

Contents

JUDICIAL OFFICERS	2
JUDICIAL STRESS AND WELLBEING	2
Empirical Research.....	2
Academic Commentary	4
Australian Judicial Commentary.....	5
International Judicial Commentary.....	6
JUDICIAL JOB SATISFACTION	7
JUDICIAL WORKING ENVIRONMENT	7
JUDICIAL EMOTION AND COMPASSION	9
JUDICIAL DECISION-MAKING.....	10
JUDICIAL CONDUCT IN COURT	10
LAWYERS	12
LAWYER STRESS & WELLBEING	12
Reports.....	12
Academic Commentary	15

JUDICIAL OFFICERS

JUDICIAL STRESS AND WELLBEING

Empirical Research

- Appleby, G., Le Mire, S., Lynch, A. & Opeskin, B. (2019) Contemporary challenges facing the Australian judiciary: An empirical interruption. *Melbourne University Law Review* 42(2) (advance)
- Chamberlain, J., & Miller, M. K. (2009). Evidence of secondary traumatic stress, safety concerns, and burnout among a homogenous group of judges in a single jurisdiction. *The Journal of the American Academy of Psychiatry and the Law*, 37, 214–224.
- Ciociu, M. S., Cojocaru, M., & Ciociu, S. V. (2010). Implications of levels of stress factors in the magistrate's activity. *Romanian Biotechnical Letters*, 15(3), 126–133.
- Ciociu, M. S., Cojocaru, M., & Ciociu, S. V. (2010). Stress related manifestations regarding magistrates. *Romanian Biotechnical Letters*, 15(3), 134–141.
- Danziger, S., Levav, J., & Avnaim-Pesso, L. (2011). Extraneous factors in judicial decisions. *Proceedings of the National Academy of Sciences: Social Sciences*, 108(17), 6889–6892.
- Eells, T. D., & Showalter, C. R. (1994). Work-related stress in American trial judges. *Bulletin of the American Academy of Psychiatry and the Law*, 22(1), 71–83.
- Flores, D. M., Miller, M. K., Chamberlain, J., Richardson, J. T., & Bornstein, B. H. (2008). Judges perspectives on stress and safety in the courtroom: An exploratory study. *Court Review*, 45, 76–89.
- Graff, C. (2000). *Stress management: Controlling the hidden stalker within the immigration courts*. Report. National Centre for State Courts. Williamsburg: USA.

- Jaffe, P. G., Crooks, C. V., Dunford-Jackson, B. L., & Town, M. (2003). Vicarious trauma in judges: The personal challenge of dispensing justice. *Juvenile and Family Court Journal, Fall*, 1–9.
- Lustig, L. S., Delucchi, K., Tennakoon, L., Marks, D. L. & Slavin D. (2008). Burnout and stress among United States immigration judges. *Bender's Immigration Bulletin* 13, 22
- Lustig, S. L., Karnik, N., Delucchi, K., Tennakoon, L., Kaul, B., Marks, D. L., & Slavin, D. (2009). Inside the judges' chambers: Narrative responses from the National Association of Immigration Judges Stress and Burnout Survey. *Georgetown Immigration Law Journal, 23*, 57–83.
- Miller, M. K., Flores, D. M., & Pitcher, B. J. (2010). Using Constructivist Self-Development Theory to Understand Judges' Reactions to a Courthouse Shooting: An Exploratory Study. *Psychiatry, Psychology and Law, 17*(1), 121–138.
- Miller, M. K., Reichert, J., Bornstein B. H. & Shulman, G. (2018). Judicial stress: The roles of gender and social support. *Psychiatry, Psychology and Law* 25(4), 602
- Resnick, A., Myatt, K. A., & Marotta, P. V. (2011). Surviving bench stress. *Family Court Review, (July)*.
- Rogers, J. M., Freeman, S. J., & LeSage, P. (1991). The occupational stress of judges. *The Canadian Journal of Psychiatry, 36*(5), 317–322.
- Schrever, C. (2018). Australia's first empirical research measuring judicial stress and wellbeing: A preview of the findings. *Australian Law Journal* 92, 7
- Schrever, C., Hulbert, C. & Sourdin, T. (2019) The psychological impact of judicial work: Australia's first empirical research measuring judicial stress and wellbeing. *Journal of Judicial Administration* 28, 141
- Showalter, C. R., & Martell, D. A. (1985). Personality, stress and health in American judges. *Judicature, 69*(2), 82–87.

