



NAWJ PRESENTS:
Rules and Constraints on Judges
Seeking Work Life Balance



Presenters

Hon. Loran Alksne (Ret.)

Hon. Patricia Garcia (Ret.)

Hon. Sophia Hall

Heather L. Rosing, Esq.

The Challenges of Health & Wellness as a Legal/Judicial Professional





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Stress and Resiliency in the U.S. Judiciary

*David Swenson, Ph.D. L.P.; Joan Bibelhausen, J.D.;
Bree Buchanan, M.S.F, J.D.; Hon. David Shaheed &
Katheryn Yetter, J.D.*

https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/journal-of-the-professional-lawyer-2020.pdf

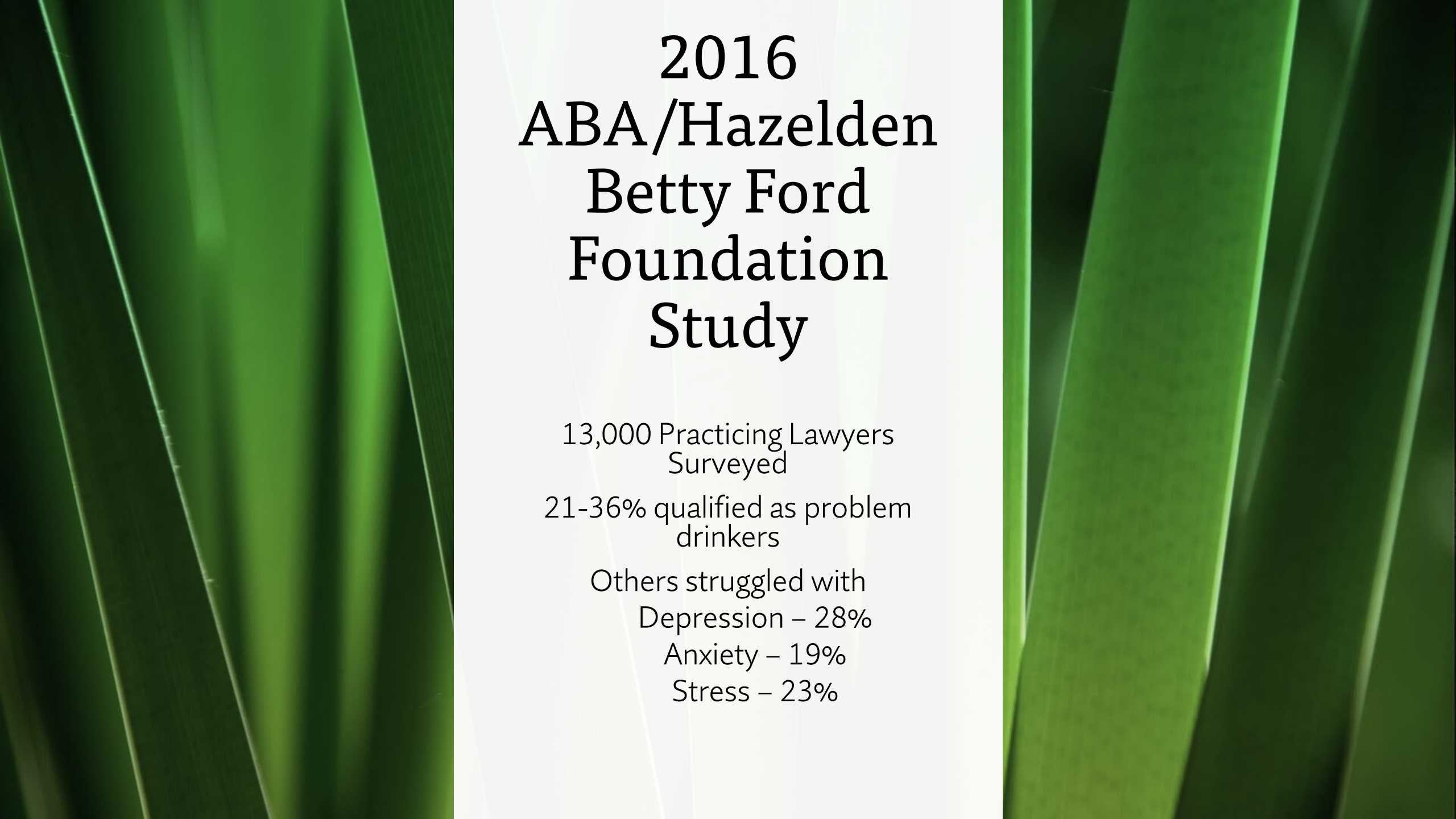


Stress and Resiliency in the U.S. Judiciary

David Swenson, Ph.D. L.P.; Joan Bibelhausen, J.D.; Bree Buchanan, M.S.F,
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Author's note

