



CAJO

CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS

Exploring the Wellbeing of Caribbean Judicial Officers

Report on the CAJO's Judicial Officer Wellness Survey

July 2021

The Caribbean Association of Judicial Officers (CAJO) brings together the region's Chancellors, Chief Justices, Judges, Masters, Registrars, Parish Judges, Magistrates, Tribunal Members, Executive Court Administrators, and other judicial staff. The first meeting of judicial officers across the region took place in June 2009 in Port of Spain, Trinidad and Tobago and this marked the birth of the CAJO. With its own Constitution and membership, the CAJO was ably headed by Hon Mr Justice Adrian Saunders, President of the Caribbean Court of Justice (CCJ), who served as Chair from 2009 – 2019. The CAJO is led by a Management Committee which comprises judicial officers elected at the Association's Business Meeting held biennially. At present, Hon Mr Justice Peter Jamadar, Judge of the CCJ, serves as Chair of the Association with Hon Mme Justice Vivian Georgis Taylor-Alexander, Judge of the Eastern Caribbean Supreme Court, as Vice-Chair. The Management Committee comprises 15 members from almost all countries in the region. The CAJO is also supported by its Research and Programme Coordinator, Elron Elahie. The CAJO provides a host of judicial education engagements for judicial officers across the region including its Biennial Conference, training programmes and workshops on various topics and areas of law and practice, and a biannual Newsletter, CAJO News.

Report written by Elron Elahie and Peter Jamadar

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Introduction

Judicial officers function and work in a contested conceptual space. Their foundations have been debated by legal and social philosophers for centuries. And while this does not arise directly out of the research that underpins this report, it bears significance as brought to the fore is the underlying vastness of and tension in what the judicial officer is imagined to do and to be. **This is fundamentally a matter of judicial integrity as an integral and holistic core judicial value. The intersections of wellness and integrity lie at the heart of this research. The data collected, when analysed and reflected upon, is cause for concern.**

Whether judicial officers are squarely Hartian or Dworkinian beings, prudent moral reasoners, varied legal positivists, simply pragmatic utilitarians in the mould of Bentham or Mill, or more post-colonial 'Caribbeanised' constitutional functionaries (or any combination thereof), the traditional and current debates reveal one poignant truth – **that judicial officers engage a number of roles which require public accountability and transparency for very disciplined thinking, reasoning, and behaviour. Their public personas allow little room for indiscretion, indulgence, or hedonistic extravagance. In small Caribbean societies, even permissible professional error can be a cause of public ridicule or shame. What is therefore clear, is that the work of a judicial officer is immense and expectations run incredibly deep.** The idea of depth is significant as naturally, a greater depth means increased pressure. And pressure is impacted by variables that are either predictable or appear without notice.

The ongoing global pandemic is one such variable that remains a modern-day twilight zone in technicolour. **For Caribbean heads of judiciary and judicial officers who are already tight-rope walking above burnout, stress, and a lack of resources, this tsunami of uncertainty that is COVID-19 has complicated realities in unanticipated and perhaps unbearable ways.** Forced to be immediately responsive to the changed face of the administration of justice, judicial officers have found themselves in unfamiliar discovery, often with little time and space or resources to sufficiently process, engage healthy distance, and attend to the numerous other requirements of human living.

Concerned with the wellbeing and performance of judicial officers across the Caribbean, the CAJO sought to explore the experiences of judicial officers in relation to various aspects of wellbeing. This was done by way of a regional electronic survey.

Indeed, over the past few years, sessions on Judicial Stress have been among the most subscribed by Caribbean judicial officers, so the recent rapidly changing judicial landscape resulted in even more smoke signals across the region. **This CAJO-led interrogation is not simply an attempt to collect data and create singularly designed interventions. Rather, the CAJO is engaging insights towards targeting whole-system change. That is, in all of its programming, knowledge and information sharing, and operation, the CAJO recognises and incorporates wellbeing as a core element.** This research also suggests that Caribbean Judiciaries may also need to do the same.

This report shares some of these surveyed experiences and insights. By understanding the issues faced by judicial officers across the region, appropriate interventions can be conceived and calls to action become strengthened. These insights also provide an opportunity for each of us to champion the recognition and promotion of wellbeing on the bench, in our workplaces, and in every other part of our lives. **By recognising that wellbeing is fundamentally connected to and connects all parts of our being, we not only ensure healthier judicial officers, but healthier systems that secure and promote equality, fairness, and justice.** From a more utilitarian perspective, **wellbeing is directly linked to performance. And ethically, the wellbeing of judicial officers, of all judicial staff, is an imperative of judicial integrity – a core value that requires attention to the whole system.**

Background

The CAJO's Wellness survey was open for participation **from March 23rd – May 15th 2021 and received responses from 126 judicial officers across the region.** The survey was anonymous which meant that responses were not person or country-specific but, judicial officers shared their age bracket and selected the jurisdiction in which they function.

