

ISSN: 2582-6433



# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 7

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis



IJLRA

## **EDITORIAL TEAM**

### **EDITORS**

#### **Megha Middha**



*Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar*

*Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can*

*bring a change to the society*

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



## Dr. Namita Jain



**Head & Associate Professor**

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC - NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

**Assistant professor of Law**

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*learning.*

*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **SECONDARY TRAUMATIC STRESS, BURNOUTS** **AND LACK OF SAFETY - MAJOR HURDLES IN** **JUDICIAL DECISION MAKING**

**Authored By-Avinash Gaikwad**

LLM (I), ROLL NO- 42

**Under The Guidance Of**

Dr. Ananya Bibave

1.		<b>ABSTRACT</b>
2.		<b>INTRODUCTION</b>
	2.1	<b>TERMS DEFINED - TRAUMA, SECONDARY TRAUMA, SECONDARY TRAUMATIC STRESS</b>
	2.2	<b>SECONDARY TRAUMA AND ITS CONSEQUENCES</b>
3.		<b>STS, BURNOUT AND SAFETY CONCERNS AND IMPACT ON JUDGES</b>
4.		<b>ADDRESSING THE PROBLEMS OF TRAUMA : COPING STRATEGIES</b>
5.		<b>RECOMMENDATION</b>
6.		<b>CONCLUSION</b>

## Abstract

In the months since this research was conducted, judges and the judicial system have been subjected to stress and tests of their resiliency like never before. We are facing a global pandemic, social change, economic challenges, the stress of a national election, and other natural disasters. Judges, magistrates, public prosecutors, advocates and other professionals in judicial administration system are engaged in the reconciliation of these issues from every perspective and in every way and every day and there is no doubt it is having an impact. It is our intention in this article to demonstrate the critical importance of resiliency to members of our judiciary and to offer methods for engaging in those practices. We stand by these recommendations and suggestions that they are, and will continue to be, absolutely essential as our judiciary play a pivotal role in our nation's recovery.

The Judiciary is responsible for fair and efficient administration of justice. Officers working in the judiciary encounter clients whose rights may have been violated and who vividly narrate stories that bear content of trauma. Due to adjudication of cases involving such clients, the officers may get vicariously traumatized and hence suffer secondary traumatic stress (STS). This scenario, if unaddressed, may impact negatively on judicial officers' capacity to resolve conflicts effectively. Judges regularly confront contentious, personal, and vitriolic proceedings. Judges presiding over domestic relations dockets make life changing decisions for children and families daily. Some report lying awake at night worrying about making the right decision or the consequences of that decision. Other judges face the stress of presiding over criminal cases with horrifying underlying facts .

**The Aim of this paper** – This article is an attempt to understand how judges and magistrates experiences challenges in decision making due to the hurdles such as Secondary Traumatic Stress, Burnouts and Safety concerns. And to suggests the measures in coping of such problems.

# **1. Introduction**

## **What Is Trauma?**

In this article, the term “trauma” refers to experiences that cause intense physical and psychological stress reactions. It can refer to “a single event, multiple events, or a set of circumstances that is experienced by an individual as physically and emotionally harmful or threatening and that has lasting adverse effects on the individual’s physical, social, emotional, or spiritual wellbeing” Although many individuals report a single specific traumatic event, others, especially those seeking mental health or substance abuse services, have been exposed to multiple or chronic traumatic events.

Traumas can affect individuals, families, groups, communities, specific cultures, and generations. It generally overwhelms an individual’s or community’s resources to cope, and it often ignites the “fight, flight, or freeze” reaction at the time of the event(s). It frequently produces a sense of fear, vulnerability, and helplessness.

### **Resilience:**


This term refers to the ability to bounce back or rise above adversity as an individual, family, community, or provider. It includes the process of using available resources to negotiate hardship and/or the consequences of adverse events. It is the ability to rise above the circumstances or to meet the challenges with fortitude.

**There are three types of trauma. 1. Primary Trauma 2. Historical and Intergenerational Trauma 3. Secondary Trauma.**

**Primary trauma** -These are also called first hand traumas which occur when significant, potentially life-altering events leave us feeling fearful, helpless, overwhelmed, and profoundly changed. These feelings result from experiences that are direct, means, they happen to us personally or we see them happen to others. Events that cause primary trauma can be acute—in the case of a single occurrence, such as a severe car accident—or ongoing, in the case of an experience that happens over time, such as being abused or neglected as a child. Primary trauma can be early childhood physical, emotional, sexual abuse or neglect.