Town, M. (2003). Vicarious trauma in judges: The personal challenge of dispensing justice. *Juvenile and Family Court Journal*, (Fall).

Tsai F.-J. & Chan, C.-C. (2010). Occupational stress and burnout of judges and procurators. *International Archives of Occupational and Environmental Health* 83, 133

Academic Commentary

Aschenbrenner, K. (2013). Ripples against the other shore – the impact of trauma exposure on immigration adjudicators. *Michigan Journal of Law & Race*, 19(Fall), 53–110.

Aschenbrenner, K. (2015). In pursuit of calmer waters – managing the impact of trauma exposure on immigration adjudicators. *Kansas Journal of Law & Public Policy*, 24, 401–459.

Casey, P., Burke, K., & Leben, S. (2013). Minding the court: Enhancing the decision-making process. *Court Review*, 49, 76–96.

Chamberlain, J., & Miller, M. K. (2008). Stress in the Courtroom: Call for research. *Psychiatry, Psychology and Law*, 15(2), 237–250.

Hagen, T., & Bogaerts, S. (2013). Work Pressure and Sickness Absenteeism Among Judges. *Psychiatry, Psychology and Law*, 21(1), 92–111.

Miller, M. K., & Richardson, J. T. (2006). A model of causes and effects of judicial stress. *Judges Journal*, 45, 20–23.

Oldfather, C. M. (2007). Judges and humans: Interdisciplinary research and the problems of institutional design. *Hofstra Law Review*, 36, 125–146.

- Osofsky, J. D., Putman, F. W., & Lederman, C. S. (2008). How to maintain emotional health when working with trauma. *Juvenile and Family Court Journal*, 59(4), 91–102.
- Schrever, C. (2015). Judging stress. *Law Institute Journal*, 89(9), 29–32.
- Stahl, P. M. (2012). Keeping the balance: Judicial stress and wellness. *Case in Point: National Judicial College*, 7(1), 3–4.
- Zimmerman, I. M. (2000). Isolation in the judicial career. *Court Review*(Winter), 4–6.
- Zimmerman, I. M. (2006). Helping judges in distress. *Judicature*, 90(1), 10–15.

Australian Judicial Commentary

- Heilpern, D (2017) *Lifting the Judicial Veil: Vicarious Trauma, PTSD, and the Judiciary – A personal story*. Paper presented at the Annual Tristen Jepson Memorial Foundation Lecture, Melbourne.
- Croft, C. (2015). *Balancing the demands of judicial life*. Paper presented at the Balancing the demands of judicial life, Judicial College of Victoria, Melbourne.
- Ferguson, A. (2019, February 14) *Making Wellness Core Business*. [Speech transcript] Retrieved from <https://www.supremecourt.vic.gov.au/about-the-court/speeches/making-wellness-core-business>
- Hampel, F. (2015a). *The County Court of Victoria supporting judicial resilience pilot*. Paper presented at the Biennial Conference of District and County Court Judges, Melbourne: Australia.
- Hampel, F. (2015b). Stress to resilience. *Law Institute Journal*, 89(9), 33–35.
- Ierodiaconou, M.–J. (2016) *Health and Wellbeing in the Legal Profession*. Paper presented at the Deakin Law School Alumni Lecture, Melbourne.