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 the impact of western wildfires, hurricanes, and other natural disasters. Judges are engaged in the reconciliation of these issues from every perspective and in every way and there is no doubt it is having an impact.² It is our intention in this article to demonstrate the critical importance of resiliency to members of our judiciary and to our system of justice and to offer methods for engaging in those practices. We stand by these recommendations and suggest that they are, and will continue to be, absolutely essential as our judges play a pivotal role in our nation's recovery.

The background of the slide features a close-up, vertical view of several green leaves, likely from a plant like a peace lily. The leaves are vibrant green and have a smooth, slightly glossy texture. They are arranged in a way that creates a sense of depth and movement, with some leaves in the foreground and others receding into the background. The lighting is soft, highlighting the veins of the leaves.

2016 ABA/Hazelden Betty Ford Foundation Study

13,000 Practicing Lawyers
Surveyed

21-36% qualified as problem
drinkers

Others struggled with
Depression – 28%
Anxiety – 19%
Stress – 23%

2016 Survey of Law Student Well Being

15 Law Schools

3,300 Law Students

17% experienced depression

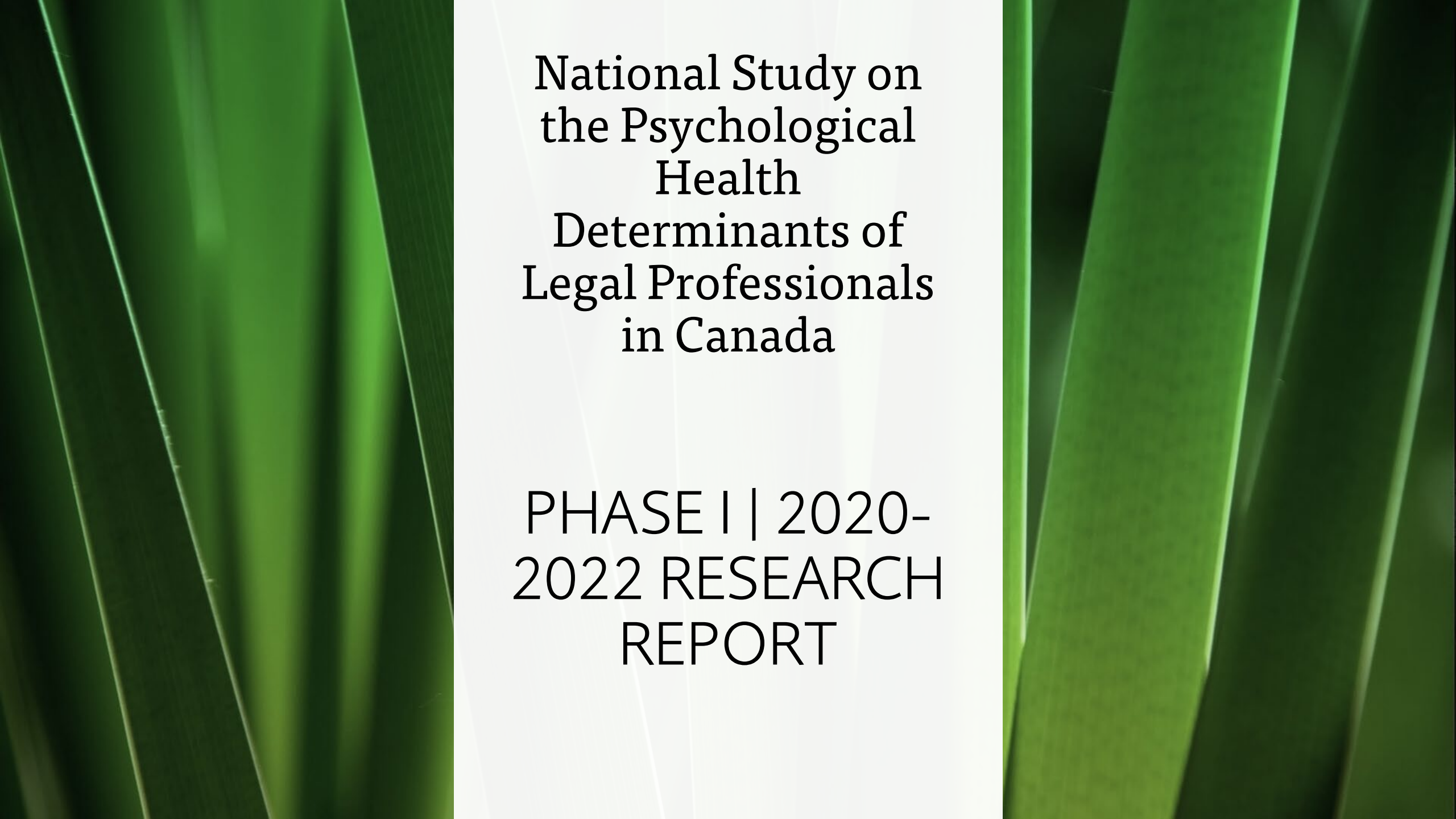
14% severe anxiety

23% mild or moderate anxiety

6% serious suicidal thoughts

43% engaged in binge drinking prior 2
weeks

22% engaged in binge drinking 2x
prior 2 weeks

The background of the slide features a close-up, vertical view of several green leaves, likely from a plant like a peace lily. The leaves are arranged in a fan-like pattern, with some in the foreground and others receding into the background, creating a sense of depth. The lighting is soft, highlighting the texture and veins of the leaves.

National Study on
the Psychological
Health
Determinants of
Legal Professionals
in Canada

PHASE I | 2020-
2022 RESEARCH
REPORT

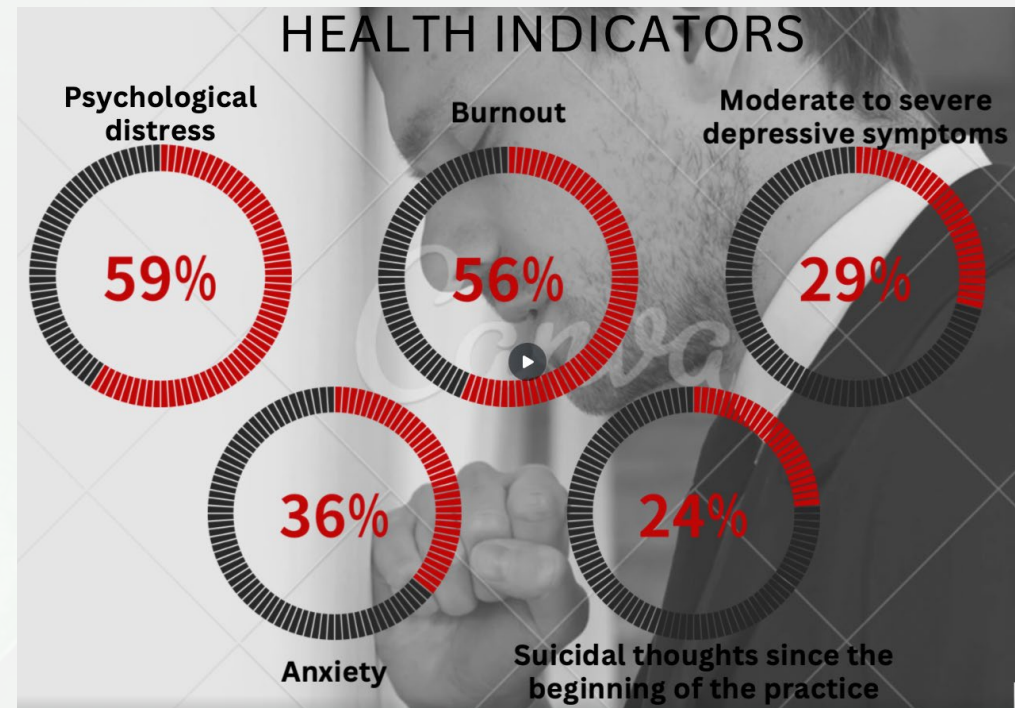
The Report is based on data from 7,300 legal professionals who responded to a lengthy, anonymous, and voluntary survey.



