturbances to a person's self-developed reality (Miller et al., 2009).

Judges are susceptible to threats to CSDT needs. One study found support for the disruption of all five CSDT needs (i.e., safety, trust, esteem, intimacy, and control) in a group of nine judges who had experienced the shooting of a fellow judge (Miller et al., 2009). Specifically, judges experienced disruptions in needs. Most commonly, eight of the nine judges experienced disruptions in safety whereas only five of the nine judges experienced intimacy disruptions (Miller et al., 2009). Although higher rates of threats to safety might be expected after a co-worker is shot, threats to the other four CSDT needs consistently appeared; specifically, all five needs were found to be disrupted in more than 50% of the nine-judge sample. This result suggests that these psychological needs can be threatened by stressors to which judges are exposed.

Although these stress theories and frameworks were originally developed to assess stress in emergency medical providers (Salston & Figley, 2003), these studies suggest that judges can also experience secondary stress. However, beyond secondary stress associated with the stress theories and frameworks mentioned, judges can experience stressors that are directly related to their occupation.

JUDGE-SPECIFIC STRESSORS

Judges are exposed to stressors that are unique to the judiciary but are not directly captured by the stress measures just discussed. General work-related stressors can include heavy caseloads, a sense of isolation in the job, death threats and threats of physical violence from defendants and court participants, and a lack of appropriate and reliable safety measures in the courthouse (Chamberlain & Miller, 2009; Flores et al., 2008-9; Resnick et al., 2011). There are additional stressors that occur throughout the course of a trial. For example, judges might experience stress from the presentation of graphic or gruesome testimony and evidence (Flores et al., 2008-9), from dealing with rude or inconsiderate counsel and pro se litigants (Resnick et al., 2011), as well as from continuously having to make legally binding decisions that will have severe consequences for defendants, victims, families, and future legal proceedings (Chamberlain & Miller, 2009). These stressors can result in a variety of negative outcomes for judges, both personally and professionally.

OUTCOMES OF STRESS

Although job satisfaction among judges is generally quite high (Miller, Edwards, et al., 2018), addressing and alleviating stressors could lead to improved outcomes for judges. The Model of Judicial Stress (Miller & Richardson, 2006) indicates that a myriad of personal and job outcomes result from stress, including health, relationship quality, job satisfaction, and job performance outcomes. This model has been supported by past research, such as a study conducted by Miller, Edwards, and colleagues (2018) which found support for the model's propositions that increases in stress are related to negative personal and professional outcomes. Results suggest increased stress significantly related to decreased mental health, job satisfaction, and job efficacy as well as increased concern regarding safety and security (Miller, Edwards, et al., 2018). This research shows that stress is associated with significant negative outcomes in judges, but it is also important to understand how judges choose to reduce, limit, or eliminate instances of stress.

COPING MECHANISMS AND STRESS REDUCTION

There are a wide variety of personal, professional, and societal coping mechanisms to deal with or prevent the negative consequences associated with STS or its correlates. In general, coping mechanisms and strategies for dealing with stress include leisure activities; consistent and healthy routines regarding diet and exercise; self-care activities; spiritual and/or religious-related activities; or using and asking for the support of friends, family, and co-workers (Himle, Jayaratne, & Thyness, 1991; Killian, 2008; Salston & Figley, 2003). The ability to positively cope with stressors has been associated with increased general well-being and higher reported rates of energy, strength, enjoyment,

and engagement (Shiota, 2006). However, not all coping strategies are associated with improved well-being; negative coping strategies, such as avoidance (i.e., ignoring or denying stress), relate to *higher* levels of stress and lower levels of self-esteem. These negative coping strategies can be beneficial in the immediate term because they reduce psychological discomfort, but in the long term they do not address the problems associated with the experienced stress (Dumont & Provost, 1999).

More specifically pertaining to judges, methods for stress reduction include lessening case-loads; going on sabbatical; improving security; having access to therapists; and attending professional workshops, conferences, and conventions (Chamberlain & Richardson, 2013; Jaffe et al., 2003; Resnick et al., 2011). Although many of these stress reduction methods pertaining to judges could provide potential benefits, action would need to be taken at an organizational level (Resnick et al., 2011).

OVERVIEW OF STUDY

Using these stress-related theories and aspects of stress as a foundation, the current study examined rates of STS in judges and investigated how STS is experienced by judges. Researchers outlined five research questions (RQ): How many judges report suffering from STS (RQ1)? Do judges' open-ended responses indicate signs of VT, CF, or threats to CSDT needs (RQ2)? Do these open-ended responses indicate coping mechanisms (RQ3), suggest ways to reduce STS (RQ4), or offer explanations regarding what types of cases or experiences have caused them stress (RQ5)?

METHODS

Participants

A total of 762 judges submitted a response to the survey. To protect anonymity, no additional information was collected from participants. Therefore, participants' demographic information is not available.

