Addressing the PROBLEM of COURTROOM STRESS
by MONICA K. MILLER
and DAVID M. FLORES
with ASHLEY N. DOLEZILEK

Courtrooms can be stressful places; legal actors and courthouse visitors experience occasional acts of violence, gruesome trial evidence, and a number of daily, low-level stressors. Each of these sources has the potential to affect both judges and jurors.

In June of 2006, Darren Mack allegedly shot Judge Chuck Weller through his Washoe County, Nevada, courthouse office window. Reportedly, Mack was dissatisfied with Weller’s decisions concerning child support and alimony.

Violence directed at judges and their families represents a growing phenomenon; violent events of 2005 include the highly publicized shooting at the Fulton County Courthouse in Atlanta and the murder of federal judge Joan Lefkow’s family in Chicago. As a result of the growing threats of violence, judges in some jurisdictions are carrying concealed weapons, and writers (e.g., critics, advocates, journalists) have called for measures to examine and address the issue of courtroom violence.

High levels of stress can impact judge and juror decision making and have negative effects on the justice system. Stress interventions can help educate jurors and judges about the potential symptoms of stress and ways to prevent and cope.

The authors would like to thank JIm Richardson for his helpful comments.
faced capital murder charges for the drowning of her five children. These cases not only contain gruesome evidence, but also may prove traumatic to the judge and jurors who attempt to comprehend such acts. The decision-making process may be especially stressful if judges or jurors are asked to apply laws that conflict with their personal beliefs.¹

Judges and jurors also experience stress due to more mundane aspects of the trial process.² Jurors can experience stress as a result of the disruption of their daily routines. Judges can experience stress due to the responsibilities of trial management. These examples illustrate the variety of courtroom stressors. High levels of stress have the potential to affect the decision making of jurors and judges and have a generally negative effect on the justice system.

This article describes courtroom stress and recommends possible remedies. It first presents a definition of stress and an explanation of why it is important to study courtroom stress. Next, it discusses the causes and symptoms of stress experienced by judges and jurors. After speculating about how stress can affect legal decision making, it describes the various remedies that have been proposed to address or prevent such stress. It concludes with recommendations for reducing stress in the courtroom.

Definition of stress
The concept of stress has been defined in an array of different ways.³ Different aspects, including precipitating events, psychological and physiological responses, and appraisals of the individual, have been differentially emphasized in the varying conceptualizations. The biopsychosocial model provides an integrative account of stress by incorporating the psychological, biological, and behavioral effects of environmental demands. Cohen, Kessler, and Gordon posit that when confronted with environmental challenges, people cognitively appraise whether the event represents a threat and/or overwhelms available coping resources.⁴ Perceptions of stress result when environmental demands are deemed threatening and coping resources are regarded as challenged or even insufficient.

This perception of, and attempt to adapt to, the stress-inducing environmental demands are accompanied by behavioral, emotional, and physiological changes in the individual. This biopsychosocial model complements the foregoing examination of courtroom stress, which considers both the causes of stress (i.e., stressors) and its manifestations (i.e., symptoms) for judges and jurors and the subsequent implications for the justice system.

While stress can certainly reach extreme or abnormal levels, it is important to note that a lower level of stress is part of a normal reaction to an environment that taxes one’s ability to cope. This common occurrence would be normal, even expected, in some courtroom settings (e.g., in trials for heinous crimes). As such, it is important to determine what measures are most appropriate to prevent or alleviate excessive stress that hinders performance.

Studying courtroom stress
In order for the judicial system to function properly, it is important for legal actors (e.g., judges and juries) to be of sound mind and body. The level of emotion and tension found in courtrooms is a major contributor to the heightened stress levels of those involved in legal cases.⁵ Many researchers have raised concerns about jurors’ mental and physical health risks.⁶ Some researchers and judges believe that it is important to study juror stress because the legal system is responsible for jurors’ comfort. Because the government requires jury service of its citizens, many believe that the government should take steps to

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7. See, for example, Cary L. Cooper & Philip Dewe, Stress: A Brief History 110 (2004).
protest them. Judges have indicated that they feel a duty to reduce the stress level of jurors, as reported in a survey by the National Center for State Courts. Specifically, 97 percent of judges answered "yes" to the question "Do you believe courts have a responsibility to prevent, address, or minimize juror stress?"