Findings



Université de
Sherbrooke



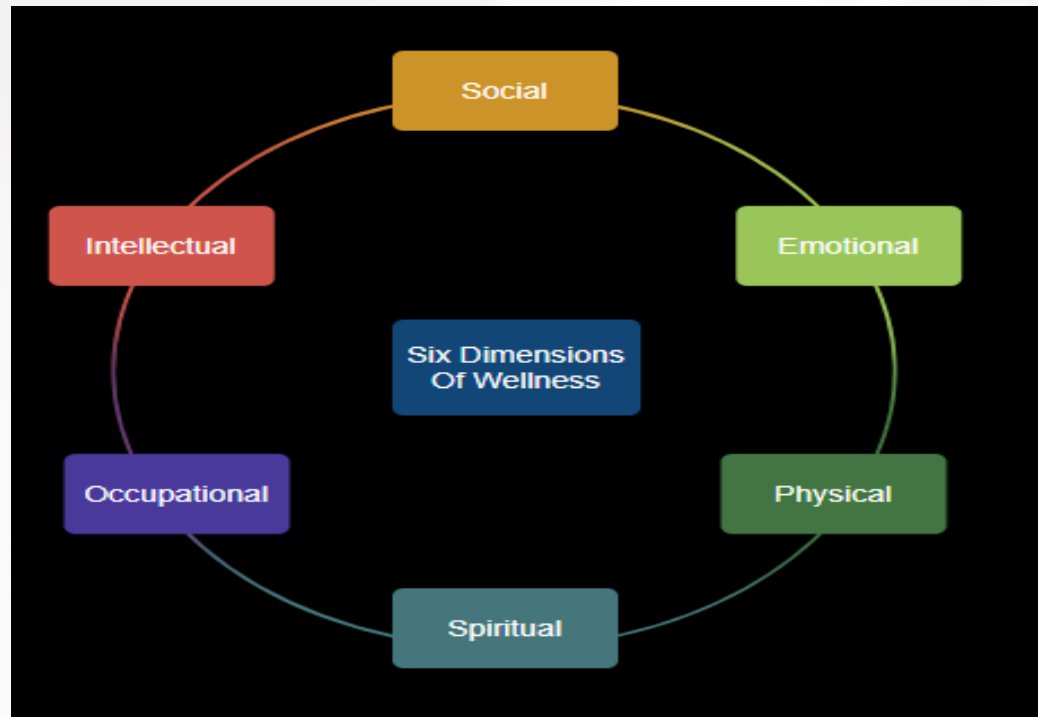
California Judges Association Portal to Wellness & Resilience <https://www.caljudges.org/mwp/>

Welcome to CJA's portal to wellness and resilience. Wellness is more than physical health, exercise or diet. Rather it is an organic and holistic process in which multiple dimensions harmonize to contribute to the quality of our lives.

This website is organized to follow the six dimensions of wellness: **occupational, physical, social, intellectual, emotional and spiritual**. We created this webpage just for you. We hope that as you explore, you will find ways to achieve a balance among the six dimensions and that you will rest in wellness at all times.

We want this site to grow so if you find an article or video that you think will help other bench officers, please let us know by emailing info@caljudges.org

Six Dimensions of Wellness





Occupational Wellness

Occupational Wellness is the ability to cultivate personal satisfaction and fulfillment, growth and enrichment in work while maintaining balance in our lives.

<https://www.caljudges.org/mwp/occupational.html>

Code of Judicial Ethics (CA)

- ❑ Canon 3 (a judge shall perform the duties of judicial office impartially, competently, and diligently)
- ❑ 3A (a judge shall accord precedence to all of the judicial duties prescribed by law over all other activities)
- ❑ 3B(8) (a judge shall dispose of all judicial matters fairly, promptly, and efficiently, and manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with law)
- ❑ 3C(1) (a judge shall diligently discharge his administrative responsibilities in a manner that promotes public confidence in the integrity of the judiciary)
- ❑ 4A (a judge shall conduct all of his extrajudicial activities so that they do not demean the judicial office or interfere with the proper performance of judicial duties)
- ❑ 2A (a judge shall respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity of the judiciary)
- ❑ 2 (a judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities), and 1 (a judge shall uphold the integrity of the judiciary).

California Constitution, Art. VI, Sec.18(d)

Except as provided in subdivision (f), the Commission on Judicial Performance may (1) retire a judge for disability that seriously interferes with the performance of the judge's duties and is or is likely to become permanent, or (2) censure a judge or former judge or remove a judge for action occurring not more than 6 years prior to the commencement of the judge's current term or of the former judge's last term that constitutes willful misconduct in office, persistent failure or inability to perform the judge's duties, habitual intemperance in the use of intoxicants or drugs, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or (3) publicly or privately admonish a judge or former judge found to have engaged in an improper action or dereliction of duty.