Materials and Procedure

All data were secondary data provided by The National Judicial College in Reno, Nevada. Data were collected in the form of a survey administered by The National Judicial College. The survey consisted of one question: "Have you suffered secondary traumatic stress from being a judge? Secondary traumatic stress is the emotional duress that results when an individual hears about the firsthand trauma experiences of another." This question was accompanied by a dichotomous yes/no option and an open-ended response section which allowed judges to leave additional information or comments. Judges who have taken classes or are associated with The National Judicial College were sent the

survey as part of a recurring “Question of the Month.” Completion of the survey was optional and anonymous.

Coding Scheme

Researchers developed a coding scheme based on components of stress theories and frameworks, as well as themes that were found throughout judges’ responses. All codes, except overall stress ratings, were scored on a 0 (comment did not pertain to code) or 1 (comment did pertain to code) basis. Overall stress ratings were scored on a 0 to 3 scale: 0 indicating no suffering from stress, 1 indicating slight stress experiences, 2 indicating moderate stress experiences, and 3 indicating extreme stress experiences. Codes were not mutually exclusive and each comment was individually assessed for whether any code pertained to the comment (e.g., a single comment could be coded as pertaining to vicarious trauma, burnout, and a coping mechanism).

RESULTS

Of the 762 judges who responded to the survey, two skipped the yes/no portion of the question. Additionally, 142 judges responded to the open-ended portion of the survey. Three of these open-ended responses were deemed “uncodable” and were removed from analyses. For analysis purposes, these 139 remaining responses were broken into 304 comments, with a comment being defined as a singular thought. Some judges’ responses were short and limited in information, which lead to the entire response being coded as one comment. Other judges, however, had much longer responses which were broken into as many as eight comments. A sub-sample of 50 comments was used to establish inter-rater reliability between two coders. The two coders agreed on 86% of overall stress ratings in the sub-sample; all ratings that did not agree were within one point on the 4-point scale. Agreement for all additional coding groups—scored on a dichotomous yes/no basis—ranged from 81.5% (CF) to 92.9% (Constructivist Self-Development Theory). An initial examination of ratings showed one reviewer to be more liberal whereas the other reviewer was more conservative in coding. All discrepancies were discussed and resolved through discussion before coders completed the coding of remaining comments.

RQ1: How Many Judges Report Suffering from STS?

Of the 760 judges that responded to the dichotomous yes/no portion of the Question of the Month, 340 judges responded “Yes.” For comment coding purposes, the relevant codes pertaining to RQ1 were Denial of the Existence of STS, Overall Stress Rating, and Stress by Judge. Denial of the Existence of STS was coded affirmatively if the comment indicated that STS does not exist at all or is not a real type of stress. Four comments denied the existence of STS entirely—some judges going as far to say the notion of STS is “completely absurd” and, “Most if not all who claim such a thing are government

scammers or extraordinarily weak minded. This is pop culture—all of society is a victim mentality at its worst” (Judge 5).

Analysis of the Overall Stress Rating (scored on a 0 to 3 scale) suggested 46 comments indicated no stress experience, 130 comments indicated slight stress experiences, 103 comments indicated moderate stress experiences, and 25 comments indicated extreme stress experiences.

Lastly, Stress by Judge was an overall coding for each judge’s *response* (as opposed to each *comment*) in which, if any portion of the response was coded as at least a 1 on Overall Stress Rating, then the judge was rated as having experienced stress (e.g., for a judge’s response that was broken into three comments, if at least one of those comments was rated a 1 or higher on Overall Stress Rating, then the response was scored as a 1 for Stress by Judge). Of the 139 codable responses to the open-ended comments section, 121 judges (87%) indicated suffering from stress to some extent by this measure.

RQ2: Do Judges’ Responses Indicate Signs of Vicarious Trauma, Compassion Fatigue, or Threats to Constructivist Self-Development Theory Needs?

There were varying levels of support for the presence of these stress theories and stress-related components in judges’ open-ended responses. Approximately 73% of judges (102 of 139) exhibited at least one sign of the examined stress theories and frameworks. Specifically, 45% (63 of 139 judges) exhibited signs of VT, 68% (94 of 139 judges) exhibited signs of CF, and 23% (32 of 139 judges) exhibited signs of threats to CSDT needs.

Vicarious trauma: This stress theory consisted of a singular component for which to code; namely, vicarious trauma, which was coded affirmatively if the comment mentioned any lasting changes or effects of another’s trauma on one’s psychological development, adjustment, and sense of self. Eighty-seven comments made by 63 judges referenced these lasting changes and effects. Many of these comments pertained to effects of hearing about “awful things” (Judge 15) or “tragic events” (Judge 16) which can “haunt” (Judge 74) judges and jurors alike. Judge 8 mentioned, “The sheer deluge of a constant display of awful or negative events makes me sometimes feel depressed or as though all things in the world are bad.”