Similarly, some experts have noted the importance of studying judicial stress. Zimmerman notes that judges can experience stress due to "heavy dockets, restrictions on their public speech and behavior, intense media exposure, wide public ignorance of the role of the court, and the relative isolation of the judicial position." Because of the uniqueness of the position, judges often do not seek the care they need, which leaves them vulnerable to the negative effects that accompany untreated mental and physical health problems (e.g., occupational stress and substance abuse). As with any profession, untreated problems can negatively affect job performance. Some people are concerned that heightened levels of stress can have negative consequences for the legal decision making and performance of judges. For example, stress is capable of producing psychological and physical symptoms that have the potential to distract judges and impair their decision-making abilities.

Causes of juror stress

Serving such a major function in the legal system is likely to be stressful for many jurors. Jurors may experience stress from being out of their normal schedules and reporting for jury duty in an unfamiliar courthouse. They are forced to view evidence that may be emotional, gruesome, or highly technical. Courtroom proceedings (e.g., jury selection) are usually unfamiliar, and the instructions they receive from the judge may be difficult to understand. Despite the unfamiliar and confusing conditions, jurors must make decisions that could include assigning serious financial penalties or sentencing defendants to prison or even death. Researchers have sought to discover more about the factors that cause stress. Findings indicate that jurors encounter stress at every stage of trial. The National Center for State Courts surveyed 401 jurors about their reactions to 50 potential stressors. Table 1 presents the percentages of jurors that experienced each stressor and reported that it was stressful.

Some jurors experienced stress when they received the summons or reported for jury duty. Disruption of jurors' daily schedules and the inconvenience of finding childcare also led to jurors' stress. Thus, jurors experienced stress before they even reported for jury duty. Trial procedures also contributed to juror stress. Some encountered stress related to the selection process. This includes having to give personal answers to questions in front of other potential jurors and strangers, awaiting trial assignment, and being required to keep trial-relevant information from family and friends.

Furthermore, the nature and content of the trial led to jurors' stress. Testimony and evidence presented and viewing of gruesome evidence both served as sources of stress. Various aspects of the decision-making process generated additional stress for jurors; they admitted difficulty in understanding instructions, difficulty appraising the guilt or innocence of defendants in criminal trials, and inability to reach a unanimous verdict. Finally, some jurors indicated that they experienced stress due to factors outside the trial process. Some feared being publicly identified, and some had safety concerns. Others felt stress due to potential reactions to the verdict and subsequent media exposure.

Borns in and colleagues found that the two most stressful elements of jury duty were related to the complexity of the trial (e.g., understanding difficult instructions and evidence) and decision-making responsibilities (e.g., understanding the consequences of the verdict for the parties involved). As the NCSC and Bornstein studies illustrate, jurors experience some level of stress during every stage of the trial. This stress is likely to manifest itself in a variety of symptoms.

Symptoms of juror stress

Researchers have studied the physical and mental health effects of serving as a juror. Stress can manifest itself in a myriad of physical or emotional symptoms, including sleeplessness, nervousness, depression, and intrusive thoughts. These symptoms are similar to those experienced by others, such as crime victims and clinically depressed patients. Further, jurors' stress symptoms are often the same symptoms used to diagnose mood or anxiety disorders, though the severity of jurors' symptoms generally falls short of a diagnostic threshold. Symptoms do not always become apparent immediately, but may appear weeks or months after the trial.

Stry stress symptoms are not uniform across jurors; for instance, jurors serving on "traumatic" trials experience different levels of symptoms than jurors on "non-traumatic" trials. As identified by Shuman, traumatic trials include rape, murder, and aggravated kidnapping trials. Non-traumatic trials include offenses such as burglary and possession of a controlled sub-

