

JUDICIAL ROUNDTABLES

Background

In September of 2011, the New York Times ran a story about the growing use of “Schwartz Rounds” [<http://well.blogs.nytimes.com/2011/09/15/sharing-the-stresses-of-being-a-doctor/>]. According to the article, over the last fifteen years the [Schwartz Center for Compassionate Healthcare](http://www.theschwartzcenter.org) (<http://www.theschwartzcenter.org>) has created and implemented a hospital based program (Schwartz Rounds) to give medical clinicians an opportunity to discuss emotionally challenging cases or issues in their work. According to their website, the goals of the Rounds are to improve relationships and communication with patients and among providers and to enhance providers' sense of personal support. The Rounds are one-hour, case-based, interactive discussions held monthly or bimonthly and led by a physician and/or a professional facilitator. Each session begins with a brief presentation of a patient (or family) case by members of the health care team who cared for the patient. This presentation introduces multiple perspectives on selected psychosocial topics. Audience members and the presentation team participate in the facilitated group discussions that follow.

Around that time, Paul Curtin, the Special Projects Coordinator for the New York State Office of Court Administration, was searching for a format to encourage judges to talk about their experiences of being judges with their colleagues for the purpose of mutual support. He seized on the Schwartz Rounds idea and proposed its adaption for use with judges. Thereafter, Paul and the Honorable John Rowley, Chair of the New York State Bar Association Judicial Wellness Committee, secured an invitation to and attended several Schwartz Rounds sessions at a local hospital. Thereafter, the “Judicial Roundtable” model was created and approval was sought from the Office of Court Administration to launch this initiative for judges in New York State.

Now after two dozen or so Roundtables have been held all over New York State, these Protocols have been created in the hopes that other states will experiment with this model. The response from judges in New York State has been very good. At a time when the opportunities for judges to get together with fellow judges are so limited, these semi-structured conversations have been received very favorably. Judges both want and need to spend time with their colleagues to combat the isolation, stress, and burden of a job that most judges love.

Through Judge Rowley's past involvement with the American Bar Association's Judicial Assistance Initiative and former Judge Sallie Krauss' present involvement as Co-Chair of the JAI, these protocols are now being circulated around the U.S. and Canada. Both Michigan and Wisconsin judges are now utilizing this format in various jurisdictions since the fall of 2013. As more is learned about what is effective and what is not, these Protocols will be revised.

Judicial Roundtables

The Judicial Roundtables are planned around a theme relevant to judges and arrived at through planning between the facilitators (in New York's case, one judge and one mental health professional) and a supervisory judge or planning committee in the local jurisdiction. These themes should be light or mixed with humor. (No one showed up for a Roundtable where the theme was advertised as depression and suicide). While the actual conversation may go way off topic, it is necessary to pick a topic that will get the judges in the room. Either a direct invitation from an administrative judge or an appealing topic helps on that front.

Judicial Roundtables always involve face-to-face discussions. Although including judges by videoconferencing has been tried, it changes the dynamic and is not recommended. Only judges should be permitted in the room during the Roundtable, with the exception of a facilitator to promote the sense of confidentiality.

The preferred format is to hold Judicial Roundtables during an extended lunch hour (an hour and 15 minutes is about right) with lunch provided and travel expenses reimbursed. (Although this is not a requirement, it is much appreciated and actually gets some judges in the door that would not otherwise come). A good way to start is by having an informal lunch for about 30 minutes and then get into the program. After introductory comments, the judges can then be divided into groups of about 8-10 judges, mixing judges together regardless of status or title. What follows is 30-45 minutes of semi-structured discussion during which judges go around the table answering prepared questions. If it is not feasible to break up into groups, one can successfully manage Roundtables with up to 25 judges. However, if that is the format, inevitably only a small number of judges end up speaking.

Roundtable Planning Tips

- Get the permission of the administrative/supervisory judge and anyone else in the chain of command before doing any planning in a given judicial district.
- Attempt to identify and engage local judicial allies in the planning process
- Pick a date and provide as much advance notice as possible. Most judges prefer three months or more but we just go with what we can get. Start with a Save the Date as early as you can.
- At least several weeks before the Roundtable, circulate a detailed invitation identifying the topic (or several topics). For example "Decision Fatigue", "Everyone

Has An Opinion About Your Opinion”, and “Judicial Decision-making” have been used with good success.