- Ierodionou, M.-J. (2015). *Inspiring change: Creating a healthy workplace*. Paper presented at the Annual Tristen Jepson Memorial Foundation Lecture, Melbourne.
- Kirby, M. (1995a). Judicial stress: An unmentionable topic. *Australian Bar Review*, 13, 101–115.
- Kirby, M. (1995b). *An unmentionable topic*. Paper presented at the Annual Conference of the Local Courts of New South Wales, Sydney: Australia.
- Kirby, M. (1997a). *Judicial Stress Revisited*. Paper presented at the Supreme Court and Federal Court Judges' Conference, Brisbane: Australia.
- Kirby, M. (1997b). Judicial stress: A reply. *The Australian Law Journal*, 71(October), 791–793.
- Kirby, M. (1997c). Judicial stress: An update. *The Australian Law Journal*, 71(October), 774–784.
- Kirby, M. (2013). *Judicial stress and judicial bullying*. Paper presented at the National Forum on Wellness for Law, Melbourne.
- Kirby, M. (2014). Judicial stress and judicial bullying. *QUT Law Review (Special Edition: Wellness for Law)*, 14(1), 1–14.
- Marshall, S. (2015). *Depression: An issue in the study of law*. Paper presented at the National Wellness for Law Forum, Canberra: Australia.
- Thomas, J. B. (1997). Get up off the ground: A commentary on Hon Kirby J's 'Judicial stress – An update'. *The Australian Law Journal*, 71(October), 785–790.

International Judicial Commentary

- Fogel (2016). *Mindfulness and judging*. Paper published by Federal Judicial Centre.
Retrieved from: <http://www.fjc.gov/public/pdf.nsf/lookup/Mindfulness-and->

[Judging-Fogel-FIC-2016.pdf/\\$file/Mindfulness-and-Judging-Fogel-FIC-2016.pdf](#)

JUDICIAL JOB SATISFACTION

- Chase, D., & Hora, P. F. (2009). The best seat in the house: The court assignment and judicial satisfaction. *Family Court Review, 47*(2), 209–238.
- Mack, K., & Roach Anleu, S. (2008). The National Survey of Australian Judges: An overview of findings. *Journal of Judicial Administration, 18*(5), 5–21.
- Norris, D. M., Commons, M. L., Miller, P. M., Adams, K. M., & Gutheil, T. G. (2011). A pilot study of job satisfaction in Massachusetts judges. *Journal of Psychiatry and Law, 39*(Summer), 321–337.
- Roach Anleu, S., & Mack, K. (2009). Gender, judging and job satisfaction. *Feminist Legal Studies, 17*, 79–99.
- Roach Anleu, S., & Mack, K. (2013). Job satisfaction in the judiciary. *Work, Employment & Society, 28*(5), 683–701.

JUDICIAL WORKING ENVIRONMENT

- Bourke, K. (2011). It is all about the people who work in the courthouse. *Future Trends in State Courts, 82–86*. Retrieved from Library eCollection website:
<http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1845>

- Bunjevac, T. (2015). Courts Services Victoria and the new politics of judicial independence: A critical analysis of the Courts Services Victoria Act 2014 (Vic). *Monash University Law Review*, 41(2), 300–328.
- Gill, B. (2015). *Independence of the judiciary and the legal profession*. Paper presented at the Commonwealth Law Conference, Glasgow: United Kingdom.
- Helipern, D. (2014). *Controlling the court: Tips and tricks*. Paper presented at the Victorian Annual Magistrates Conference, Melbourne: Australia.
- Mack, K., & Roach Anleu, S. (2004). The administrative authority of chief judicial officers in Australia. *Newcastle Law Review*, 8(1), 1–22.
- Mack, K., & Roach Anleu, S. (2006). The security of tenure of Australian magistrates. *Melbourne University Law Review*, 30(2).
- Mack, K., & Roach Anleu, S. (2009). The Australian judiciary and professional development. *Judicial Officers Bulletin: Judicial Commission of New South Wales*, 21(6), 47–51.
- Mack, K., & Roach Anleu, S. (2011). Opportunities for new approaches to judging in a conventional context: Attitudes, skills and practices. *Monash University Law Review*, 37(1), 187–215.
- Mack, K., & Roach Anleu, S. (2012). In court judicial behaviour, gender and legitimacy. *Griffith Law Review*, 21(3), 728–751.
- Mack, K., Roach Anleu, S., & Wallace, A. (2011). Everyday work in the magistrates courts: Time and tasks. *Journal of Judicial Administration*, 21, 34–53.
- Miller, M. K., & Richardson, J. T. (2006). A model of causes and effects of judicial stress. *Judges Journal*, 45, 20–23.
- Opeskin, B. (2012). State of the judicature: A statistical profile of Australian courts and judges. *Sydney Law Review*, 35, 489–517.