line.org/WC/Publications/Res_Jurors/JurorStress
IndexPub.pdf (2002), Appendix B.
13. Isaiah M. Zimmerman, Helping judges in distress, 90 JUDICATURE 10 (2000); Bremner, supra n. 5.
ing in Yamhill County, 62 JUD. OR. ST. B. BULL. 17 (2003); NCSC, Manual, supra n. 12; Bornstein, Juror Reactions, supra n. 9; Miller, Causes and Inter-
ventions, supra n. 6.
18. Dabbs, Traumatization, supra n. 17; Chris Nordgren & Matthew W. Thelen, Helping jurors manage stress: A multi-level approach, 82 JUDICATURE 256 (1998); NCSC, Manual, supra n. 12; Kaplan, Preopera-
tional Hazards, supra n. 15; Holt, Yamhill County, supra n. 15; Theodore B. Feldmann & Roger A. Bell, Juror Stress: Identification and Intervention, 21 BULL. AM. ACAD. PSYCHIATRY L. 409 (1993).
stance. Jurors in traumatic trials generally experienced more severe symptoms as compared to jurors serving in non-traumatic ones.

The study found no evidence to support a formal diagnosis of depression or post-traumatic stress disorder (PTSD); however, traumatic trials had significant negative short-term effects. Serving in traumatic trials led jurors to experience depressive symptoms nearly six times more often than serving in non-traumatic trials. Similarly, jurors experienced a higher level of depressive symptoms than the general population. These studies demonstrate the existence of juror’s stress symptoms. They are not alone; judges also experience stress and suffer from stress-related symptoms.

Causes of judge stress
Judges experience numerous causes of stress, some of which are similar to those of jurors (e.g., exposure to gruesome evidence) and some that are unique to their position (e.g., managing difficult trial schedules). The NCSC study found that jurors felt stress as a result of testimony and evidence, fear of being publicly identified, safety concerns, and media exposure. The NCSC study did not investigate judicial stress, however, so it is not clear if judges also perceive these factors to be stressors. In certain circumstances, judges may even experience more trauma than jurors. While jurors may, at times, be able to avoid potentially traumatic trials, judges cannot. For example, a rape victim could be excused from a rape trial during the voir dire process, sparing her from the potentially distressing experience. Judges usually cannot be excused from stressful cases.

Judges also face a number of unique stressors related to their job duties, such as managing a heavy caseload, deciding on motions, concern about being overruled by higher courts, maintaining a positive public image (especially in jurisdictions where judges are elected) and feeling responsible for the stress that the jurors experience. Judges can also experience “role overload, role insuf-

<table>
<thead>
<tr>
<th>Potential stressor</th>
<th>Percentage of jurors experiencing stress**</th>
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<tr>
<td>Pre-trial stage stressors</td>
<td></td>
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<tr>
<td>Receiving summons</td>
<td>34%</td>
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<tr>
<td>Report for jury duty</td>
<td>32%</td>
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<tr>
<td>Disruption of schedule</td>
<td>45%</td>
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<tr>
<td>Alternate childcare/work schedule</td>
<td>25%</td>
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<tr>
<td>Answering personal questions</td>
<td>39%</td>
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<tr>
<td>awaiting trial assignment</td>
<td>33%</td>
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<tr>
<td>Trial stage stressors</td>
<td></td>
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<tr>
<td>Keeping trial information secret</td>
<td>25%</td>
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<tr>
<td>Testimony/evidence</td>
<td>20%</td>
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<tr>
<td>Gruesome evidence</td>
<td>28%</td>
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<tr>
<td>Understanding instructions</td>
<td>13%</td>
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<tr>
<td>Determining guilt</td>
<td>44%</td>
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<tr>
<td>Reaching unanimous verdict</td>
<td>49%</td>
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<tr>
<td>Post-trial stage stressors</td>
<td></td>
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<tr>
<td>Public reaction to verdict</td>
<td>15%</td>
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<tr>
<td>General stressors</td>
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<tr>
<td>Being publicly identified</td>
<td>16%</td>
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<tr>
<td>Safety concerns</td>
<td>16%</td>
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<tr>
<td>Media exposure</td>
<td>6%</td>
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**Note that this is the percentage of jurors who experienced the potential stressor AND reported that it did, in fact, cause them stress.

who are knowledgeable about all aspects of civil and criminal law, as well as local procedures. Simply put, their jobs and duties are rarely clearly defined. Thus, some judges struggle to define their role within the judicial system. To complicate matters, judges often do not get detailed training, mentoring, or impartial feedback.