**Historical and Intergenerational Trauma-** These are inherited from prior generations. Though these are not experienced directly, they can still leave their imprint on us. The effect of this kind of trauma is also mental, physical, social, psychological and economic. Historical trauma can be the legacy of boarding schools, loss of language, and institutional racism and oppression. Today, it is the devastating social problems—poverty, alcoholism, drug addiction, violence, and suicide—that have resulted from continued, unrelenting injustices.

**Secondary trauma-** This is primarily the topic of this research article. For those of us in the helping professions, such as doctors, advocates, investigators, police officers etc., whose jobs requires to hear about or even witness the horrible and disturbing things that happen to other people on a daily basis. When we talk about secondary trauma, we are talking about the trauma that can be “transferred” over to us after repeatedly engaging and empathizing with people who have been traumatized. Research has shown that the symptoms of secondary trauma can be just as real and personal as those of primary trauma, despite our not having experienced the disturbing event directly. What jobs put us at risk of secondary trauma?

- 
- Secondary trauma is an occupational hazard. It is a natural consequence of working to help those who have been traumatized.
  - Secondary trauma is a byproduct of empathetic engagement with individuals who have experienced firsthand trauma. While our ability to empathize may make us good at our jobs, we must also understand that vicariously engaging in another person’s suffering can take a profound toll over time.
  - Secondary trauma can have serious consequences for our health, both mental and physical. Secondary trauma may cause us to experience symptoms of trauma—tension headaches, exhaustion, and irritability, just to name a few that did not originate from our own experiences.
  - Secondary trauma is not a personal failing or a lack of resiliency. It does not signal an absence of willpower or commitment. It is distinctly different from our personal histories of trauma and the ongoing adversities we face in other areas
  -

of our lives. Although these things may complicate the issues surrounding secondary trauma, they are not the same thing.

## **Consequences Of Secondary Trauma**

The negative impacts of secondary trauma are numerous and can affect not only individual victim service providers but also our interpersonal relationships, the organizations that employ us, and even the people that we work so hard to help.

### **Physical And Mental-**

- Secondary trauma can also have an adverse effect on interpersonal relationships, including those with spouses, partners, children, friends, and coworkers. For those of us working day in and day out with traumatized individuals, it can be understandably difficult to remain emotionally present with our loved ones.
- In addition to distancing us from our loved ones, repeated exposure to the survivors of firsthand trauma has the potential to intensify our responses to everyday interactions and situations. E.g. A shelter worker who counsels abused women, for instance, a worker with Child Protective Services (CPS) may refuse to leave his young children with a babysitter. A lawyer who prosecutes sexual assaults may be unwilling to let her teenage daughter attend social events.

### **Physical And Psychological**

- Feeling helpless and hopeless
- A sense that one can never do enough
- Hyper vigilance
- Diminished creativity
- Chronic exhaustion/physical ailments
- Inability to listen/deliberate avoidance
- Sense of persecution
- Guilt
- Fear, Anger and cynicism

- Inability to empathize/numbing
- Addictions
- Grandiosity (an inflated sense of importance related to work)

## **Organizational Consequences**

When providers are suffering from secondary trauma, workplaces suffer as well. In the face of daily pain and suffering, it can be difficult for us to be our best selves at work. We may unintentionally unleash our distress onto colleagues in ways that seem irrational or abusive. And because, as the saying goes, one bad apple can spoil the bunch, the negative attitude of one employee can lead to a chain reaction wherein other employees begin to display the same behaviors, resulting in a toxic work environment. We may also begin to cast blame on the organizations we work for and become angry and resentful toward our work as a result. With organizational understanding of and responses to secondary trauma typically lacking or even nonexistent, it is easy to see how secondary trauma may exacerbate staff turnover and lead to shortages in providers.