Judges also discussed changes in a sense of self and the factors that bring about these changes. For example, Judge 105 mentioned, “. . . I know I have changed my persona and sometimes I want to be alone and not deal with other issues or problems.” Judge 78 provided incredible insight to the stressors judges experience and a self-reflection of the personal effects of stress by stating:

I handle dependencies and delinquencies. Almost on a daily basis, I hear stories of pain, anguish (sic) and heartache. I have kids who have run away. I have kids who get injured. I have parents who are giving up their parental rights not because they are bad people, not because they have no love for the child, but because they recognize they are not capable of caring for the child as well as the State can. I had a young foster child drown. I constantly see children who have been sexually abused, usually by a trusted family member or family friend. Do I have any trauma over this? Would I be human if I didn’t?

Changes in faith were also mentioned. For instance, Judge 39 discusses changed views on faith because of being a judge by stating, “The nature of the family court docket caused me to question my faith. . . [I] question where God was in the life of such an innocent [toddler].” Overall, these comments reflect the emotion or empathy that is an essential component of VT (the empathic engagement).

Compassion fatigue. Coders examined comments for both components of compassion fatigue—secondary trauma and burnout.

Secondary trauma. Secondary trauma was coded affirmatively if the comment referenced being affected by the trauma of another person (i.e., victim, defendant, witness, participant in legal proceeding). A total of 120 comments made by 88 judges were coded affirmatively for secondary trauma. The majority of comments in this theory component pertained to what might be considered mild feelings or reactions, such as feeling “shocked” (Judge 107) or having “lost composure” (Judge 12) during sentencing. Some comments involved more serious experiences with trauma, such as Judge 113 who stated, “I heard a 15 year old male child testify about acts he had seen committed by members of the gang MS13. After his testimony I went to Chambers and cried and cried.” Similarly, Judge 140, wrote:

My first instinct was to answer “No.” But then I thought of every time I’ve sat in chambers with a thousand yard stare trying to process what I [had] just seen. Or woke up in the middle of the night thinking about testimony I’ve heard.

These examples demonstrate the differing levels of severity that can be associated with secondary trauma.

Burnout. Burnout was discussed extensively throughout judges’ responses, particularly focusing on the negative outcomes that resulted from having spent years on the bench and constantly handling stressful and traumatic cases. Occurrences of these negative outcomes ranged from family court cases (Judge 10) to social security cases (Judge 11) to felony and violent criminal cases (Judge 21).

Codings reflected the three components of burnout—emotional exhaustion, depersonalization, and personal accomplishment. Emotional exhaustion was coded affirmatively if the comment referenced being emotionally overextended, depleted, or exhausted because of a job (20 comments from 15 judges). Judge 81 directly addresses this exhaustion:

Testimony of victims have a lasting impact on me emotionally and it is especially difficult to let go of the worry I tend to carry as a result of hearing their story and seeing the evidence. I find myself mentally exhausted and emotionally drained after these types of cases.

More generally, other judges mentioned how cases can be “draining” (Judge 105) and described the occurrence of negative events as “constant” (Judge 70), “relentless” (Judge 28), or a “deluge” (Judge 8).

If the comment referenced the use of impersonal responses toward defendants, victims, or any other person who receives care from the judge, then the comment was coded

affirmatively for depersonalization (10 comments from eight judges). A rather quintessential experience of depersonalization was provided by Judge 26:

I prepare for testimony regarding abuse of children by typing my notes during the testimony and concentrate on correcting the grammar to force myself to focus on words and not the feelings that come from hearing painful descriptions.

This comment encapsulates the use of depersonalization as a stress prevention and coping mechanism.

Lastly, personal accomplishment was coded affirmatively if the comment referenced feelings or displays of work-related competence (or lack thereof) regarding those who the judge serves (victim, defendant, etc.; eight comments from seven judges). Some comments in this component of the theory discussed work-related competence despite negative outcomes, exemplified by “I made the right decision at the time, but have wrestled with the unfortunate and heart breaking aftermath [of an infant’s death]” (Judge 67). Conversely, other comments focused on the positive aspects of the job, such as Judge 78 who stated, “I try to focus on the success. . .the families we reunite, the kids we get adopted into a loving family, the kid we get off drugs and who becomes an honor roll student.”

Constructivist Self-Development Theory needs: There were five codes for this theory: one for each of the five components of CSDT—safety, trust, esteem, intimacy, and control. This final theory relating to this research question had the least number of affirmative codings, but the codes were nevertheless consistently seen throughout judges’ comments.

Safety. Safety refers to the need to feel safe or to not feel vulnerable. Safety was coded affirmatively if there was any mention of changes that were made in the judge’s life—personal or professional—for safety reasons. Eight comments from five judges referenced this need. Judges mentioned receiving “death threats” (Judges 20 and 138) and enduring stressful situations, including an “active shooter” (Judge 103) and “two bailiffs murdered adjacent . . . to my courtroom” (Judge 121). Judge 8 touched on the need for safety when explaining, “. . .I was a judge for awhile before I realized that sitting in a public place with my back to a door made me so uncomfortable that I could not wait to move.”