Eells and Showalter investigated the sources of judges’ work-related stress. 22 Judges reported that the most common stressor was dealing with poorly prepared, inadequate, or abusive counsel. Cases involving active judicial management and decision-making discretion also were stressful, as were highly emotional cases subject to public scrutiny. Chamberlain and Miller interviewed nine judges and learned that the most common stressors include heavy workload, being in the public eye, having safety needs overlooked, and campaigning for reelection. 23

Safety concerns could also lead to judges’ stress. The Administrative Office of Pennsylvania Courts surveyed 1112 state judges in order to identify the stressors and safety issues they experienced. 24 The survey found that 52 percent reported experiencing one or more incidents of inappropriate or threatening communication(s) or physical assault. Of those individuals reporting incidents, over 70 percent indicated that the threatening action took place inside the courthouse.

Symptoms of judge stress
Involvement with trauma victims is associated with a wide variety of negative emotional, physical, and cognitive effects, including severe anxiety, loss of sleep, alterations in personal worldview, and occupational burnout. 25 Recently, researchers in the legal community have expressed concern that judges may be susceptible to similar consequences. Chamberlain and Miller found evidence of three main categories of stressors: secondary traumatic stress (caused by witnessing others’ trauma), occupational burnout (caused by work-related factors such as a heavy workload) and safety (caused by fear of being personally victimized).

Researchers and legal professionals have suggested that judges may experience what has been labeled “vicarious trauma.” 26 This framework for understanding stress reactions suggests that disturbing trial evidence and testimony can have lasting effects on the mental and physical health of judges. In a preliminary investigation of this issue, Jaffe and colleagues surveyed 105 judges; 63 percent reported experiencing one or more symptoms, including disruption of sleep patterns, intolerance of others, physical problems, depression, and a sense of isolation.

Similarly, Eells and Showalter found stress to be correlated with a range of cognitive, emotional, and behavioral symptoms. 27 Judges reported difficulty making decisions, feelings of tension, work blocks, lack of interest in activities, and negative feelings about one’s profession. Other reports indicate that legal professionals experience a variety of deleterious mental, physical, and emotional effects, including depression, substance abuse, objectionable behavior, exhaustion, and burnout. 28 It would not be surprising that such stress would affect juror and judge decision making.

Impact on decision making
There is much research investigating the effects of stress on behaviors such as sports performance, cognitive tasks, and testing. Unfortunately, there is no research that directly tests how stress affects judges’ and jurors’ performance. Nevertheless, some assumptions can be made based on the existing research. Arguably, symptoms such as anxiety, depression, and substance abuse could affect performance by impairing decision-making abilities. As Eells and Showalter found, some judges report difficulty in making decisions. This might mean that stress affects their decision-making skills and the decisions themselves. It is also conceivable that stressful events, such as threats of violence, could make judges pause before issuing their sentencing decisions.

Finally, Jaffe found that stress makes some judges intolerant of others at times. This might affect a judge’s patience with legal parties; as a result, a judge may not let the parties fully express themselves. This could have negative effects, as research has shown that allowing parties to be heard leads to greater perceptions of fairness. When the system is seen as fair, parties are more satisfied with the outcome and are more likely to comply with the judge’s ruling. 29

Similarly, jurors experience a variety of stressors that could potentially affect their decision making. First, jurors reported that it is stressful to answer personal questions in front of strangers during voir dire. As a result, some jurors could choose not to disclose important information that would normally preclude them from serving as a juror on that trial. For instance, rape victims are often excluded from being jurors on rape

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24. Jaffe, Vicarious Trauma in Judges, supra n. 9.
25. Eells, Work-Related Stress, supra n. 20.

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Violence directed at judges and their families represents a growing phenomenon and is a source of stress. Federal Judge Joan Lefkow, whose family was murdered in 2005, testified before Congress on security.

Trials. Nonetheless, a rape victim may be too embarrassed to admit her victimization during voir dire; thus, she would not be excused. Her undisclosed experiences could potentially affect her decisions and lead to a biased verdict.