Family Medical Leave Act & California Family Rights Act

FMLA:

- Elected and appointed judges **do not** qualify under the FMLA

CFRA:

- Cal. Code Regs. tit. 2 § 11008
- Elected and appointed judges **do not** qualify as “employees” with rights under the CFRA

California Rules of Court

Rule 10.603. Authority and duties of presiding judge

(a) General responsibilities

The presiding judge is responsible, with the assistance of the court executive officer, for leading the court, establishing policies, and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public. The presiding judge is responsible for:

- (1) Ensuring the effective management and administration of the court, consistent with any rules, policies, strategic plan, or budget adopted by the Judicial Council or the court;
- (2) Ensuring that the duties of all judges specified under rule 10.608 are timely and orderly performed; and
- (3) Ensuring that the court has adopted written policies and procedures allowing the presiding judge to perform efficiently the administrative duties of that office.

California Rules of Court

Rule 10.603. Authority and duties of presiding judge

(2) Judicial schedules

(A) The presiding judge must adopt a process for scheduling judges' vacations and absences from court for attendance at schools, conferences, workshops, and community outreach activities, and must prepare a plan for these vacations and absences from court.

(B) The plan should take into account the principles contained in standards 10.11 10.13 (on judicial education) and standard 10.5 (on community activities) of the Standards of Judicial Administration.

(C) The presiding judge must review requests from judges for time absent from court and may approve any request that is consistent with the plan and with the orderly operation of the court.

California Rules of Court

Rule 10.603. Authority and duties of presiding judge

(2) Judicial schedules

(D) The presiding judge must allow each judge to take two days of personal leave per year. Personal leave may be taken at any time that is approved by the presiding judge.

(E) The presiding judge must allow the following number of days of vacation for each judge annually:

- (i) 24 days for judges with less than 7 years of service as a California judge;
- (ii) 27 days for judges with at least 7 but less than 14 years of service as a California judge; and
- (iii) 30 days for judges with 14 or more years of service as a California judge.

California Rules of Court

Rule 10.603. Authority and duties of presiding judge

(2) Judicial schedules

(H) The court must, by local rule, define a day of vacation. Absence from court to attend an authorized education program, conference, or workshop for judges, or to participate in Judicial Council or other authorized committees or community outreach activities, is not vacation time if attendance is in accordance with the plan and has the prior approval of the presiding judge. Absence from court due to illness is not vacation time. This rule does not limit the time a judge may be absent from court when unable to work because of illness.

(I) **To ensure compliance with the plan, the presiding judge must establish a system to monitor judges' absences from court and maintain records of those absences.**

California Rules of Court

Rule 10.603. Authority and duties of presiding judge

(2) Judicial schedules

(F) The presiding judge may authorize a judge to take more time off than is specified in (c)(2)(E) as justified by extraordinary circumstances, if the circumstances are documented and the authorization is in writing.

(G) The presiding judge, in his or her discretion, may allow a judge to take additional vacation days equal to the number of vacation days that the judge did not use in the previous year, up to a maximum of 30 such days. A court may, by local rule, establish a lower maximum number of such days. This paragraph applies only to vacation days accrued after January 1, 2001. It does not affect any unused vacation days that a judge may have accrued before January 1, 2001, which are governed by local court policy, nor does it create any right to compensation for unused vacation days.

California Rules of Court

Rule 10.608. Duties of all judges

Each judge must:

...

- (2) Immediately notify the master calendar judge or the presiding judge on the completion or continuation of a trial or any other matter assigned for hearing;
- (3) Request approval of the presiding judge for any intended absence of one-half day or more, within a reasonable time before the intended absence;

...

- (5) Follow directives of the presiding judge in matters of court management and administration, as authorized by the rules of court and the local rules and internal policies of the court.

California Rules of Court

Rule 10.603. Authority and duties of presiding judge

(4) Oversight of judicial officers

The presiding judge must:

(A) Judges

Notify the Commission on Judicial Performance of:

- (i) A judge's substantial failure to perform judicial duties, including any habitual neglect of duty, persistent refusal to carry out assignments as assigned by the presiding judge, or persistent refusal to carry out the directives of the presiding judge as authorized by the rules of court; or
- (ii) Any absences caused by disability totaling more than 90 court days in a 12-month period, excluding absences authorized under (c)(2);

The image features a central white rectangular area with the text "Thank you" in a black serif font. This central area is flanked on both the left and right sides by vertical panels of green, showing close-up details of plant leaves with prominent veins.

Thank you