Trust. Eleven comments made by nine judges expressed trust (or lack thereof) in the outside world, personal relationships, or the community and general public. Judge 8 mentioned threats to this CSDT need when stating, “. . .I am usually a very upbeat, positive person, but feel myself becoming more anxious, worried and distrustful.” Judges additionally mentioned “trust issues with strangers” (Judge 51) and a general lack of trust in the greater community, as exemplified by Judge 92:

Have a (sic) been profoundly moved and affected by the plight of those you have come before me? Have I felt troubled and anxious to hear about some of the things that have happened to people you (sic) have appeared before me? Of course. Am I more cautious of being in the world and I suppose more fearful of, say, being attacked by someone, either because I am a judge or because of things I have heard about as the result of being a judge? Of course. The security training we receive would do that all by itself.

Esteem. Esteem refers to the need to be valued, to value others, or the opposite—feeling useless or unvalued. Three comments made by three judges referenced this value-oriented need. This uselessness is exemplified by Judge 66, who mentioned, “I still feel helpless that I could not do more for [families].”

Intimacy. Three comments provided by three judges expressed the need to feel connected with others or the community as well as the opposite—withdrawing from others and possible isolation, either personal or professional. Feelings that cases can “distract” (Judge 27) or cause a “withdrawal” (Judge 76) from friends and family were mentioned.

Control. Lastly, control was coded affirmatively if the comment referred to a desire to be in charge of oneself, the situation, or others. Twenty-five comments made by 21 judges referred to this need/desire for control. Judge 14 describes the lack of control some judges have, in that judges “. . .are not able to ‘unhear’ or ‘unsee’ the things we see and hear in the courtroom. There is no button to turn off the effects of this when you go home at night.” This sentiment is echoed by multiple judges, including Judge 30 who stated, “It’s near impossible to get those autopsy photos out of my head,” as well as Judge 84—from the opening quote—who said, “I will be out running and suddenly I see the burned-off face of a 5-year [old] child in my head and it won’t go away.” On an organizational level, Judge 123 describes a lack of occupational control concerning “the constant flow of cases with no control on the numbers coming in- other than they kept coming and going up.”

RQ3 & RQ4: Do Judges Indicate What DOES or MIGHT Help Them with STS?

Coping mechanisms were mentioned throughout judges’ responses. Nine comments made by nine different judges reported prior experience helped them cope. Mentions of this experience almost entirely regarded previous occupations the judges held. For example, judges stated previous positions as a police officer (Judges 2, 65, and 118), attorney (Judges 54, 91, 118, 139, and 142), and in the military (Judges 2 and 6) prepared them for the stress of being a judge.

Sixteen comments made by 14 judges suggested the judges were experiencing denial that STS exists or affects them or minimization of the effects of STS—coded as an experience or stressor that would qualify as STS but commenters stated it did not negatively affect them. Judge 67 encapsulated this denial when by commenting, “. . .I have not had long term stress but think about it often.” Other judges focused on the lack of “significant” impact, such as Judge 135, who mentioned, “I have felt symptoms of injuries explained by victims while they testify. And felt sad when victim’s families explain their sadness. But I also would not say it has impacted me in a significant way.” Related to denial, some judges expressed a belief that STS might exist but they would not be affected by this type of stress, such as Judge 36 who stated, “That doesn’t mean I don’t feel for those [judges experiencing trauma]” or Judge 23 who claimed, “I would expect this phenomenon will be more prevalent in younger jurists.” Other judges mentioned that STS is simply an “inherent part of our job” (Judge 65) and that judges need to “toughen up” (Judge 125).

Twenty judges provided 26 comments referencing suppression of the effects of STS, which was coded as an experience or stressor that would appear to qualify as STS, but the commenter indicated they use other activities or thoughts to not allow the stressor to negatively affect them. Many comments that pertained to this suppression included other activities that judges partake in to suppress or release stress—hiking, biking, yoga, other forms of physical activity or exercise, reading, and prayer. Related to depersonalization, multiple judges also mentioned focusing only on the pertinent and relevant case facts rather than the experiences of those who have experienced a trauma. For example, Judge 110 mentioned “. . .over time I have learned to focus on the facts and legal issues. This has greatly reduced my stress level,” and Judge 41 who stated, “I have to process the information but I constantly remind myself of how I need to focus on my job.” Additionally, Judge 50 stated, “I have been able to compartmentalize those feelings and so far have been able to do my job.”

Finally, six comments made by five judges referenced their social support—having friends, family, or others (e.g., pets, company)—helped reduce or limit the effects of STS. These comments specifically mentioned the benefits of having friends, family, co-workers, and colleagues who support the judge. For example, Judge 10 stated, “My support system helps me keep perspective so I can, hopefully, bring families out of their current crisis and help them avoid future crises.”

Only one suggestion was offered by participants regarding STS reduction. Specifically, Judge 68 suggested that judges should be allowed to take sabbaticals “based upon the things they hear and see after a certain number of years on the bench.” There were other comments that mentioned the desire to attend a course or get more information regarding stress as well as comments with requests to hear how other judges deal with STS. For example, Judge 78 stated, “. . .What I want to know is how other judges cope.”