Other sources of stress could affect jurors’ decisions as well. Exposure to gruesome evidence and complex or upsetting testimony could lead jurors to make decisions based on emotions rather than logic. Stress related to difficulty in understanding instructions, determining the guilt or innocence of a defendant, and reaching a unanimous verdict could make it difficult for jurors to come to a just decision. For instance, stressed jurors may (perhaps unintentionally) quit trying to understand complicated instructions or come to a consensus. Instead, they may rely on their emotions or biases in coming to a verdict. Finally, fear of publicity and reactions to the verdict could influence jurors. Fearing retaliation from the defendant or the defendant’s supporters could lead jurors to be less punitive.

Although the effects of stress on decision making are speculative, these examples highlight some of the potential ways that stress could negatively affect the justice system. To avoid such outcomes, researchers and mental health professionals have developed a few interventions.

Stress interventions
Researchers have designed a variety of strategies to alleviate courtroom stress.27 Alerting jurors and judges to the potential causes and symptoms of stress and providing information about ways to cope could prove beneficial to both types of decision makers. Interventions, such as post-trial debriefings, pre-trial informational programs, and individualized combination interventions have been suggested and could help alleviate juror and judicial stress.

Post-trial debriefings. The most commonly used intervention, the post-trial debriefing, involves talking with a professional about the trial experience at the conclusion of the trial. Jurors discuss their emotions and thoughts in order to minimize the negative impact of the trial. Feldmann and Bell developed a post-trial debriefing that was similar to crisis debriefings for victims of crimes, natural disasters, or similar traumas. This model, sometimes labeled a “critical incident stress debriefing,” was developed for use with individuals in high-stress occupations such as police officers and emergency medical personnel. The positive effects of post-trial debriefing efforts have been reported by a number of sources.28 However, the support gained from these reports is largely anecdotal and lacks the methodology to draw reliable scientific conclusions regarding the efficacy of post-trial debriefings.

Bornstein and colleagues conducted a study that measured jurors’ stress before and after a post-trial debriefing.29 It also had an experimental component; researchers randomly determined which jurors would receive a debriefing. Finally, a one-month follow-up survey assessed stress symptoms. Jurors reported lower levels of stress overall, which was likely due to the relatively unemotional nature of the cases (e.g., contract disputes or minor automobile accident cases). Jurors perceived the debriefing intervention as helpful, however stress levels were similar at pre- and post-debriefing. Although stress levels were lower on some measures at the one-month follow-up than immediately after the trial, this reduction was not moderated by whether or not jurors received the debriefing. This likely indicates that stress decreases naturally with the passing of time.

Professionals in psychiatry or psychology led the interventions described above; interventions administered by judges or other court personnel are an alternative approach. Judge-led debriefings have many benefits over professional debriefings. First, they are less expensive to conduct. Many people feel that speaking to a psychologist or psychiatrist carries the stigma of mental health counseling; an informal, judge-led debriefing can help avoid this negative association. Jurors may be more comfortable discussing their emotions in a less formal setting with a judge with whom they shared the trial experience. In this circumstance, the debriefing may be viewed more similarly to communicating with a friend, rather than a counselor.

Some judges are reluctant to uti-
alyze judge-led debriefings, however. They may be concerned that they could learn things (e.g., juror misconduct) that would jeopardize the integrity of the trial or influence their post-trial decisions. Additionally, judges generally do not have the skills to conduct a post-trial debriefing. For this reason, professionally led debriefings could ultimately be more successful at reducing jurors' stress levels. Debriefings led by professionals or court employees would also avoid the legal issues that accompany judge-led debriefings. These examples illustrate the complexities that surround debriefings. Simply put, both judge-led and professional-led debriefings have their pros and cons.

Professional debriefings are also a possibility for judges who witness stressful trials. While no studies have investigated the possibility, it is likely that debriefings could help judges manage stress. If a courthouse has a specially trained employee to address trial stress, the judge could take advantage of that service. Otherwise, an outside professional could help judges address their needs.

**Pre-trial interventions.** Pre-trial interventions are designed primarily to prepare jurors and judges for the stress they may experience during the course of a trial. They educate judges and jurors about the potential effects of stress, provide information needed to recognize symptoms, and teach a variety of coping techniques. In contrast to post-trial interventions, which attempt to treat symptoms of stress that have surfaced after a trial, pre-trial interventions are designed to be proactive and to prevent the onset and escalation of stress. Videotaped interventions are a form of pre-trial intervention that provides a cost-effective alternative to other forms of debriefings. For example, the Washington Victim and Witness Services offered a 15-minute pre-trial video entitled “Jurors are Victims Too.” It was designed to educate jurors about stress, validate their feelings, and prepare them for delayed stress symptoms.