## **Secondary Traumatic Stress (Sts)**

Interchangeably used terms as vicarious Trauma / burnout/ compassion fatigue, but there is slight differences in these terms. STS also shares some symptoms with post traumatic stress disorder, but is the product of being indirectly exposed to another's trauma. Secondary trauma is found in social workers who work with abused children and therapists who support sexual assault survivors. STS also affects the Public Interest Lawyers and has been documented among Public defenders and judges. Those lawyers who are working in areas such as criminal, family and juvenile law are particularly susceptible to secondary traumatic stress as their work often requires them to listen to victim's personal stories and review evidences of traumatic events. Likewise lawyers working on pro bono cases for clients who have survived extremely traumatic events may also be vulnerable to the effects of the secondary trauma particularly when asked to read , view or listen to graphic depictions of violence.

## **Identifying Symptoms Of Secondary Trauma**

- **AVOIDANCE** – (Avoiding your clients or missing deadlines)
- **HYPERVIGILANCE** – (Feeling on edge or like all clients are in immediate danger)
- **BECOMING ARGUMENTATIVE OR DEFENSIVE-**  
(Becoming argumentative or defensive about work on a case, frequently spending large amounts of time on a pro bone case outside of regular work hours and generally becoming less productive and effective.)

### **In your personal life, it may show up as:**

- Disturbing images from cases appearing in dreams or intrusive thoughts.
- Physical symptoms such as headaches or stomachaches, feeling tired or guilty all of the time.
- Becoming numb and detached from your friends or family outside of the office.

## **Work Related Burnout**

- The third major stressor that judges may experience is work-related burnout. The judicial occupation can demand long hours and thus the ability to cope with a consistently heavy workload. Because of long working hours and the plethora of cases, judges are faced with challenges that inevitably add stress to an already demanding job. Unprepared lawyers, uncooperative defendants, and conflicts with other judges are some examples of job-related stressors. Judges also may experience difficulties when they are forced to make decisions that will have a major impact on the lives of the parties involved in the case. Judges may also experience pressures apart from their primary occupational duties. For example, elected judges have the additional demand of preparing for (i.e., campaigning) and worrying about being elected. Similarly, publicity surrounding judges' decisions can be a contributing source of stress.
- The occupational stressors already mentioned are potential contributors to work-related burnout. As discussed, judges are routinely given responsibilities (e.g., deciding a case) that carry important consequences and are commonly exposed to the trauma of others.

Workplace conflict is also a prominent aspect of the judicial occupation, given the nature of the adversarial system and the subsequent threats of violence that many judges receive. Safety concerns stemming from workplace conflict may contribute to work-related burnout. Notions of occupational inequity may be a common sentiment among judges, as the job requires long hours and intense emotional investment with relatively small rewards. Prospective judges certainly play an active role in seeking judicial appointment or election and should thus be aware of the long hours, heavy workloads, and important responsibilities that the position demands. However, it is plausible that some judges do not fully understand the nature of the position before entering it. All of these factors suggest that judges are highly susceptible to work-related burnout and its resulting detrimental physical and emotional consequences.

- Some common physical and emotional responses to burnout include headaches, hypertension, depression, insomnia, and disillusionment. Burnout may also cause a negative self-perception and negative attitudes toward work and others in general. Thus, occupational stress research suggests that judges who suffer from work-related burnout can experience a variety of negative physical and emotional outcomes. However, these suppositions lack direct empirical evidence, and further research is needed for accurate assessment of the prevalence of burnout among judges. In the current study, we attempted to assess occupational stressors in a single jurisdiction in a homogeneous sample of judges.

## **Safety Concerns**

- Violence and threats of violence against judges and their families have become prominent media topics in recent years. This incident exemplifies the growing number of cases involving violence against judges. Recent incidents of hostility have presumably created a tangible source of stress for many judges, as each incident is brought to light by considerable media coverage. Violence aimed at judges is likely to create a sense of vulnerability and insecurity for anyone entering the judiciary. Concerns about safety may even extend to family, as violence against family members of some judges has occurred in recent years.

- In-depth interviews found that the judges shared several anxieties about courtroom violence. They believed that attacks, threats, and harassment are common occurrences. In addition, they unanimously expressed the belief that courtroom protection is not now and never will be sufficient to curb potential attacks. Taken together, these findings suggest that judges experience anxiety and stress from threats of violence.

## **Sts, Burnout And Safety Measures – Impact On Judges**

### **Decision Making**

While some attempts have been made to define and differentiate between the terms compassion fatigue, burnout, secondary trauma, and vicarious trauma, they continue to be used interchangeably in the court every day. Judges and other court personnel are exposed to detailed accounts, pictures, and videos of traumatic events that affected victims. Trial judges, to some degree, are isolated as they must make their rulings and decisions individually without the ability to discuss ongoing cases. In addition, legal and judicial training do not typically focus on how one feels. Judges are usually law trained, and lawyers as a group are known to be at high risk for depression and substance abuse.