As shown in Figure 1, 83% of participants were under the age of forty, with the remaining 17% over forty-one. **The majority of participants (44%), as shown in Figure 2, were from the High Court, with 33% from the Magistracy/Parish Court, 14% from the Appellate jurisdiction, and 6% from the Registry.** While the number of judicial officers participating in the survey is not equal to all judicial officers in the region, the CAJO accepts the importance of this data as it is no doubt suitably and statistically representative of a large number of judicial officers. The significance of relatively young judicial officers participating is not to be overlooked in the contexts of sustainability.

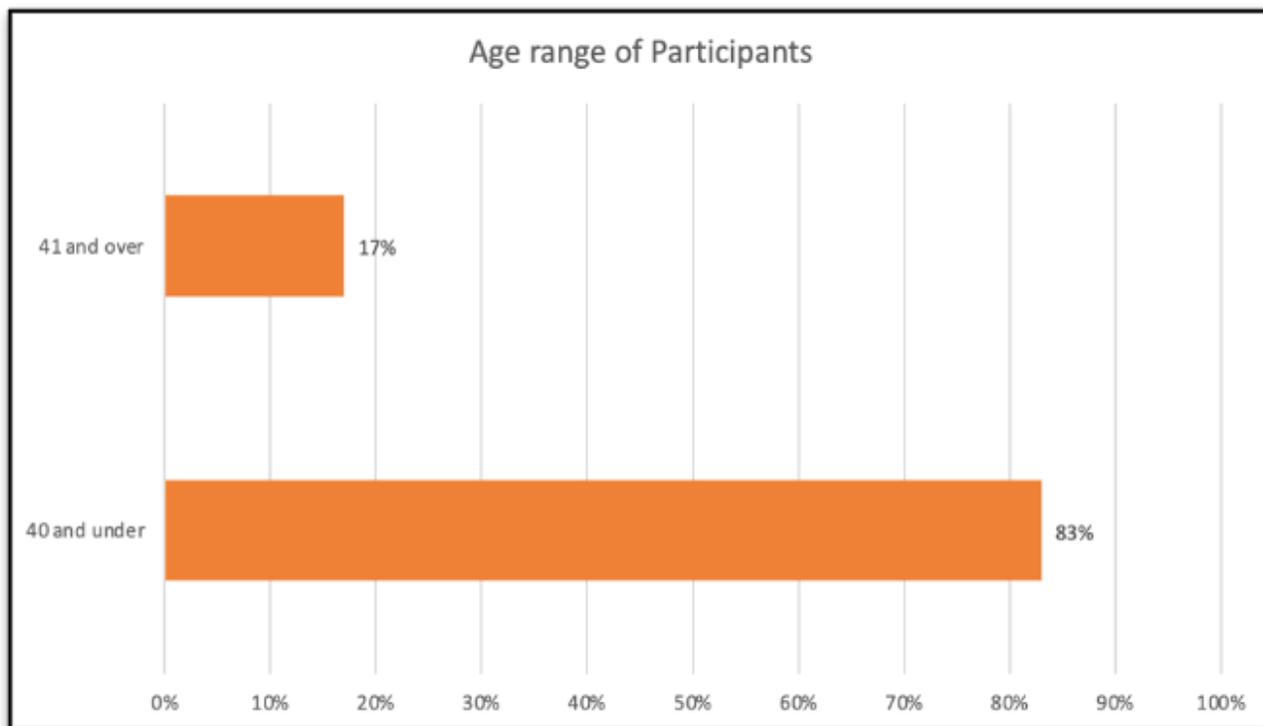


Figure 1

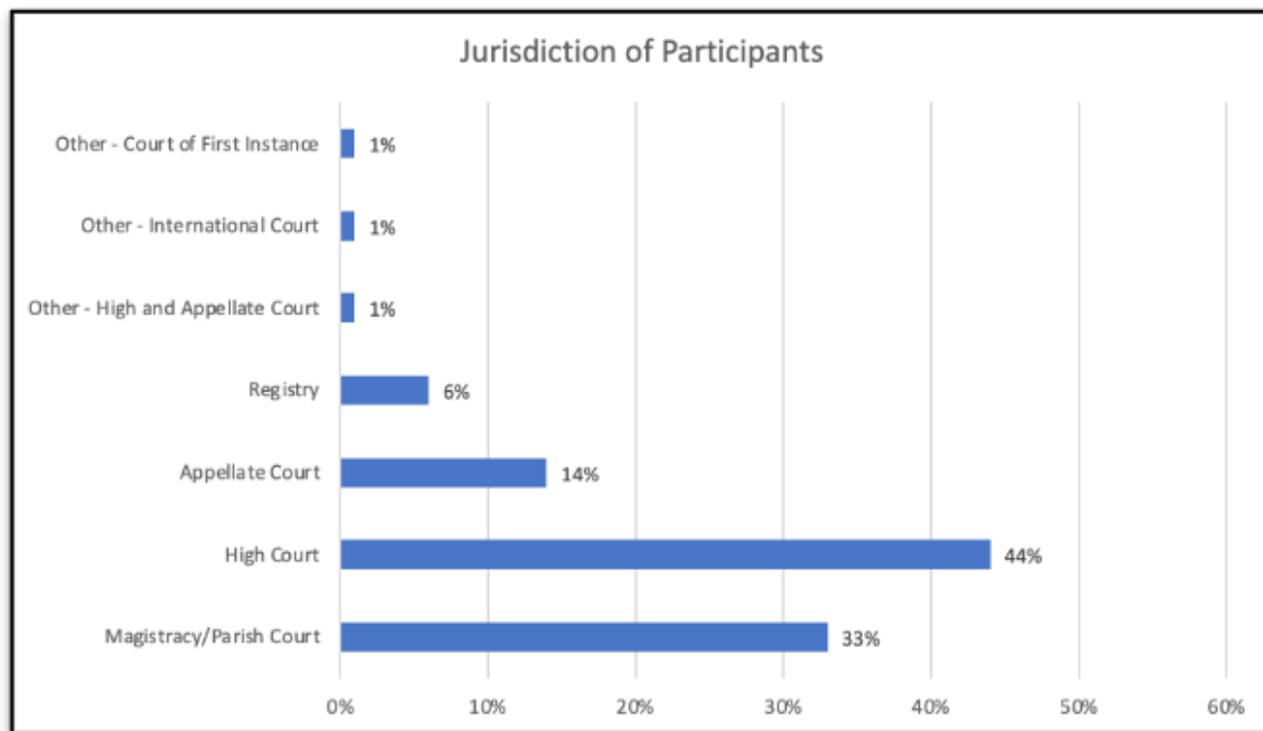


Figure 2

Exploring Experiences: Happiness and Fulfilment

Frequently, and certainly in more recent times, discussions around wellbeing have largely focused on the impairment of happiness and fulfilment and side-lined actual experiences of same. **The CAJO’s inquiry sought to balance this interrogation by viewing and valuing judicial officers’ lived experience of happiness and fulfilment while noting and paying critical attention to gaps in such experiences.** Judicial officers stated that in the past three months (of course at the time they took the survey), 26% shared they felt happy or fulfilled very often, 45% somewhat often, and only 4% felt happy or fulfilled extremely often. **However, a quarter of the participants (25%) stated that they never felt or did not often feel happy or fulfilled.** Figure 3 shows this data.