While preventing juror stress is a laudable goal, some judges hesitate to use such techniques. Some are concerned with biasing jurors’ perceptions and decision-making processes. Critics argue that any type of pre-verdict intervention could alter verdicts, thereby jeopardizing the defendant’s right to a fair trial and threatening the integrity of the judicial system. In some circumstances, the legal system allows, and even encourages, jurors to be influenced by their emotions. For instance, jurors are allowed to rely on their emotions when considering how the crime impacted the victim or his family. Pre-trial interventions potentially weaken jurors’ stress reactions and emotions, potentially creating unfairness in the trial process.

Judges could also benefit from pre-trial interventions. In preparation for a trial that is expected to be particularly stressful (e.g., a gruesome child murder case), a judge could use stress reduction techniques before the trial begins. Even simple measures like taking a day off or engaging in a relaxing hobby could reduce judges’ general stress levels and help them cope with oncoming stress. Judges could also periodically take a refresher course in stress management, which would remind them of the coping mechanisms and signs of stress. These measures could be formalized into a pre-trial intervention program. While the interventions just discussed are designed to help jurors and judges in general, not all individuals will respond to the stressors of trial in the same manner. Thus, some experts recommend specialized interventions.

**Combination interventions.** Nordgren and Thelen suggest that the needs of each juror should be taken into account, and that the appropriate intervention should be based on both the needs of the jury as a group and the jurors as individuals. This strategy, called Graduated Jury Stress Management (“GJSM”), contains five levels that are administered according to the stress level of the individual juror. Although GJSM is designed to be a post-trial intervention, some aspects (i.e., written instructions) could also be redesigned to be appropriate for a pre-trial intervention.

In the first level, jurors receive written materials containing information about stress reactions and potential coping strategies. The second level involves jurors with mild stress levels. The judge gives jurors basic stress management information along with the standard post-trial discharge instructions. Jurors with moderate stress receive a third level of intervention that is labeled “flexible defusing.” This level includes a 15-20 minute debriefing during which a mental health professional explains normal stress reactions, offers coping strategies, and assesses individual jurors to determine if further debriefing is necessary.

“Jury Stress Debriefing” comprises the fourth level and is intended for those individuals with more significant levels of stress. This stage was adapted from critical stress debriefings that are utilized with emergency workers. Jurors discuss their experience, symptoms, and coping strategies with a professional. The interventions at this level are not considered counseling, and are primarily intended to assist jurors in returning to their normal lives. A fifth level of intervention is reserved for those with the most severe stress. An extended period of individual therapy focusing on relieving the juror’s stress-related symptoms may be necessary. These five levels represent a scheme that provides an appropriate level of intervention for each juror.

In another comprehensive scheme, Miller and Bornstein suggest that a combination of pre-trial intervention (e.g., a video intervention) and some form of tailored individual intervention (e.g., the Graduated Jury Stress Management) is the best way to combat jury stress. Giving jurors informa-

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31. Miller, Causes and Interventions, supra n. 6.
33. E.g., Bienen, Helping Jurors, supra n. 15, at 10.
34. Nordgren, Helping Jurors, supra n. 15.
35. Miller, Causes and Interventions, supra n. 6.
tion in a pre-trial video would help them prepare for potential stressors and symptoms of stress that could occur during the trial. After the trial, the court would provide individualized help to meet each juror’s needs.

Miller and Bornstein note that determining what type of treatment each juror needs could be challenging. Considering the amount of stress that judges already experience and their lack of formal training in diagnosing stress, it does not seem feasible to rely on the judge’s observations to diagnose the jurors’ stress levels. Psychological tests could be levels of interventions specifically tailored for each juror’s needs. Debriefings and interventions indicate the court system’s willingness to help jurors and judges deal with stress.