- We recommend developing 4 or 5 questions related to the topic that judges will answer and then bring copies of the questions to the Roundtable. Several sample sets of questions are attached. The questions may not get answered but they are a good conversation starter.
- Make sure that you have personally invited all administrative/supervisory judges, as well as any allies and judges that you know are having difficulty on or off the job (all judges).
- Check out the Roundtable room in advance. It needs to be a convenient place, usually in a courthouse, where lunch can be served and tables set up for discussion.

Speaking from experience, careful oversight of the menu and paying attention to the logistics of each venue used for these presentations can save a lot of headaches.

Roundtable Format

Have the presenting judge and the mental health facilitator work the room a bit during the lunch to get a sense of the mood of the judges and connect to hot button local issues.

Start the program after lunch. If there is an administrative/supervisory judge present who wants to make some introductory remarks, they should do that, then after thanking our hosts and anyone else that helped make the event happen, the administrative/supervisory judge should excuse themselves from the room to ensure honest and open communication from the regular sitting judges. Then the facilitator judge usually starts off the program with some hopefully funny and self revelatory comments about the emotional experience of being a judge. Hopefully, you can then get a local judge to do the same. However, this does not come naturally to judges and might require a little advance preparation.

- The facilitators then give a brief introduction to the format, specifically, that going to the judges are going to divide up into groups of 8-10 and then answer a series of questions which are handed out. It is best to have a facilitator at each of the discussion tables.

- Generally, the discussions flow easily. Our recommended format is to have the facilitator start things off in an organized fashion by asking a judge to answer the first question and then proceed around the table with each judge answering the first question, then the second, etc. Often the questions become less important than the discussion. However, it is important that all the judges at the table be given an opportunity to weigh in. If a judge is getting long winded, the facilitator has the responsibility to manage that issue in the discussion. It is important when recruiting local judges to take on the facilitator role that they have been prepared about this role so that they are better able to manage the discussion in order that all the judges at the table get a chance to voice their opinions and feelings as the questions are proposed.

- If you are working with a larger group (if breaking up into smaller groups is not feasible, getting the conversation going in a productive way can be challenging.) It is usually easy to get people complaining and that has its place, but the goal is to encourage honest sharing about being a judge. One effective approach can be to ask people what needs to change so they will be happier in their job (fewer cases, different personnel, etc) and then ask them if there is something they could do in order to be happier now.

- Common Pitfalls
 - Problem solving – if one judge shares about their difficulties with a particular issue or procedure, some judges (especially male judges responding to female judges) like to jump in to try and solve the problem. While this cannot be prevented, it should be short-circuited. The point is not to solve problems; the goal is for judges to talk about the emotions they experience as judges. The facilitator might turn the tables on a problem solver by asking them how they feel when they are up against a very difficult or a seemingly unsolvable problem, etc.

 - War stories – stories about our experiences as judges are inevitable in these settings but again, they generally take the group off topic. The facilitator might say, “We all have war stories, but let’s look at these questions (which are focused on the here and now). It’s fine to entertain a “war story” if the judge is focusing on how the feelings about that past situation affected him/her.

Wrapping It Up

- Typically you will have to call a stop to the discussion at the end of the allotted time. The co-facilitator will then give a brief wrap-up. The major point that should be emphasized is that “all of us came in today with worries and stresses; we shared them with our colleagues; and although nothing has changed about the existence of those worries and stresses, we feel better (hopefully)”.
- This is also the time to plug other Judicial Wellness activities and resources, making written material available. It may be useful to try and enlist responsive judges to continue local efforts similar to this program.

After the Roundtable

- Sending written thank you notes to everyone who helped make the event happen ensures a possible invitation back to the jurisdiction at another time.
- Try to get a complete list of all the judges in attendance. Send them all an email thank you for participating and invite them to let you know if they would be interested in organizing related events.
- Generally, it’s a good idea to ask participating judges to respond by email to a series of evaluation questions. A sample set is attached.
- Going forward, the goal is to hold a roundtable a year in any given geographic area. In that regard, look to develop a pool of judges in these localities who can help with the future planning and assist in the mutual support the Roundtable has hopefully created in the jurisdiction where the presentation has been given.

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