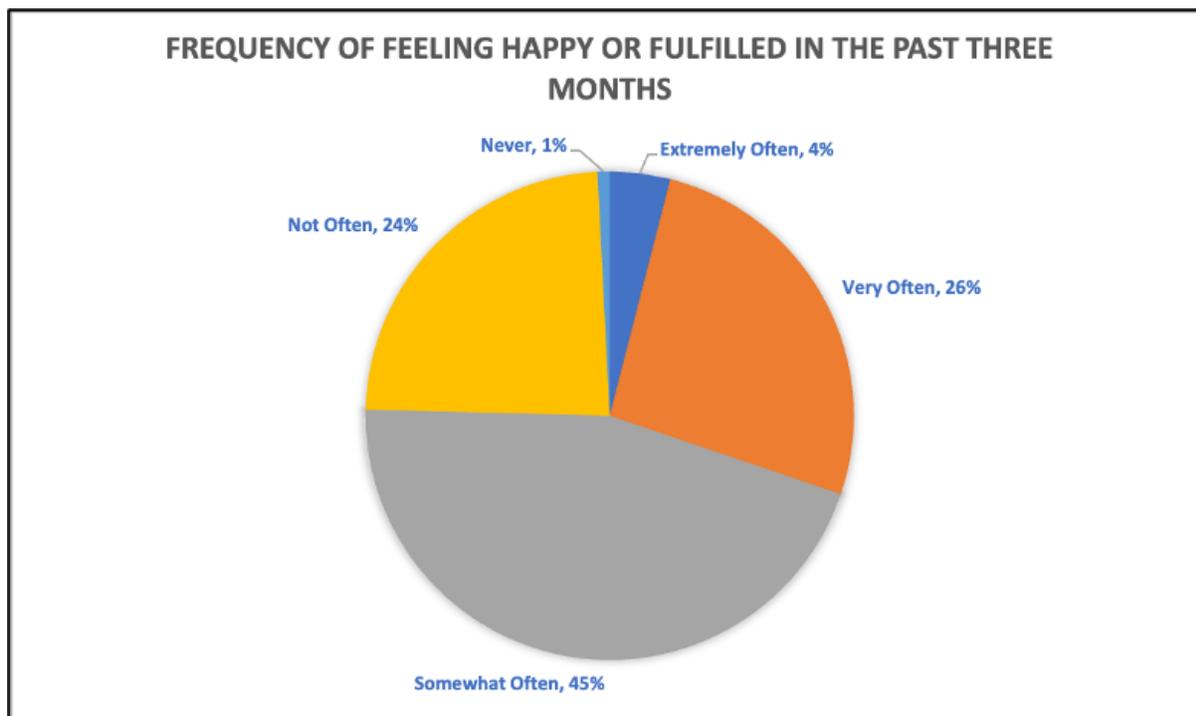


Figure 3

We consider these results to be very significant. **Though it is not expected that states of being (emotional, psychological, and otherwise) will always be defined by happiness or fulfilment, only a very small number of participants categorised those feelings as extremely often. And though 71% felt happy or fulfilled very or somewhat often, what is left open for deeper interrogation is what was experienced in the moments that happiness and/or fulfilment were not felt.** Ideas and experiences of happiness and fulfilment vary, they are inherently subjective, but judicial officers' ability to define those for themselves in taking this survey consolidates the reality that Caribbean judicial officers also feel and experience that which is not defined as happy or fulfilling.

Very notable was the **25% of judicial officers who shared that feeling happy or fulfilled in the past three months was either never or not often experienced (1% and 24% respectively).** Unlike their peers who have had more experiences or feelings of happiness or fulfilment, these judicial officers have clearly identified a different reality. But it remains, that for almost all participants, that there have been experiences not defined by happiness and fulfilment, but in varying degrees.

Which begs the questions: a) How should this concern regional judiciaries? And b) If it should, what are relevant and realistic interventions?

It was also important for the CAJO to better understand what contributes to judicial officers' feelings of happiness and fulfilment. **Judicial officers rated on a scale of 0-5, with 5 being the highest, what brought them these positive experiences and feelings. As Figure 4 shows, Judicial Work was among the lowest in receiving a score of 5 (15%), whilst Family and Personal Values/Belief were the highest (52% and 44% respectively).** However, it appeared that work did have a significant impact on some judicial officers' happiness and/or fulfilment. For 36% of judicial officers, work's impact on happiness or fulfilment was rated a 4 (a total of 51% thus gave a positive impact rating of 4 and 5). But, for 49% of judicial officers, Work was rated between 0-3 on their scale of contribution to happiness and fulfilment.

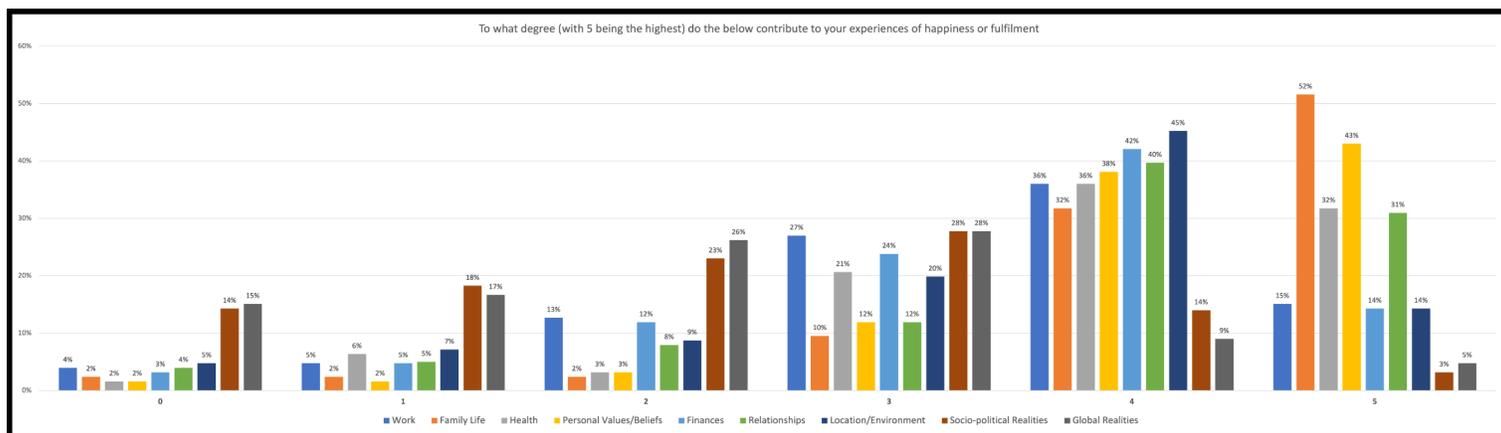


Figure 4

This is significant as the impact of work on happiness and/or fulfilment appears to be experienced very differently by roughly half of the judicial officers who participated in the survey. A closer look at the data shows that among judicial officers in each jurisdiction (Magistracy and Parish Courts, High Court, and Appellate Court) this dichotomy remains the same – the number of judicial officers in each jurisdiction that rate work as having a 0-3 impact is comparable to the number that rate the impact as 4 and 5. **The key takeaway being, that the impact of work on happiness and fulfilment runs deeper than the judicial officers’ jurisdiction – an important observation which can benefit from further interrogation.**

