History of the Wellness Committee

In 1999 Chief Circuit Judge Procter Hug, Jr. established the Ninth Circuit Task Force on Judicial Disability as the first step in a long-range plan to address disability and promote wellness among judges within the Ninth Circuit. It was chaired by the late District Judge Judith Keep (SD-CA) and a formal charter was adopted in February 1999. In May 2000, the Task Force issued its final report recommending several educational initiatives and the establishment of a confidential telephone counseling service to be made available to judges, their families and their staffs.

In October 2000, the Judicial Disability Committee (Chaired by Circuit Judge Susan Graber) was established to implement the recommendations of the Task Force on Judicial Disability. The Committee changed its name to the Judicial Wellness Committee, a title thought to be more descriptive of the Committee’s mission. One of its earliest accomplishments was the establishment of the Ninth Circuit’s Private Assistance Line Service (PALS) in 2001.

In February 2004, the Judicial Wellness Committee issued its final report recommending the development of other programs including a periodic newsletter, educational programs related to wellness issues, and a pre-retirement seminar for all judges approaching eligibility for senior or recall status or retirement.

In 2005, Chief Circuit Judge Mary Schroeder and the Judicial Council established the permanent Judicial Wellness/Disability Committee (referred to now as simply the Wellness Committee) which implemented the recommendations of its predecessor committee and continued to expand on the wellness resources available to judges, their families, and to court staff with concerns about a particular judge.

Former Chief District Judge Philip M. Pro (ret.) (D-NV) chaired the Wellness Committee from October 2005 - September 2010. During his tenure, Judge Pro actively promoted the Committee and its resources through presentations at chief judge conferences and FJC workshops. In 2006, the Breyer Commission on Judicial Disability recommended that circuit councils consider establishing Wellness related programs. The Ninth Circuit’s program was the first formal wellness initiative in the federal judiciary. The Wellness Committee Charter was revised in 2008 and Judge Pro’s work with various JCUS committee members laid the foundation for the national recognition the Ninth Circuit’s Wellness Committee programs currently receive.

Chief Judge Phyllis Hamilton (ND-CA) has chaired the Committee since October 2010. During her tenure, the Judicial Council asked the Committee to explore generally the issue of age-related disability, including the question of whether neurological examinations should be a part of the annual certification process for senior judges. In October 2012, the Committee provided the Council with a final report and recommendation that can be found on the Circuit’s Wellness website at http://wellness.circ9.dcn/. In sum, the Committee concluded that because (1) judicial disability, even age-related disability, does not necessarily begin when judges become eligible for senior status, and (2) losses in mental acuity and cognitive function can begin much earlier for some, and never occur in others, neither age nor the taking of senior status are good indicators of the onset of disabling cognitive functioning. In its report, the Committee provided the following recommendations that were fully endorsed by the Council:

1. That judges irrespective of age or status, be encouraged to consider voluntary cognitive evaluations as one tool to create a baseline for the judge’s future use;
2. That annual or biennial training for chief judges on how to identify and manage temporary or longer-
last ing judicial disabilities in their colleagues be provided;
3. That all judges be encouraged to designate “buddies” who can provide support and assistance to the court if doubts arise regarding the functioning of the designating judge; and
4. That all districts be encouraged to consider whether it is advisable to implement a local policy on the subject of judicial disability taking into consideration that district’s local culture.

The Wellness Committee’s Mission and Programs

The mission of the Wellness Committee is to maintain, improve, and expand on procedures and programs to address issues of judicial wellness and disability. Below is a summary of how the Committee has achieved and continues to support its mission through its programs, initiatives and resources:

| PALS | is a confidential telephone counseling service established in July 2001. It is staffed by Richard Carlton, a professional mental health counselor. Mr. Carlton is under contract (which is reviewed annually) with the circuit to provide confidential advice to all judges in the circuit and to chief judges dealing with delicate matters of perceived or actual disability. The PALS program receives four to six calls per year. Most of the calls are from chief district judges or another judge at the chief judge’s request seeking advice on how to best approach a colleague about whom they have concerns. Some calls are from family members, but only a few are from judges seeking assistance for their own issues. |

| COURTING GOOD HEALTH, the Wellness Committee’s newsletter, first appeared in March 2003, as an insert into a quarterly publication of the Federal Occupational Health Service. It is now a stand-alone publication of the Office of the Circuit Executive. Each edition features articles (many written by judges within the circuit) on a variety of wellness issues including nutrition, exercise, sleep, stress, depression, caring for ailing spouses or parents and preparing for life after the bench. |

