

Summary Of Issues Arising from Pacific Justice Sector Wellbeing Forum Online 13 April 2022

Introduction

To begin, I wish to state what an honour and delight it was for me to be able to help plan, facilitate and present at this conference. Janine McIntosh and her team, Collette Thaisen and Sylvia Riches have once again worked so hard to make this happen, and I am very grateful for their excellent planning and support. Some 45-50 judicial officers attended and participated enthusiastically in the whole program and reported finding it useful and worth attending. Some issues arose during discussions that the group requested be brought back to Heads of Bench as they plan and implement wellbeing measures across the courts.

Issues affecting the wellbeing of judges discussed included:

- Physical and mental health of judges
- The affects of adverse media, high profile cases and political and constitutional upheaval
- Criminal cases and distressing evidence in the form of photos, film, images etc.
- High list quotas
- Not enough judges
- Access to justice issues
- Reliable technology
- Being unable to access clinicians that weren't already seeing defendants
- Cultural reluctance to self-report mental illness and stress
- Difficulties involved in constantly encountering court users in local community
- Further pressure from COVID affecting all of these issues and their ability to have a proper break.
- Vicarious trauma

Suggested Responses

- Physical and mental health wellbeing checks for judges. There was a difference of opinion about whether these should be mandatory or not. (I personally would prefer both to be mandatory) A suggestion was made to start in this area by offering voluntary (or should we say "strongly recommended") medical checks, say half yearly and go from there.
- In other jurisdictions (UK, Aust, NZ) counselling is also being offered to judges and their families up to 6 sessions a year and during difficult criminal cases.
- Proactive wellbeing sessions which clinicians/coaches to get practical strategies to manage the work and its stressors are being offered in Australia. Two suggestions to provide the clinicians were: invite clinicians from NZ, Australia, US for a week's "clinic", and/or use online services. The Federal Family & Circuit Court of Australia is using the FBG Group wellbeing@fbggroup.com
- That the pressure of the list be looked at. I include a blog from Sir Andrew McFarlane former head of the UK family law Circuit here to show you how that discussion is progressing in UK at least. [Wellbeing and the Family Justice System by Sir Andrew McFarlane \(President of the Family Division\) - Wellbeing at the Bar](#) When I had the great privilege of hearing Sir Andrew

speaking at the Wellness for Law Forum in the UK in 2019, he said: "if it's the list or the judge that has to go it's the list that should go."

Summary

The webinar was I think a good starting point for getting the judges to better understand the risks off the work and to begin to change their practice to mitigate this risk and enhance their wellbeing. I would strongly recommend the following:

Professional Clinician Lead Supervision be made available to all judges in all courts at least quarterly which could be facilitated by bringing the clinician to the common room on the designated days, where locally available or as mentioned above flown in for clinic weeks or accessed online. Duration of the session 1.5 hours.

I would like to see clinic days as described above for both counselling and well-being checks be given a trial to see if that improves judges' uptake and accessibility.

Provision of access to clinicians for judges and their families during trials with harrowing content to be added to the existing measures and what is described above.

Thank you once again for the opportunity to work with you in the important area. I remain ready to assist in way I can as you go forward.

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