Significantly, both Global Realities and Socio-political realities contributed least to judicial officers’ happiness or fulfilment. 86% of judicial officers rated Global Realities at 0-3 and 83% rated Socio-political realities 0-3 in their contribution to happiness or fulfilment. However, a comfortable assumption when one considers the totality of the research is that the onset of the COVID-19 pandemic and the consequent fallout in local jurisdictions and on individuals have significantly impacted not only the work of judicial officers, but their very lives. Thus, for regional judicial officers, more general global and socio-political realities have the least impact on their positive feelings and experiences.

The CAJO did inquire of judicial officers what activities they do for fun or relaxation. Judicial officers selected the activities in which they engage and physical exercise was the most popular activity. Reading/writing and looking at TV/film were also common activities which judicial officers deemed as relaxing. One can reasonably assume that these activities may have a mitigating effect on experiences of stress, melancholy, and anxiety. Figure 5 below captures the responses.



Figure 5

Exploring Experiences: Stress, Sadness, and Anxiety

As established above, the role of a judicial officer is dynamic and demanding and expectations are high. The challenges of the COVID-19 pandemic have no doubt complicated and added difficulties to the realities of functioning as judicial officers. **Thus, it was critical for the CAJO to inquire about judicial officers' experiences of stress and anxiety and to get an idea of how they are impacted.**

When asked how frequently they feel stressed, only 1% of participants selected 'Never' and 4% selected 'Rarely'. **This meant that 95% of judicial officers experience stress either sometimes (47%), frequently (38%), and often (10%).** Figure 6 shows this information. The intensity of stress, however, is particularly significant. When asked to rate their general degree of stress on a scale of 1-5 (with 5 being the highest), 15% of judicial officers said their degree of stress is a little (13%) or not much (2%). **However, 85% of participants noted that their degree of stress is either medium (45%), a lot (32%), or overwhelming (8%).** Figure 7 captures this. This fundamentally reveals that regardless of the source of their stress, judicial officers are quite stressed! It is also important to note that 40% experience a significant amount of stress, generally.

Which again begs the questions: a) How should this concern regional judiciaries? And b) If it should, what are relevant and realistic interventions?