Judges face the problems of Long hours, substantial workloads, occasional traumatic cases, the making of important decisions, and recent violent incidents involving judges highlight some of the potentially traumatic occupational experiences of the judiciary. They may experience negative physical (e.g. becoming overweight) and emotional (e.g. boredom, burnout) outcomes from sitting on the bench for countless hours. It is important that we begin to understand and account for these experiences, as they have the potential not only to affect judges' personal lives negatively, but also to impede them from performing their duties to the best of their abilities.

People do not typically go to court for happy reasons. They may be involved in criminal cases involving horrific details or civil cases involving evictions, child abuse, or family breakdowns. Judges are expected to address each situation individually, listen impartially to witnesses, and view other evidence. Today, evidence comes in many formats, including grisly photos and videos or frightening emails, voice mails, and text messages. Everyone is taking pictures and

videos at crime scenes with dash cameras, body-worn cameras (in the case of law enforcement), and smart phones. This repeated exposure to traumatic details that judges and other court personnel face daily can lead to secondary or vicarious trauma. In addition to presiding over cases involving traumatic events, judges in emotionally charged cases may have concerns about safety. Finally, the high caseloads that many judges deal with can add to the stress levels, which in turn make them more susceptible to vicarious trauma.

The symptoms of Secondary trauma are similar to Post Traumatic Stress Disorder (PTSD). They can include: hyper vigilance, hopelessness, inability to embrace complexity, inability to listen, avoidance, anger and cynicism, sleeplessness, fear, chronic exhaustion, physical ailments, minimizing, guilt. Many of these symptoms can interfere with the judicial decision-making process.

Our brains are wired to feel empathy, and our bodies may experience this through sensory neurons known as “mirror neurons.” This was first discovered with physical motions, such as viewing someone drinking a glass of water. The same neurons light up in the person viewing the action as in the person drinking the water. Similarly, when listening to or viewing someone else’s trauma, our bodies can experience their pain through our mirror-neuron system.

It is worth noting that many of these occupational pressures and conflicts are not unique to the judiciary. For instance, many businessmen, doctors, and professors presumably work long hours, handle large caseloads, and make important decisions on a regular basis. However, we argue that judges face a unique combination of occupational experiences that may be overly burdensome.

Further, given that judges make important decisions that often determine the fate of parties involved (and, more generally, affect entire jurisdictions, states, or countries), the occupational experiences of judges have a large societal impact and are thus important to study.

There are several ways in which judges’ occupational experiences may lead to negative outcomes for the justice system.

For instance, occupational burnout (i.e., physical and emotional stress stemming from occupational factors) may negatively affect a judge's ability to consider relevant evidence. Similarly, occupational experiences may affect judges’ abilities to protect plaintiffs, and defendants from potential stressors, such as those presented by the media.

Finally, experiences in the judicial occupation may influence the decisions that judges make, with obvious negative implications for the legal system. For instance, a judge may (perhaps subconsciously) modify a decision based on a perceived threat from one of the parties in a case. In sum, judges play a crucial role throughout the trial process and it is therefore important to understand and attempt to alleviate the occupational experiences that may impede their decision-making capacities.

Although these propositions have not been tested directly and are purely speculative, there is some evidence that stress (which presumably stems from these experiences) affects the occupational performance of judges. Research in the field of occupational stress suggests that stress lowers one's memory capacity, undermines one's decision-making processes, and increases social stereotyping, thus leading to biased judgments. High cognitive demand (i.e., cognitive load) can influence the ability to recall facts and make impartial judgments. In sum, research suggests that these occupational experiences (i.e., STS, safety concerns, and burnout) may lead to negative outcomes for members of the judiciary and the judicial system in general. Coupled with sparse existing research, the current study provides some initial evidence about the impact of these experiences on the judiciary.

It was our goal in this research to draw attention to three classes of occupational experiences that judges face (STS, safety concerns, and burnout) and to present recommendations to alleviate them. First, anecdotal evidence will be examined to determine judges' susceptibility to each of the experiences. The evidence will include a discussion of the theoretical and empirical foundations of each experience, and the specific implications that these experiences have for judges' health.