| TRANSITIONS SEMINAR f/k/a The PRE-RETIREMENT PROGRAM was first held in 2002. The first seminar was hosted in Rancho Santa Fe, CA when Circuit Judge Susan P. Graber was Committee Chair. Since that time, the much anticipated and well attended seminar has been scheduled every two years for judges approaching eligibility for senior or recall status or retirement. All of these options are explained, questions as to staffing and space are addressed, and valuable advice on benefits and estate planning is provided by Administrative Office personnel and other independent experts. The program has expanded to include a spouse’s panel and a panel of judges who can provide personal experiences and insights about their own transitions into senior, recall, or retirement status. In 2013, the program’s title was changed to the Transitions Seminar which was prompted by the recognition that most Article III judges do not retire, but rather transition to senior status. |

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The **WELLNESS GUIDE**, originally developed in 2007, was created to assist chief judges in learning how and when to intervene in situations where the performance of a colleague may be compromised and to facilitate judges’ access to professional services that may be needed. The guide’s fourth edition is now available to all judges and judiciary staff on the Wellness website.

The **NEW JUDGES ORIENTATION PRESENTATION**, began in 2009 and provides a platform for the Wellness Committee Chair to inform new judges at the Ninth Circuit Orientation Program about the work of the Committee, to describe the resources available to judges, and to encourage their participation in Committee projects, like writing articles for Courting Good Health.

The **NEW JUDGES ORIENTATION PRESENTATION** was also rolled out by the Committee in 2007 and is accessible nationwide to federal judges and judiciary staff via the Ninth Circuit intranet and the J-Net. The website provides information on all of the programs and resources available from the Committee as well as abundant other information about health, disability and other related issues.

The **CHIEF JUDGES BIENNIAL TRAINING ON COGNITIVE IMPAIRMENT ISSUES** was held for the first time in 2011, following the Ninth Circuit Judicial Council’s approval the Committee’s recommendation to hold such workshops for Chief Judges at Ninth Circuit Judicial Conferences. This program provides a chance for chief judges to hear a presentation by physicians about medical innovations and research on cognitive impairment as well as to learn how best to approach colleagues, family members and others who may be dealing with these difficult issues. The chief judges met again in 2014, and their next meeting is scheduled for 2016.
Wellness Committee Membership

Current Wellness Committee:

- Chief District Judge Phyllis Hamilton (CAN) 2008 - Present (Chair since 2010)
- Senior Circuit Judge William Canby, Jr. 2011 - Present
- Chief District Judge Dana Christensen (MT) 2013 - Present
- Senior District Judge Helen Gillmor (HI) 2011 - Present
- Senior District Judge Ronald S.W. Lew (CAC) 2015 - Present
- Magistrate Judge Michelle Burns (AZ) 2011 - Present
- Magistrate Judge Patrick J. Walsh (CAC) 2015 - Present
- Bankruptcy Clerk of Court Mark Hatcher (WAW) 2015 - Present
- Richard Carlton PALS Counselor 2001 - Present
- Tina Brier Staff, Office of Circuit Executive 2008 - Present

Past Wellness Committee Members:

Circuit Judge Susan P. Graber, Former Chair
District Judge Judith N. Keep, Former Chair (CAS)
District Judge Philip M. Pro, Former Chair (NV)
District Judge Audrey Collins (CAC)
Senior Circuit Judge Michael Hawkins
Senior Circuit Judge Jerome Farris
Senior Circuit Judge Arthur L. Alarcón
District Judge Christina A. Snyder (CAC)
District Judge Vaughn R. Walker (CAN)
Senior District Judge James A. Teilborg (AZ)
Senior District Judge M. Fitzgerald (AK)
Senior District Judge Spencer M. Williams (CAN)
Chief Bankruptcy Judge Jim D. Pappas (ID)
Bankruptcy Judge Erithe Smith (CAC)
Bankruptcy Judge Patricia Williams (WAE)
Bankruptcy Judge Karen Overstreet (WAW)
Bankruptcy Judge Kathleen H. Thompson (CAC)
Bankruptcy Judge Thomas T. Glover (WAW)
Magistrate Judge Sandra Snyder (CAE)
Magistrate Judge J. Kelley Arnold (WAW)
Clerk of Court Lance Wilson (NV)