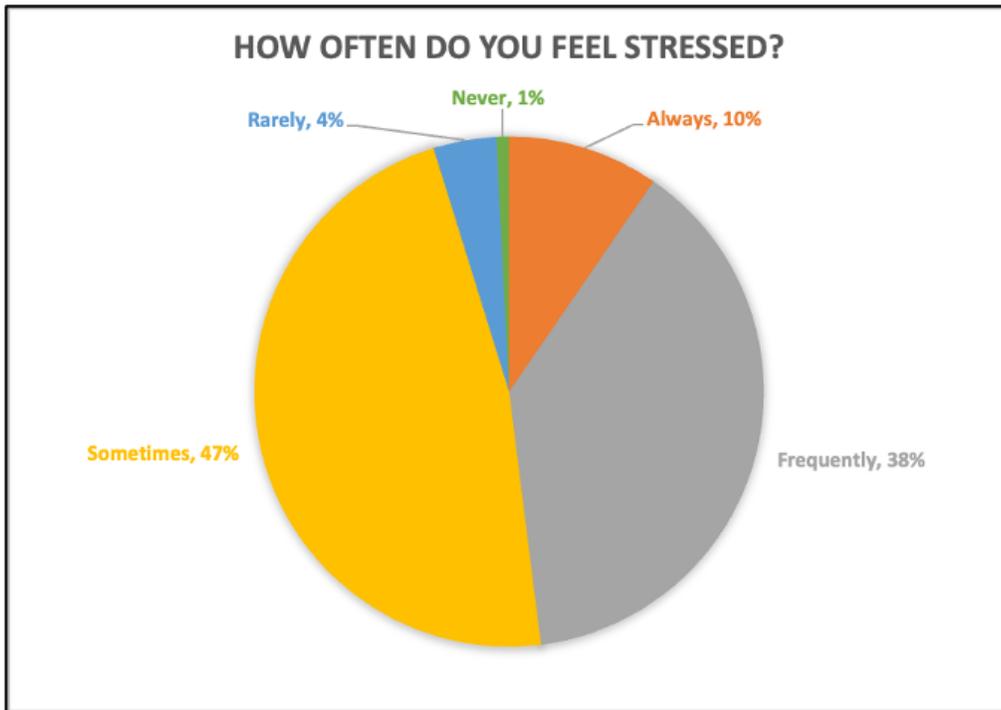


Figure 6

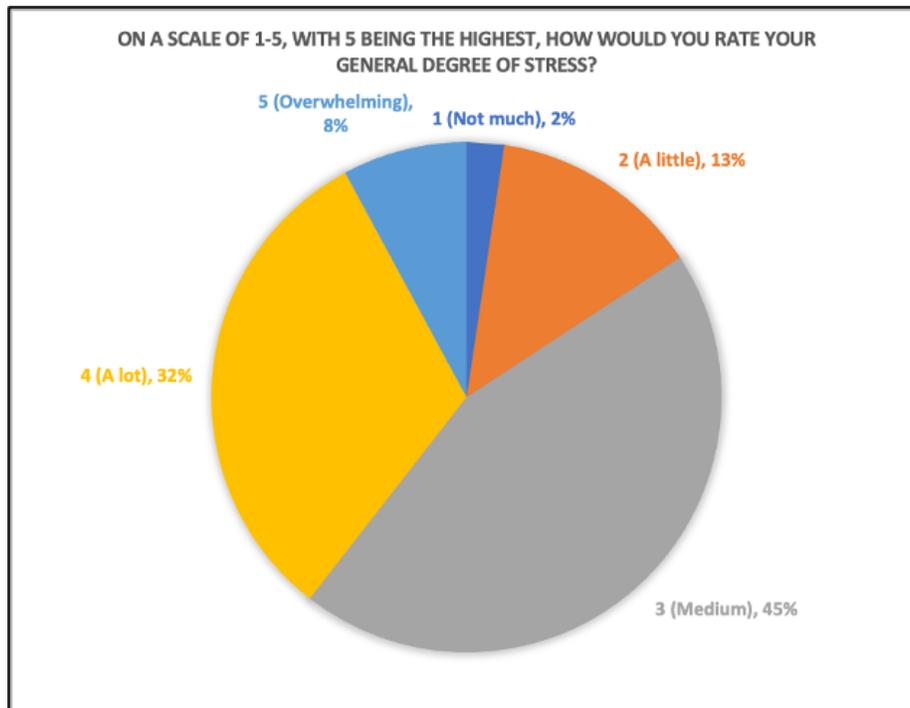


Figure 7

Disaggregating Stress, Sadness, and Anxiety Among Regional Judicial Officers

Experiences of Stress

When asked to rate (on a scale of 0-5 with 5 being the highest) the degree which different elements contribute to stress, **Work was rated as the largest contributor to stress. 72% of participants rated Work as 4 and 5 (33% and 39% respectively).** We consider this of significance. The second and third rated causes of stress were **Global/Local Health Realities and Socio-political realities.** Thus, there is little doubt that the COVID-19 pandemic has caused Caribbean judicial officers some degree of stress. **Notably, Personal Values/Beliefs, Relationships, and Location/Environments were among the three elements that least contributed to stress.** Figure 8 below shows the breakdown of this data.