RQ5: Do Judges Offer Explanations of When or What Types of Cases and Experiences Have Caused Them Stress?

The last research question contained six pertinent codes—Types of Cases that Cause STS, Things that Cause STS, Description of Past Experiences, Daily STS Stressors, Negative Effects or Outcomes from STS, and Negative Thoughts or Feelings from STS. Comments were coded affirmatively if they pertained to or mentioned these explanations of STS. For four of the codes—all except Negative Effects and Negative Thoughts—the qualifying portion of the comment was noted for any future, additional analysis (e.g., if the comment referred to Types of Cases that Cause STS, the specific case types were recorded).

There were 57 comments that referred to Types of Cases that Cause STS. These comments were further analyzed for specific types of cases that were mentioned. As some comments mentioned multiple case types, the codings are not mutually exclusive. This analysis suggested the four most commonly mentioned case types were juvenile and family cases (29 of 57 comments), violent crimes (20 comments), death (10 comments), and sexual assault (9 comments). Pertaining specifically to child and family cases, Judge 9 mentioned, “. . .I have seen

too many cases where states close or do not file child protection cases if the family will just move and then a child ends up dead in my jurisdiction.”

A total of 46 comments mentioned Case Aspects that Cause STS. These comments were further analyzed and suggested the two most commonly mentioned case aspects were testimony and evidence (16 of 46 comments) and hearing details of the crimes (16 comments). Pertaining to juvenile and family cases, Judge 60 mentioned, “Testimony, particularly from child victims, can sometimes be difficult,” and, returning to Judge 9, who stated, “Seeing the harm done to children in child protection cases both physical and mental and the long term harm sometimes causes me overwhelming sadness.” Judge 70’s response appears to be representative of many judges regarding stressful case aspects that are dealt with regularly:

On a daily basis, I deal with secondary trauma. I have to remain stalwart while I listen to parties or attorneys tell of vicious acts between parents, and violent acts to children. I am expected to enter orders to protect parents and children against violence, and the stress is often unbearable. The constant accusations, bickering, and viciousness I listen to for hours a day is often overwhelming.

One of the most commonly found codes was Negative Effects or Outcomes from STS with 95 comments. Effects included less severe effects—with judges stating they had “suffered” (Judge 18), been “[psychologically] wounded” (Judge 44), or been “impacted” (Judge 83) by STS. Effects also included extremely serious negative effects, including those that affected Judge 4, who relayed, “Upon hearing testimony of PTSD I realized that the diagnosis could very well apply to me.” Additionally, 51 comments reported negative thoughts and feelings resulting from STS. Judge 74 summed up the negative feelings many of the judges experienced, “We hear and see (sic) of terrible things which do haunt us, and jurors.” This idea of haunting experiences was echoed in other judges’ responses.

Juvenile and Family Cases

As previously noted, a post-hoc analysis found juvenile and family cases were the most mentioned type of case that caused stress. An examination of judges who mentioned STS in relation to juvenile and family cases suggested certain recurring themes related to specific stressors—domestic violence cases, child abuse cases (both physical and sexual), and general concern for involved parties. For domestic violence cases, Judge 27 disclosed, “. . . I also preside over DV and contested family cases. These cases tend to “stick” with a judge, can interfere with sleep, and distract from friends and family relationships.”

Many of the responses pertaining to juvenile and family cases touched on the secondary stress effects of child abuse cases. Judge 77 detailed:

Child sexual abuse trials are haunting, especially when they are horrific, either by length of time the abuse occurred, such as age 8 - 13, and when multiple children in the same family are abused.

To echo this sentiment, other judges mentioned that child abuse cases have had the “biggest impact since being on the bench” (Judge 6), are “horrific” (Judge 14), and “upset me” (Judge 61).

Lastly, some judges had a general concern for the people who would come before them in court. For example, Judge 56 who stated:

As juvenile judge . . . Seeing the pictures and hearing the victims heart wrenching story brings about a kind of grief that somehow life should have been different for them.

Judge 29 adds to this: “I handle a lot of juvenile deprived cases, and sometimes their plight makes me very sad for them because often there is no really good solution, and I worry about them.” These examples illustrate the specifically traumatic nature of juvenile and family cases.

DISCUSSION

The present study analyzed qualitative secondary data that allowed us to examine how judges personally perceive and experience secondary stress and its correlates. We expanded on past literature (Flores et al., 2008-9; Lustig et al., 2008; Miller, Edwards, et al., 2018; Miller, Reichert, et al., 2018; Resnick et al., 2011) by assessing judges’ secondary stress from a simple yes or no question and any elaboration they saw fit. Although some codes pertained to only a limited number of comments, the data reflect a substantial presence of STS and related stress theories and foundations in judges in that aspects of these stress theories were consistently mentioned despite being unprompted. These findings suggest that the included theories and foundations are a potential framework for better understanding and aiding judges regarding their experiences of stress. Thus, a critical implication of this research is the need for continued and more focused research investigating the effects and experiences of STS on judges and the legal community.