It is not uncommon for judges, especially those in family or criminal courts, to be exposed to cases involving traumatic events. Throughout the trial process, they are often exposed to gruesome evidence and disturbing family circumstances. Recent high-profile cases exemplify the traumatic situations encountered by judges. For instance, a trial of a mother accused of mutilating and killing her baby, certainly contained evidence that was deeply disturbing for those involved in the trial.

We can also use our mirror-neuron system to vicariously calm ourselves. To do this we must develop resilience. There are following ways to develop the resilience:

**Awareness**— First, it is important to know the signs and symptoms of vicarious trauma in yourself and in your colleagues. This can be accomplished by providing training to court personnel that identifies the stressors, symptoms, and techniques for preventing or addressing vicarious trauma by building resilience. This type of training can emphasize that developing these types of reactions to trauma is part of being human and not a sign of weakness.

**Balance**—

The second aspect of building resilience is the importance of self-care. Individuals who are exposed to these daily descriptions and pictures of the trauma experienced by others must learn to set boundaries between their work and private lives. To some extent, this can be accomplished by the usual admonitions to get enough sleep, to participate in an exercise program, and to eat a healthy diet. Other important techniques include meditation, yoga, and mindfulness training.

**Connection**—

Because trial judges are typically isolated in dealing with specific cases, it is important to debrief with colleagues who understand the situation. When this is not possible, or is not enough, a therapist can provide this type of connection and support. Individuals facing this kind of vicarious trauma need to be surrounded by a strong system of supportive relationships. By using these techniques, courts can ensure that judges and other court staff have the resources they need to address the symptoms of Secondary Trauma.

1. Many courts are doing just that by providing training for judges and court staff. Different training models and curriculum are available. Some courts use outside educators to provide training while others develop in-house products.

Judges and court staff are susceptible to vicarious or secondary trauma due to the combination of working in a busy court, hearing repeated accounts of harrowing or traumatic events, and worrying about safety issues that may arise around volatile or emotionally charged cases. Law-trained individuals have been found to be at high risk for anxiety and depression, and this may be traced back to the law-school environment. Courts can address these issues by providing resilience training based on an awareness of the signs and symptoms, the need for balance and self-care, and the importance of

connecting with a strong support system that may include friends, colleagues, family, and professional therapists

## **Audio Visual Evidence And Its Impact On Criminal Justice**

### **Administration.**

Technology plays an important role in the administration of justice. However the effects of exposure to gruesome material presented in this form on criminal justice professionals who analyse, evaluate and use this potentially traumatic content in the context of their work are largely unknown. Proximity to violence through video being blindsided through lack of preparedness for violent content repeated exposures through multiple and protracted viewings, insufficient customary methods for self protection and the enduring impact of exposure to videoed violence. Thus criminal justice professionals are increasingly and repeatedly presented with deeply disturbing imagery that was once imperceptible or unknowable and thus previously held at a greater distance. Which potentially increase the risks of secondary trauma and underscores the need for improved safety measures.

### **Addressing The Problems Of Trauma: Coping Strategies**

#### **(a) Maintaining a Healthy Work/Life Balance:**

In various studies and in the literature that has been referred to in this article, judges have been asked to identify strategies that help them to cope with the effects of vicarious trauma. A common theme in many of these strategies is the idea of maintaining a healthy work-life balance. "Balance" in this context often sounds like a meaningless buzzword, without a clear picture of what it involves. It is based on the idea that judges should not be defined as people by their occupation. The job of being a judge is only one aspect of the judge's identity. Judges are also spouses, parents, grandparents, children, friends, lovers, neighbors, students, athletes, coaches, mentors, musicians, hobbyists, , church members, authors (of non-law related subjects), humorists, travelers, and so much more.

**(b) Physical Fitness-** Physical fitness seems to cure a multitude of ills, and it is often identified as a means of maintaining the type of balance which will combat job stress. It is also beneficial in improving the quality of sleep, lowering blood pressure and addressing other health-related concerns that exacerbate or are exacerbated by work stresses.

**(c) Laughter as a helpful coping strategy-** The benefits of laughter have been identified as assisting in relieving physical tension and stress, boosting the immune system, aiding in the release of endorphins, improving the function of blood vessels and increasing blood flow, which can help protect against heart attack and other cardiovascular problems.