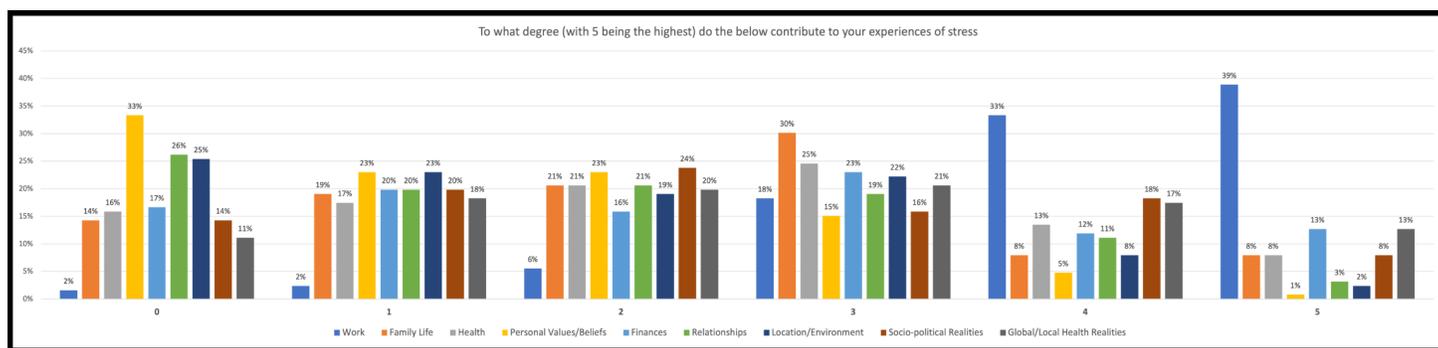


Figure 8

The CAJO thought it significant to inquire about the elements of work as a judicial officer that contribute to experiences of stress. **This was a significant inquiry as though judicial officers cited work as their main source of stress, the dynamic role of a judicial officers means that stress may be derived from the execution of different functions or intersecting realities.**

Using a scale of 0-5, with 5 being the highest, judicial officers were as to rate the degree to which a number of different areas contribute to their experiences of stress, and this is shown in Figure 9. The results of this inquiry were certainly interesting as most areas of work as a judicial officer were represented across the 0-5 spectrum. There were, however, a few peaks.