For RQ1, judges’ overall stress levels were moderate; indeed, less than half of the respondents checked “yes” and a small portion of judges denied STS exists altogether. But, the researchers’ assessment of the comments indicated that 42% (128 of 304 comments) were rated as experiencing moderate or severe stress. Admittedly, overall stress level was researchers’ subjective coding based on each comment, but there was a high level of consistency across coders for these ratings (86%) and many judges—approximately 73%—showed symptoms of at least one stress type. This comports with previous findings (Flores et al., 2008-9; Jaffe et al., 2003; Miller, Reichert, et al., 2018) and suggests that this substantial minority of judges who experience STS is worthy of attention and is an important group to study.

Support for RQ2—whether judges indicate signs of VT, CF, and threats to CSDT needs—found varying levels of support. Not surprisingly, VT and the secondary trauma component of CF were the most commonly found types of stress, possibly because they most closely relate to the wording of the question as it was presented. Each stress theory

was still present, though, if only in a very small portion of comments, which comports with previous research (Flores et al., 2008-9; Jaffe et al., 2003; Miller et al., 2009). These findings would suggest that judges—like emergency workers, therapists, and counselors—are a group of professionals that experience various types of secondary stress and trauma from their occupation. As such, an emphasis should be put on further exploration and future research in this regard.

The two following research questions—RQ3 regarding whether judges indicate what does or might help them cope with STS and RQ4 regarding whether judges indicate possible ways to reduce STS—provided limited insight. Judges conveyed various coping strategies they employ to deal with the different types of stress they incur through their occupation, but no code in this category eclipsed 10% of comments. Still, the insight judges provided is extremely valuable in getting a more in-depth look at how judges choose to deal with stress, especially because some of the more sub-optimal coping mechanisms (Dumont & Provost, 1999), such as denial, were found in judges' responses.

Results also supported RQ5—whether judges offer explanations for *what* causes them stress. The leading causes of STS were testimony, evidence presented during trial, and details of crimes. This is directly in line with previous research (Flores et al., 2008-9; Lustig et al., 2008) and suggests that the presentation of shocking, gruesome, or unsettling evidence and details is a continual issue for the judiciary.

The study provided two surprising findings. First, judges offer few possibilities for STS reduction despite researchers' belief that judges would provide a litany of ideas on how the courts and judges could improve in reducing STS. Although judges were not prompted to do so, their comments consistently discussed aspects of how STS was perceived or personally affected them. Because of judges' clear desire to discuss STS experiences, it was surprising that they had no solutions to resolve STS. Thus, research using a more direct question could provide more applicable data for researchers.

The second surprising finding involves what kinds of cases were most stressful. Some might be surprised that juvenile and family cases—the most commonly mentioned case type associated with STS—are so stressful because some might believe that murder or criminal cases would cause more secondary stress. However, this result appears in more than half of the comments pertaining to types of cases that cause STS (29 of 57 comments). This finding is not entirely unexpected, as previous research (Miller, Reichert, et al., 2018) found that general jurisdiction judges experienced less stress than family court judges. Therefore, if court administrators are designing a stress reduction program for judges but are under the incorrect assumption that death and violence cases are the worst for judges regarding STS, they might not adequately address STS in those who need it the most (i.e., family and juvenile judges). This line of research emphasizes the need to listen to judges when designing stress reduction programs.

Recommendations and Future Directions

This analysis provides recommendations for future action the courts and judges could undertake—and future directions for researchers as well. First, judges should

receive training and education on recognizing the effects of STS. Although just under half of the judges marked “yes,” the vast majority of judges who responded to the open-ended question indicated suffering STS to some extent (121 of 139 judges). Additionally, almost a third of the comments included some negative effect or outcome experienced because of STS (95 of 304 comments). This indicates there is a need for training and intervention. Various training and intervention initiatives could be administered by the courts.

Extreme interventions: A few of our judges seemed highly stressed—25 of 304 comments (~8%) were coded as a 3 for extreme STS experiences. For these highly stressed judges (or in the instance that a judge is highly stressed at a particular time period), there are programs such as the Psychologist Advocate Program (Resnick et al., 2011), which pairs judges and psychologists for monthly meetings; sometimes for just a few months as a temporary intervention or, potentially, a more lasting program. These meetings would provide judges with an opportunity to confidentially discuss stressful matters with a trained professional while also working on stress management, cognitive overload reduction, and strategies to improve decision making, work-personal life balance, and problem solving (Chamberlain & Richardson, 2013; Resnick et al., 2011).