- Roach Anleu, S., & Mack, K. (2008). The professionalization of Australian magistrates: Autonomy, credentials and prestige. *Journal of Sociology, 44*(2), 185–203.
doi:10.1177/1440783308089169
- Roach Anleu, S., & Mack, K. (2010). The work of the Australian judiciary: Public and judiciary attitudes. *Journal of Judicial Administration, 20*, 3–17.
- Roach Anleu, S., Mack, K., & Tutton, J. (2014). Judicial humour in the Australian Courtroom. *Melbourne University Law Review (Advance), 38*(2), 1–45.
- Wallace, A., Mack, K., & Roach Anleu, S. (2014). Work allocation in the Australian courts: Court staff and the judiciary. *Sydney Law Review, 36*, 669–694.
- Warren, M. (2016). *The aspiration of excellence*. Paper presented at the Judiciary of the Future: International Conference on Court Excellence, Singapore.

JUDICIAL EMOTION AND COMPASSION

- King, M. (2015). Compassion and the courts. In M. Brenner (Ed.), *Conversations on Compassion*. USA: CreateSpace Independent Publishing Platform.
- Maroney, T. A. (2011a). Emotion regulation and judicial behaviour. *California Law Review, 99*, 1485–1555.
- Maroney, T. A. (2011b). The persistent cultural script of judicial dispassion. *California Law Review, 99*, 629–681.
- Maroney, T. A. (2012). Angry judges. *Vanderbilt Law Review, 65*(5), 1207–1286.
- Maroney, T. A., & Gross, J. J. (2013). The Ideal of the Dispassionate Judge: An Emotion Regulation Perspective. *Emotion Review, 6*(2), 142–151.
doi:10.1177/1754073913491989
- Oldfather, C. M. (2007). Judges and humans: Interdisciplinary research and the problems of institutional design. *Hofstra Law Review, 36*, 125–146.

Roach Anleu, S., & Mack, K. (2003, 4–6 December 2003). *Emotional labour in the Magistrates' Court*. Paper presented at the The Australian Sociological Association Conference, Armadale, NSW: Australia.

Roach Anleu, S., & Mack, K. (2005). Magistrates' everyday work and emotional labour. *Journal of Law and Society*, 32(4), 590–614.

Roach Anleu, S., Mack, K., & Tutton, J. (2014). Judicial humour in the Australian Courtroom. *Melbourne University Law Review (Advance)*, 38(2), 1–45.

JUDICIAL DECISION-MAKING

Casey, P., Burke, K., & Leben, S. (2013). Minding the court: Enhancing the decision-making process. *Court Review*, 49, 76–96.

Danziger, S., Levav, J., & Avnaim-Pesso, L. (2011). Extraneous factors in judicial decisions. *Proceedings of the National Academy of Sciences: Social Sciences*, 108(17), 6889–6892.

JUDICIAL CONDUCT IN COURT

Kirby, M. (2013). *Judicial stress and judicial bullying*. Paper presented at the National Fom on Wellness for Law, Melbourne.

Kirby, M. (2014). Judicial stress and judicial bullying. *QUT Law Review (Special Edition: Wellness for Law)*, 14(1), 1–14.

Martin, G. (2013). *Overbearing conduct in court by judges*. Paper presented at the Managing People in Court Conference, Canberra: Australia.

Mason, K. (2008). Thowing stones: A cost/benefit analysis of judges being offensive to each other. *Australian Law Journal*, 82, 260–265.

Phillips, J. (2013). *Overbearing conduct in court by judges and lawyers*. Paper presented at the Managing People in Court Conference, Canberra: Australia.

Richmond, D. R. (2012). Bullies on the bench. *Louisiana Law Review*, 72(2), 325–360.

Young, P. W. (2013). Current issues: Judicial bullying. *Australian Law Journal*, 87, 371–373.