Just over a half of participants (54%) rated Availability of Resources either 4 or 5 as a contributor to stress. And just under 20% rated Institutional Systems (17%) and Structures, and Physical Work Environment (17%) a 5. Also of special note was the rating of 4 which was given to Execution of Duties by 36% of judicial officers, indicating for quite a large number, the work of being a judicial officer brings much stress. Judicial officers did rate their relationships with staff and co-workers as least contributing to stress. 60% of participants rated Relationships with Staff as 0-2 and 67% rated Relationships with Co-workers as 0-2.

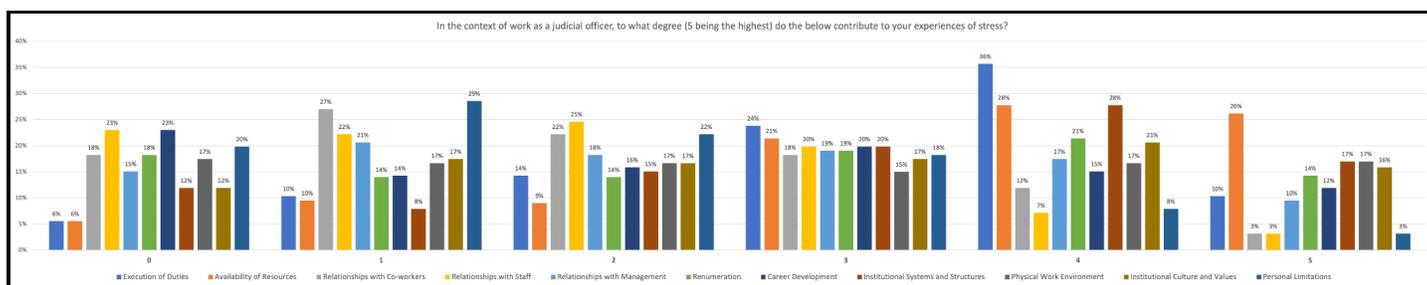


Figure 9

The above Figure 9 paints a very dynamic view of what specifically contributes to judicial officers' stress within the context of their work. While work itself is their major source of stress, it appears that a combination of the elements presented (Figure 9) and perhaps ones not listed or interrogated contribute to the experience of stress. We consider that the intersectionality of stressors on judicial officers is not to be underestimated or overlooked.

Experiences of Sadness and Anxiety

In addition to stress, the CAJO inquired about judicial officers' experiences of anxiety and melancholy. With the understanding that stress often impacts on mental health (i.e. the ways in which our mind functions and responds to internal and external realities), it was important to investigate how judicial officers characterise certain experiences in more nuanced ways. Judicial officers were asked to share about both frequency and degree of sadness or melancholy feelings and experiences.

Sadness and Melancholy

The majority of judicial officers (60%) stated that they never or not often felt inexplicably sad or melancholy. **However, 40% shared that they either extremely often (6%), very often (10%), or somewhat often (24%) felt inexplicably sad or melancholy.** The degree of sadness/melancholy also showed similar results. 54% of participants stated that within the last three months, they would characterise their general degree of sadness or melancholy as a little (40%) or not at all (14%). **However, 46% of participants described the degree of sadness/melancholy as medium (27%), a lot (15%), or overwhelming (4%).** Figures 10 and 11 show both the frequency and degree of experiences of sadness/melancholy.