An additional intervention possibility for judges is post-trial debriefings. Jurors will sometimes participate in debriefings at the conclusion of a trial (Miller & Bornstein, 2004; Miller & Bornstein, 2013) and judges might benefit from a similar course of action. Debriefings are delivered by a psychologist who listens to jurors’ experiences, details what symptoms are considered normal, and explains to jurors that they might experience stress symptoms even weeks or months later (Miller & Bornstein, 2004; Miller & Bornstein, 2013). This process can benefit jurors by reassuring them that their experiences are normal—something that friends, family, and those who have not had similar experiences are unable to do. Interestingly, judges are sometimes tasked with delivering these debriefings to jurors. This might be helpful because jurors can relate to the judge in that they have all experienced the same (potentially traumatic) trial. However, if the judge is experiencing elevated stress levels, she might not be the best conduit for a jury debriefing (in addition to the fact that judges are not trained psychologists). Conceivably, judges might benefit from having a debriefing delivered by a professional psychologist after particularly tough or gruesome trials, similar to what jurors currently receive. Researchers could test whether debriefings are beneficial for judges through quantitative means (e.g., measuring stress scale scores before and after judges receive debriefings) as well as qualitative means (e.g., interviewing judges about the perceived benefits of debriefings).

Some judges would not want, need, or benefit from such extreme measures. According to the Model of Judicial Stress (Miller & Richardson, 2006), however, these judges could still have improved personal and occupational outcomes from stress reduction. Therefore, less extreme interventions are also recommended.

Social support and mentoring interventions: Some judges mentioned that they used social support from family, friends, and co-workers as a coping mechanism. Other judges indicated a desire to know how their peers coped with their stress—this might relate to the desire for social support. Judges thus might be interested in additional information

regarding how to deal or cope with stress, especially if the information comes from other judges. People who deliver education about stress should take time to involve other judges who can relay their stories or, at minimum, present data from studies of other judges. Our results comport with other findings that judges recognize that social support is essential (Jaffe et al., 2003), but finding it is difficult, as it is a very isolating career (Zimmerman, 2002, as reported in Jaffe et al., 2003).

Although judges might recognize the importance of social support, they might vary in the type and level of social support they actually receive. Recent research indicates that social support is an important predictor of judicial stress (Edwards et al., 2019; Miller, Reichert, et al., 2018); yet, the role of social support might vary by gender (Miller, Reichert, et al., 2018). For instance, females have significantly higher levels of stress than males when both genders have high levels of social support (Miller, Reichert, et al., 2018). This suggests that the type of support women receive is not adequate to reduce stress—but the type of support men receive *is* adequate for reducing stress.

Additionally, the role of social support might vary by the type of support and who is providing support, such as whether it is the judge's supervisor, co-worker, friend, or family member. Various types of support can have differing effects, such as helping another person complete a task (instrumental support) versus showing approval when another person has done well (approval support; Himle et al., 1991). This is all to say that it is important to find a type and level of social support to fit the individual judge.

Possibilities for social support interventions exist. For instance, the American Bar Association or judges' associations could provide support groups and trainings (for example, see Chamberlain & Richardson, 2013). Mentoring programs are also a viable option for judges to learn that their peers are similarly experiencing stress and to learn from others how to manage stress (Bremer, 2004). Researchers can determine if this type of intervention at the onset of a judge's career could have lasting, beneficial effects.

Training on coping: Some of the interventions mentioned can only benefit judges who believe that secondary stress exists and acknowledge that they have experienced it. However, existence of this type of stress is not acknowledged throughout the entire judiciary—some judges completely denied that STS exists whereas other judges acknowledged it exists but did not believe they are affected by it (e.g., Judge 135 who stated there were no significant effects of the experienced stress). Denial and suppression can be beneficial in dealing with short-term psychological distress, but are not good coping mechanisms (Dumont & Provost, 1999).

It would follow then that judges might benefit from trainings and seminars on effective and healthy coping strategies. Some judges mention healthier coping alternatives including physical activity and exercise, socialization or seeking social support, and engaging in spiritual activities (Himle et al., 1991; Killian, 2008; Salston & Figley, 2003) which all should, ideally, lead to improved general well-being (Shiota, 2006). For instance, administrators can organize picnics with sports, bowling night, or other activities designed to encourage overall health. Allowing judges to attend or have access to similar coping strategies and stress reduction techniques could provide all judges—even those who do not believe in STS—with a means to improve their well-being. Research is

necessary to evaluate whether these types of interventions would be effective in helping judges cope with or better manage their stress.

Timing of interventions: As mentioned above, some judges indicated that having worked as a lawyer or having a similar high-stress position (e.g., military, police service) prepared them for the stress of being a judge. Psychological theory suggests that planning for an event before it happens can be a positive coping mechanism (Gollwitzer, 1999) and, thus, our judges' comments would support a recommendation that interventions can begin well before someone becomes a judge; for instance, in law school (Miller, Reichert, et al., 2018). However, not all judges were lawyers first and not all that were lawyers were in positions with high levels of stress. Therefore, law school stress interventions will not reach these people. Additional interventions, such as early intervention program for new judges (perhaps as part of mentoring), might be necessary; especially for judges who are suddenly in a new, stressful job.