LAWYERS

LAWYER STRESS & WELLBEING

Reports

- Beaton Research & Consulting. (2007). *Annual professions survey*. Retrieved from http://www.beatonglobal.com/pdfs/Depression_in_the_professions_survey.pdf
- Beaton Research & Consulting. (2011). *Annual business and professions study: Research summary*. Retrieved from http://www.beatonglobal.com/pdfs/2011_Annual_Business_and_Professions_Study.pdf
- Kelk, N. J., Luscombe, G. M., Medlow, S. D., & Hickie, I. B. (2009). *Courting the Blues: Attitudes towards depression in Australian law students and legal practitioners*. Retrieved from http://www.cald.asn.au/docs/Law_Report_Website_version_4_May_09.pdf
- Kendall, C. (2011a). Psychological distress and depression in the legal profession: Summary of report. *Brief, June*, 8–21.
- Kendall, C. (2011b). *Report on psychological distress and depression in the legal profession*. Retrieved from <https://www.lawsocietywa.asn.au/wp-content/uploads/2015/08/Report-on-psychological-distress-and-depression-in-the-legal-profession.pdf>
- Law Council of Australia. (2014). *National Attrition and Re-engagement Study (NARS) Report*. Retrieved from https://www.lawcouncil.asn.au/lawcouncil/images/LCA-PDF/NARS_Report_WEB.pdf
- Law Institute of Victoria. (2014). *Mental health and the legal profession: A preventative strategy (Final report)*. Retrieved from <http://www.liv.asn.au/PDF/For-Lawyers/Member-Benefits-adn-Privileges/MentalHealthReportFull>

United Kingdom Bar Council. (2015). *Wellbeing at the Bar: A resilience framework assessment*. Retrieved from http://www.barcouncil.org.uk/media/348371/wellbeing_at_the_bar_report_april_2015__final_.pdf

Empirical Research

Benjamin, A. H., Darling, E. J., & Sales, B. (1990). The prevalence of depression, alcohol abuse, and cocaine abuse among United States lawyers. *International Journal of Law and Psychiatry, 13*, 233–246.

Benjamin, A. H., Kaszniak, A., & Sales, B., Shanfield, Stephen B. (1986). The role of legal education in producing psychological distress among law students and lawyers. *American Bar Foundation Research Journal, 225–253*.

Bergin, A., & Jimmieson, N. L. (2013). Explaining psychological distress in the legal profession: The role of overcommitment. *International Journal of Stress Management, 20(2)*, 134–161.

Bergin, A. J., & Jimmieson, N. L. (2013). Australian Lawyer Well-being: Workplace Demands, Resources and the Impact of Time-billing Targets. *Psychiatry, Psychology and Law, 21(3)*, 427–441.

Brooke, D. (1997). Impairment in the medical and legal professions. *Journal of Psychosomatic Research, 43(1)*, 27–34.

Chan, J. (2015). Conceptualising legal culture and lawyering stress. *International Journal of the Legal Profession, 21(2)*, 213–232.

Chan, J., Poynton, S., & Bruce, J. (2014). Lawyering stress and work culture: An Australian Study. *University of New South Wales Law Journal, 37(3)*, 1062–1102.

Costa, M. d. F. A. A., & Ferreira, M. C. (2014). Sources and Reactions to Stress in Brazilian Lawyers. *Paidéia (Ribeirão Preto), 24(57)*, 49–56.

- Daicoff, S. (1997). Lawyer, know thyself: A review of empirical research on attorney attributes bearing on professionalism. *The American University Law Review*, *46*, 1337–1428.
- Drogin, E. Y. (1991). Alcoholism in legal profession: Psychological and legal perspectives and interventions. *Law & Psychology Review*, *15*, 117.
- Goodliffe, J. (1994). Alcohol and depression in English and American lawyer disciplinary proceedings. *Addiction*, *89*, 1237–1244.
- Hagan, J., & Kay, F. (2007). Even lawyers get the blues: Gender, depression, and job satisfaction in legal practice. *Law & Society Review*, *41*(1), 51–78.
- Holmes, V., Foley, T., Tang, S., & Rowe, M. (2012). Practising professionalism: Observations from an empirical study of new Australian lawyers. *Legal ethics*, *15*(1), 29–55.
- Hopkins, V., & Gardner, D. (2012). The mediating role of work engagement and burnout in the relationship between job characteristics and psychological distress among lawyers. *New Zealand Journal of Psychology*, *41*(1), 59–68.
- Hunter, T. L. (2007). The relationship between judicial stress and job performance. *Dissertation Abstracts International: Section B: The Sciences and Engineering*, *67*(7–B), 4106.
- Kobasa, S. C. (1982). Commitment and coping in stress resistance among lawyers. *Journal of Personality and Social Psychology*, *42*(4), 707–717.
- Krieger, L. S., & Sheldon, K. M. (2015). What makes lawyers happy? A data-driven prescription to redefine professional success. *The George Washington Law Review*, *83*(2), 554–627.
- Krieger, L. S., & Sheldon, K. M. (2015). What makes lawyers happy?: A data-driven prescription to redefine professional success. *The George Washington Law Review*, *83*, 554–628.