**Recommendations**
We recommend the following policy and procedural changes to address courtroom stress.

*Attitudinal changes.* Perhaps one of the most needed changes involves modifying attitudes toward stress interventions. The legal system should support a culture that accepts interventions as a normal part of the trial process. A culture of acceptance would allow judges and jurors to seek help when needed, without fear of stigmatization. Courtrooms that have implemented juror stress interventions have recognized this need and acknowledge the existence of jurors’ stress. The legal system has been slower to recognize the needs of judges.

Court personnel should take steps to change unsupportive environments. Changes are needed in the expectations that society, court systems, and judges themselves have about how judges should handle stress. Because of their positions as problem solvers, judges may think that they should be able to handle stress without any assistance. The broader legal system may feel similarly. This is unfortunate, as it prevents judges from seeking help when they need it.

Similarly, judges may think that they should not react to safety threats. Although 70 percent of judges said that they had experienced incidents of a threatening or inappropriate nature, 42 percent admitted that they had not changed their behavior. It is particularly

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The legal system should support a culture that accepts interventions as a normal part of the trial process.
tially reduces stress associated with resolving disputes in court. Collaborative lawyering also lessens judges’ caseload, because many disputes are handled without trial. Despite the potential benefits, collaborative lawyering is little used.

Judicial mentoring programs. Bremer suggests that judicial mentoring programs are necessary to help new judges adapt to their occupations. Such relationships should continue throughout the judges’ careers. Mentors can act as important confidants and help newer judges recognize and address their stress. Mentors can also help new judges conduct their duties in ways that minimize stress. Bremer suggests that older judges enjoy the mentoring process, which could increase job satisfaction and indirectly reduce stress. Because mentoring relationships help both parties, formal mentoring programs should be encouraged.

Jurly innovations. Courtrooms across the country are adopting measures to address jurors’ needs. Some measures include providing free daycare, internet access, free parking, and free public transportation. Some jurisdictions are increasing jurors’ pay and allowing jurors to ask questions and take notes during trial. While such measures may seem inconsequential, they may actually help address jurors’ stress. These innovations address jurors’ concerns about lost wages, getting behind in their work, and trying to remember all the details of a case. These measures can reduce the impact of some stressors.

Changes in time management. Jurors could be allowed to take short, periodic breaks or even time away from the courthouse. While this may interrupt the trial process, a few hours away could allow jurors to relax and address family and work issues that could preoccupy their attention. Nevertheless, breaks should be brief (perhaps a day or less). Long breaks increase the chances that the juror will be exposed to trial information that could interfere with the integrity of the trial.

Judges should also take time off. They could have short retreats to participate in sports or hobbies. They should also be allowed longer sabbaticals, which would allow them to take off a week, a month, or even longer. These measures will allow judges and jurors time to relax and reduce their stress before returning to their duties in court.

Adoption of educational interventions. Court administrators should institute appropriate interventions to address stress. A combination approach suggested by Miller and Bornstein could prove helpful and relatively cost effective. They suggest a pre-trial video that helps judges and jurors recognize stress symptoms and utilize coping mechanisms. This video is paired with a multilevel intervention program that provides varying levels of intervention tailored to the individual needs of the judge, the jurors, and the jury as a whole.

A specially trained staff member could show the video before the trial. After the trial, the staff member could administer the stress measures to determine what level of intervention is needed for each juror. Because some jurors might be in a hurry to go home or to work, they will have the option of delaying their participation. Jurors who do not wish to participate will be given information on who to contact if they experience stress at a later point. The staff member would also assess the judge’s level of stress at the judge’s request.

As previously mentioned, some judges do not approve of pre-trial videos because of the potential that the videos could affect jurors’ decision making. Specifically, some judges feel that the defendant’s rights should be protected, even though the videos could protect jurors from the harms associated with experiencing a gruesome trial. Such benefit is speculation at this point, as it is unknown whether pre-trial videos actually help reduce juror stress. In addition, it has not been determined whether pre-trial videos do, in fact, affect jurors’ decisions. Even if jurors’ decisions are affected by watching videos, it is possible that a court could determine that the benefits (e.g., protecting jurors from harm) outweigh the cost to the defendant.