Changes to the job: In line with the only recommendation provided in the judges' responses, judges should be encouraged to take time off or go on sabbatical, especially after stressful or difficult trials (for example, see Resnick et al., 2011). Even a short, abbreviated sabbatical could be beneficial. One study reported that more than a quarter of judges had taken 10 or more sick days due to stress (Miller, Reichert, et al., 2018). It is possible that these days taken off are treated as mini-sabbaticals by judges. Additionally, general jurisdiction judges took more sick days and reported higher job performance—perhaps other types of judges, such as family court judges, did not take as many sick days because they did not believe the time off would help (Miller, Reichert, et al., 2018). Judges' schedules could also be lightened—or at least altered—to lessen burnout and stress related to being overextended. Schedules could be lightened through case load reduction or stronger emphasis on alternative dispute resolution methods (Chamberlain & Richardson, 2013). Researchers should test whether altering judges' schedules lowers stress levels through empirical studies. For example, a pre-test/post-test design could be employed in which judges' stress levels are measured before the schedules are altered and then after the schedules are altered to evaluate whether there is a significant decrease in stress levels.

Tailored trainings and interventions: Not all judges perceive or experience stress the same way. For example, as previously noted, general jurisdiction judges have better subjective job performance and less secondary stress than other judges, including family court judges (Miller, Reichert, et al., 2018). This comports with our finding that juvenile and family court trials were the most frequently mentioned stress-inducing trial type, though other trial types were consistently mentioned. Thus, judges might need specifically tailored interventions, regarding both type of intervention and frequency. As such, interventions should be tailored to the individual or, at the very least, type of judge.

These variations in interventions comport with the Model of Judicial Stress which posits that there are many personal, job, and environmental characteristics that affect perceptions of stress (Miller & Richardson, 2006). As such, one particular intervention will not fit the needs of all judges. Our findings highlight that there are varying levels of stress and differing beliefs regarding secondary stress—as the quotes at the start of this

article illustrate. Future research is needed to further assess what interventions will have the greatest positive effect on judges of different types and different backgrounds.

In sum, this study provides insight into the experiences and perceptions of various types of stress facing judges and assists in researchers' and the legal community's understanding of what types of cases are associated with increased stress levels. This information can help target when it would be most important for judges to partake in stress-reducing methods. Researchers can continue investigating the causes and effects of secondary stress on judges to help develop interventions that can be tailored and flexible to fit the situation at hand.

Limitations

As with all research, there were limitations to the present study. The primary limitation is that judges were not required to complete the open-ended question and only 18.6% of judges chose to respond to that part of the survey. Therefore, it is unknown if these patterns of responses would be found at a similar rate if more judges completed the open-ended portion of the survey. Researchers cannot definitely exclude the possibility that those who *did* choose to respond have certain characteristics or similarities between them that might have biased the results.

The wording of the question also presents a potential limitation. The question was specifically about STS and a very generic definition of STS was provided which included the words "suffer" and "trauma." It is possible the mere presence of these words led respondents to answer "no" to the question because of associations some might have with the severity of the words. If the question were to be re-worded using terms such as "experience" and "compassion fatigue"—which both lack the negative connotations of the words "suffer" and "trauma"—it is possible that more judges would respond affirmatively to the dichotomous yes or no portion of the question.

Additionally, no demographic or other individual difference information was collected. This information might provide additional insight to the courts and researchers and allow for additional correlations to be drawn between STS and judge characteristics. For example, if family court judges were at a higher likelihood of having extreme STS experiences than other types of judges, courts could aim additional stress reduction initiatives toward the judges most in need. Researchers were also unable to determine sampling rates, such as the amount of responses from men versus women or the average length of time on the bench for all respondents, which would serve to ensure that our sample is representative of the overall judge population.

Despite these limitations, the findings from this line of research provide valuable insight into the experiences and perceptions of judges regarding STS. Future research should be designed to account for and avoid these limitations. An improvement in this line of research could provide additional insight regarding judges' experiences with STS, corroborate the findings of this study, or highlight where the limitations of this study might have lead to incorrect findings.

CONCLUSION

Judges can experience stress from a variety of sources. Whether through the presentation of gruesome evidence, difficult testimony, or a number of other factors, judges can experience STS. Using a simplistic survey, this examination of STS and associated stress theories and foundations provides evidence that many judges do, in fact, experience negative outcomes related to secondary stress. More pointed and direct assessment of STS and other forms of secondary stress are needed, but the current study provides valuable qualitative insight into judges' experiences. Interventions can be developed as a result of the growing body of research on judge stress (Edwards et al., 2019; Flores et al., 2008-9; Miller, Edwards, et al., 2018; Miller, Reichert, et al., 2018), including this study. Such interventions can be tailored to a particular type of judge based on characteristics of the person (e.g., gender) or job (e.g., family court versus general jurisdiction judges). Effective interventions can help prevent both personal effects of stress (e.g., health, self-identity, life satisfaction) and job effects (e.g., decision quality, job success, professional efficacy). Ultimately, this line of research will help improve judges' quality of life as well as provide the justice system with information to foster an environment that promotes more effective and efficient judges.

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