**(d) Family Activities-** Many judges surveyed in the 2003 study suggested that family activities (not involving discussion about work) were a good method of decreasing work stress.

**(e) Meditation and Mindfulness-** Practices Another positive strategy often employed to combat work stress is the practice of meditation.

**(f) Judges' Counseling Programs and Peer Support Programs -** Perhaps the greatest resource available to judges struggling with work stress is the availability of counseling programs especially tailored for judges, such as the Judges Counseling Program. Counseling is available to address problems such as alcohol and substance abuse, burnout, financial stress, bereavement, emotional problems, relationship problems, child and elder care issues, nutrition and healthy eating, smoking cessation and many other types of issues.

**(g) On-the-job Strategies-** Good judges are diligent and hard-working, and being a judge is not a "nine to five" clock-punching career. This diligence will often require working after sitting hours during the evenings and on weekends. Going to one's office to work on judgments rather than bringing them home can help in maintaining a psychological separation of work and life and condition one to a mindset where, when a judge is at home, he or she is not stressing about work. The idea is that work is confined to that small area, and outside of that area, the home is a work-free zone.

## **STUDY FINDINGS**

What Conclusions can be Drawn? This study highlights the need for greater awareness about the challenges before judges and their capacity to meet the demands of their complex role in society. Future research needs to clearly identify the process by which Secondary Traumatic Stress emerges, together with related phenomena such as burnout. Addressing such critical issues will allow the judiciary to continue to conduct its essential business with the concomitant public trust and confidence it deserves.

The purpose of this study was to begin to document the Vicarious Traumatic experiences of judges. Although this was a preliminary investigation, the results indicate that judges do, unequivocally, experience trauma symptoms with respect to their work. The surveyed judges indicated a wide range of symptoms that they identified as stemming from their work, including cognitive (e.g., lack of concentration), emotional (e.g., anger, anxiety), physiological (e.g., fatigue, loss of appetite), PTSD (e.g., flashbacks), spiritual (e.g., losing faith in God or humanity), and interpersonal (e.g., lack of empathy, sense of isolation from others) symptoms. Clearly, judges' categories clustered into theoretical factors

STS in Judges sure to the graphic evidence of human potential for cruelty exacts a high personal cost. Age, sex, and experience may be important factors in predicting judges' experiences of secondary trauma. Both the coping strategies and suggestions for prevention of STS are highlighted. The importance of awareness, balance, and connection across both personal and professional realms of experience. One of the starkest contrasts arising from this research is to disconnect between what judges identify as ideal coping and prevention strategies and the reality of the judicial culture. While many of the judges emphasized on the importance of social support and debriefing, the reality is that some judges "work in isolation, they cannot consult about a case, they see horrific crimes, make weighty decisions and have to keep their mouths shut about everything".

Thus, some of the characteristics that may define the experience of being a judge, particularly in jurisdictions without systemic controls (i.e., massive dockets, isolation, and inability to debrief) are those same factors that have been identified as risk factors for vicarious trauma. On the other hand, some judges report the benefits of good administrative supports, which may be more apparent in a specialized court with judicial officers and court staff who are highly committed to their innovative endeavors.

## **Recommendations**

As discussed, judges encounter a trio of occupational experiences: secondary traumatic stress, safety concerns, and work-related burnout.

A variety of measures are proposed in this section, many of which have been derived from the judges' comments in the current study.

- First, judges should be trained to recognize the effects of these occupational stressors. As one judge noted, it is important for judges “to seek help from physicians, counselors, and psychologists if necessary.” Although some judges may be able to recognize when they are experiencing STS, safety concerns, or burnout, it is likely that many judges are too busy to acknowledge the physical and emotional manifestations of these experiences.

Leaders in judicial workplaces should promote an environment that accepts stress prevention and stress relief as a natural part of the trial process. This culture would encourage judges to take the necessary steps to recognize symptoms of these stressors and prevent their negative consequences.

- Second, judges should be encouraged to take time off to relieve the effects of difficult occupational experiences. As discussed, judges often experience an overload of responsibility. For instance, one judge explained: And the calendar can be very stressful in that there is constant pressure to hear the cases... . How do I get those 10 cases heard? And then I've got the lawyers waiting that want to start. And you're a little bit late starting on that hearing because you finished the first hearing, and how do you juggle all of that? That can get kind of stressful at times.