The Supreme Court was faced with a similar dilemma of weighing the benefits of protecting child witnesses against the cost of the defendants’ constitutional right to confront their accusers. The Court determined that, in some instances, measures can be taken to protect witnesses, even at the cost of the defendants’ rights. Specifically, a child witness is allowed to testify by video camera even though this method could arguably violate the defendant’s rights. The Supreme Court determined that judges could weigh the state’s interests in protecting witnesses from harm against the defendant’s constitutional rights. If the court feels that protecting a witness outweighs the potential harm to the defendant, then it can take measures to promote those benefits (e.g., allowing a witness to testify by video camera). The Court has never been faced with the issue of protecting jurors from harm, however. Nevertheless, it might be permissible for a court to protect its citizen jurors by providing them with a pre-trial video.

Implementation of safety measures. Protecting judges and jurors from harm is an essential component of preventing stress, as previous research has determined that both groups have concerns about safety. Courthouse personnel can conduct comprehensive facility assessments, update security equipment, institute standard operating procedures, and inform all courthouse employees of relevant safety procedures.

37. Bremer, Mentoring, supra n. 5.
39. Id. See also Jury outreach in the United States, National Center for State Courts. 
40. Miller, Causes and Interventions supra n. 6.
42. See, for example, Iowa State Bar Association Courthouse Task Force, Final Report (2005). Available at http://www.iowabarc.org/ishareport.nsf/5bb5a4fae12f40a480256668b00fe27a/6457dc2da5d5046c862570d800190de8?OpenDocument
Might pre-trial efforts, such as a video designed to help judges and jurors recognize stress, affect jurors' decisions? The Supreme Court was faced with a similar dilemma of weighing the benefits of protecting child witnesses against the cost of a defendant's constitutional right to confront his or her accuser when permitting child witnesses to testify by video.

ble, court administrators should acquire and implement professional safety assessments. Courthouses can offer safety procedures such as police escorts to the parking lots. Safety education and awareness programs should offer judges safety tips, training (e.g., self defense) and easy access to safety devices (e.g., personal alarms). Judges' home safety is also a concern as judges' families may be at risk of experiencing violence. Such safety measures potentially help reduce courtroom stress.

Program development. Psychologists should focus on developing programs that focus on preventive measures and debriefings; counseling should be considered only as a last resort. Preventive measures are of utmost importance because they promote well-being and help jurors and judges avoid some stress. Debriefings or defusings assume that judges and jurors are normal individuals experiencing abnormal stressors. In contrast, counseling carries a stigma that prevents help-seeking and dissuades positive attitude change. Specific psychological measurements should be developed for use in the courtroom, as discussed above. Thus, we recommend debriefings and defusings for both judges and juries.

Research. Research is needed to gain a fuller understanding of courtroom stress. Researchers can continue to identify the causes and symptoms of judges' and jurors' stress. Miller and Richardson suggest a "model of judicial stress" that has the potential to identify the causes and outcomes of judicial stress. A comprehensive test of this model would identify the factors that put some judges at an increased risk for experiencing stress. The theoretical framework suggested by vicarious trauma is a good starting point for researchers who are interested in studying judges and jurors.

Further, psychologists can develop stress measures, interventions and coping strategies. Researchers also need to address the effects of stress related to safety concerns. Another area of study would involve the effects of stress on decision making. Specifically, researchers could examine the role of emotions and cognitive overload. Such research would provide the foundation for addressing stress in the courtroom.

Monetary support. These recommendations will require a great deal of financial support. Money is needed to conduct research, train staff, purchase safety devices, implement interventions, and hire more employees. This is typically a problem for most courthouses, as funds are limited. Nevertheless, funding is needed to ensure the safety and health of judges and jurors. Thus, we recommend that the government provide more money to reach these goals.

Conclusion
Judges and jurors play an integral part in the trial process. Research has indicated that both groups experience a variety of stressors and symptoms of stress. While a number of interventions have been suggested, most have not been tested for effectiveness. Nevertheless, a number of interventions and changes have potential to reduce the amount of stress judges and jurors experience. While it might not prove practical to implement comprehensive jury and judge stress interventions in all jurisdictions, it is important that measures are taken to address courtroom stress and safety. These are minor costs to pay to protect the judges and jurors who are critical to the efficient functioning of the American justice system.