- Krill, P. R., Johnson, R., & Albert, L. (2016). The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys. *J Addict Med*, *10*(1), 46–52.
- Vrklevski, L. P., & Franklin, J. (2008). Vicarious trauma: The impact on solicitors of exposure to traumatic material. *Traumatology*, *14*(1), 106–118.

Academic Commentary

- Albert, L. (2015). Lawyer assistance programs: Advocating for a systems approach to health and wellbeing for law students and legal professionals. *The Bar Examiner*, *82*(1), 31–36.
- Bell, V. (2014). *Tristan Jepson Memorial Foundation annual lecture*. Tristen Jepson Memorial Foundation. Sydney: Australia.
- Brooks, S. L. (2015). Using a communication perspective to teach relational lawyering. *Nevada Law Journal*, *15*, 477–517.
- Chan, J. (2015). Conceptualising legal culture and lawyering stress. *International Journal of the Legal Profession*, *21*(2), 213–232.
- Drogin, E. Y. (2004). Review of 'Lawyer, know thyself: A psychological analysis of personality strengths and weaknesses'. *The Journal of Psychiatry & Law*, *32*(Winter), 551–554.
- Field, R., & Larcombe, W. (2014). Introduction to the wellness for law special edition of the QUT Law Review. *QUT Law Review (Special Edition: Wellness for Law)*, *14*(1), 1.
- Giddings, J., & McNamara, M. (2014). Preparing future generations of lawyers for legal practice: What's supervision got to do with it? *University of New South Wales Law Journal*, *37*(3), 1226–1252.

- Healy, B. (2014). Towards a relational perspective: A practical and practice-based discussion on health and wellbeing amongst a sample of barristers. *QUT Law Review (Special Edition: Wellness for Law)*, 14(1), 94–105.
- Ierodiaconou, M.-J. (2015). *Inspiring change: Creating a healthy workplace*. Paper presented at the Annual Tristen Jepson Memorial Foundation Lecture, Melbourne.
- Katzmann, A. (2014). Forward. *University of New South Wales Law Journal*, 37(3), 1023–1029.
- Marshall, S. (2015). *Depression: An issue in the study of law*. Paper presented at the National Wellness for Law Forum, Canberra: Australia.
- Montgomery, B. (1990). How not to take work stress home. *Law Institute Journal*, 64(3), 135–136.
- Orenstien, J. (2014). Mindfulness and the Law: A different approach to sustainable and effective lawyering. *QUT Law Review (Special Edition: Wellness for Law)*, 14(1), 106–109.
- Parker, C. (2014). The 'moral panic' over psychological wellbeing in the legal profession: A personal or political ethical response. *University of New South Wales Law Journal*, 37(3), 1103.
- Reed, K., & Bornstein, B. H. (2013). A stressful profession: The experience of attorneys. In M. K. Miller & B. H. Bornstein (Eds.), *Stress, trauma, and wellbeing in the legal system* (pp. 217–246). New York: Oxford University Press.
- Schiltz, P. J. (1999). On being a happy, healthy, and ethical member of an unhappy, unhealthy, and unethical profession. *Vanderbilt Law Review*, 52, 871–951.
- Seamone, E. R. (2014). Sex crimes litigation as hazardous duty: Practical tools for trauma-exposed prosecutors, defence counsel, and paralegals. *Ohio State Journal*, 11(2), 487–578.

Seligman, M. E. P., Verkuil, P. R., & Kang, T. H. (2001). Why lawyers are unhappy.

Deakin Law Review, 10(1), 49–66.

Tang, S., & Foley, T. (2014). The practice of law and the intolerance of certainty.

University of New South Wales Law Journal, 37(3), 1198–1225.