Anxiety stemming from occupational responsibilities can be remedied by an occasional break from work. Even an extra day off to engage in a favorite hobby can help a judge come back to the bench refreshed and relaxed. Longer-term sabbaticals should also be encouraged from time to time to allow judges to get away for a few weeks or months. Having a break from the constant stream of work can help give them renewed focus. For instance, having a break could help prevent the long-term damage of vicarious trauma.

- Third, safety should be a primary concern for all courthouses. As previous survey indicated, judges do not feel that courthouses are safe enough. The judges in the current study expressed concerns about safety as it related to judicial decision-making. However, strict safety measures can make great strides in helping judges feel safer. Professionals who are trained to recognize weaknesses in safety should assess courthouses on a regular basis. The experts' recommendations should be followed to ensure that courthouse employees (and visitors) are as safe as possible. Further, judges can be more vocal about safety concerns than they might have. For instance, one judge explained that he had once called ahead to make sure an armed bailiff was present "because the person on the other side had made threats."
- Fourth, judges should be provided with the opportunity, information, and skills needed to protect themselves. The need for such protection was confirmed by the judges who expressed doubt that they could protect themselves from violence in the courtroom. For instance, personal safety programs can help judges be more vigilant and defend themselves against a personal attack. Safety devices such as car and personal alarms should be provided for judges who want them. While many jurisdictions already have such measures in place, they should be a standard feature of every jurisdiction.
- Fifth, steps should be taken to preserve professionalism within the courtroom. As a means of protecting the integrity of the courtroom, several judges suggested that it was important to establish positive rapport with legal actors. For instance, one judge stressed the importance of patience and courtesy, explaining that a "higher level of decorum is expected in the courtroom." Another judge stressed the importance of "letting people know why you [made that] decision" so that "everyone [can] walk away from the court feeling like they were heard." Individuals who do not respect the courtroom and court procedure will be more likely to strike out at judges, as suggested by one: "If you're rude to a defendant they're more likely to send their family members after...your family members." In contrast, individuals who respect the authority of the court and feel it is a legitimate governing body will follow the court's rulings and will be less likely to retaliate. Such individuals obey court orders, not because they have to, but because they believe that the court, as a legitimate authority, should be obeyed. Most judges presumably understand the importance of courtroom

professionalism; however these comments serve as an important reminder that positive courtroom rapport conveys legitimate authority and encourages respect among the courtroom actors.

- We also recommend that research be conducted to get a better understanding of the occupational experiences that lead to stress for judges. Researchers should develop measures to identify stress so that prevention and treatment programs can be developed. The stress theories discussed herein have not been tested on judges to the extent that would be necessary to get a full understanding; thus, little is known about judges' reactions to the stressors of their jobs.

Finally, the findings presented in this article indicate that government funding is needed to assess and address the experiences of judges. In discussing the lack of funding for the prevention of violence in the courtroom, one judge stated, "You sort of seem resigned that it is just going to happen again and it is going to keep happening until we get some leadership in the executive branch." Courthouses need funds to make safety improvements, court administrators need funds to provide safety programs, and researchers need money to study stress. More employees are needed to take some of the heavy load off of judges and allow them to take time off when needed. Ultimately, the government should provide greater funding to protect this important branch of government.

## Conclusion

As legal gatekeepers, decision-makers, caretakers, and disciplinarians, judges play a fundamental role in the Indian justice system. Inherent in the judicial occupation are several experiences that can negatively affect judges' decisions. This research has outlined three broad experiences that judges should understand and attempt to account for. Secondary traumatic stress, which includes vicarious trauma, refers to trauma stemming from helping another through a traumatic event. Results suggest that judges are vulnerable to STS, as they are regularly exposed to trauma and often feel empathy for victims. Safety concerns stemming from acts of violence and threats of violence against judges and their families also may contribute to judicial stress. Results revealed that judges often experience safety concerns. Violence against judges is likely to create a sense of vulnerability and insecurity for anyone assuming the bench. Finally, there was evidence that judges are at risk of burnout, as many of the judges in the current study exhibited some of the primary symptoms of burnout, such as workplace conflict and an overload of responsibilities. Although no judge demonstrated extreme symptoms, all had low levels of symptoms associated with STS, safety concerns, and burnout.