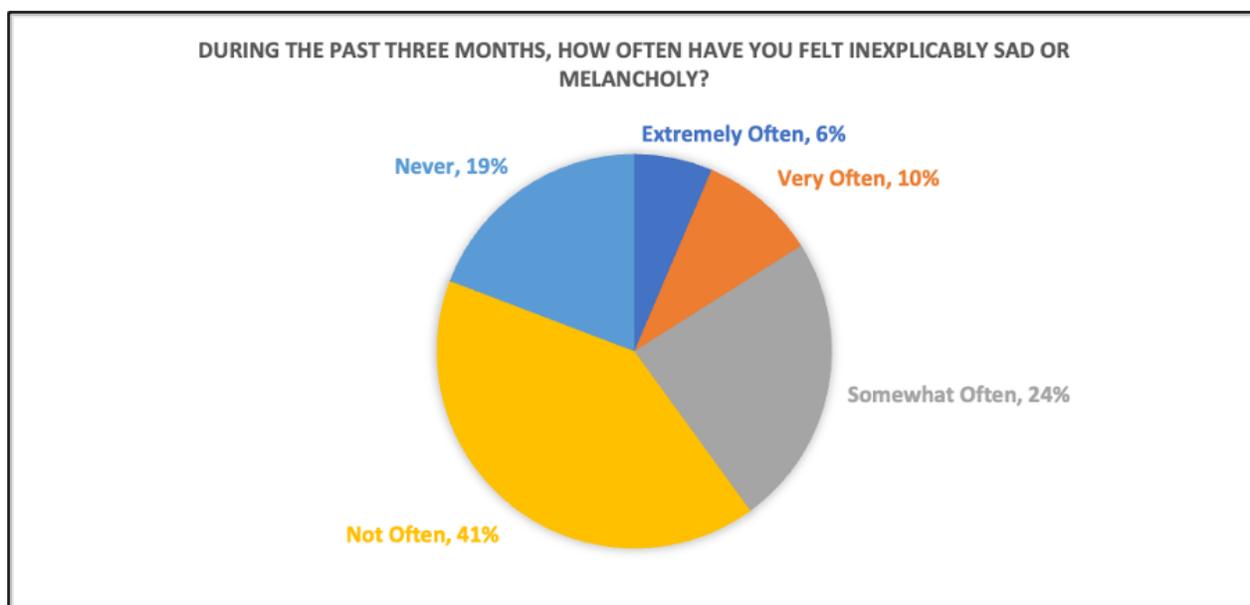


Figure 10

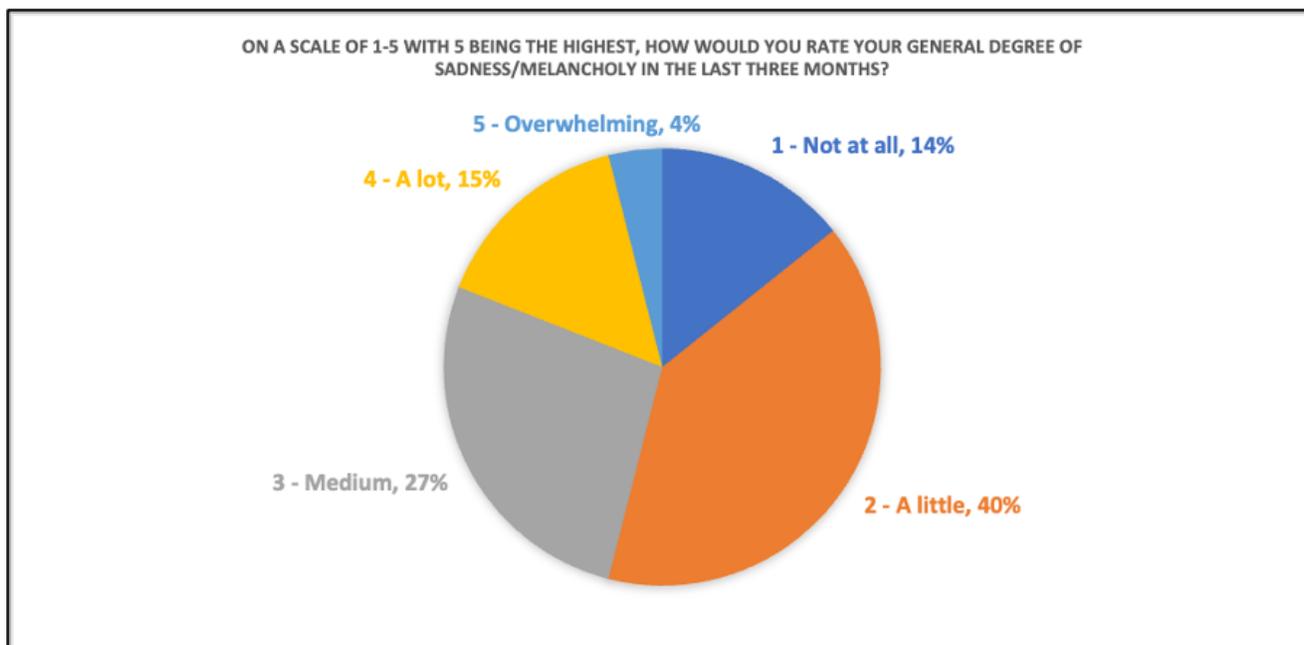


Figure 11

Anxiety and Unease

Similarly, judicial officers were asked about the frequency and degree of their experience of anxiousness/unease. Using the same measure of evaluating experiences of the past three months, **56% of participants noted that they have felt anxious/uneasy somewhat often (35%), very often (12%), or extremely often (9%).** The degree of experiences of anxious/uneasy feelings also showed similar results. **Just over half (56%) of participants rated their experience of anxiousness/unease as medium (35%), a lot (15%), or overwhelming (6%).** Figures 12 and 13 below show these realities of the frequency and degree of experiences of anxiousness/uneasiness.

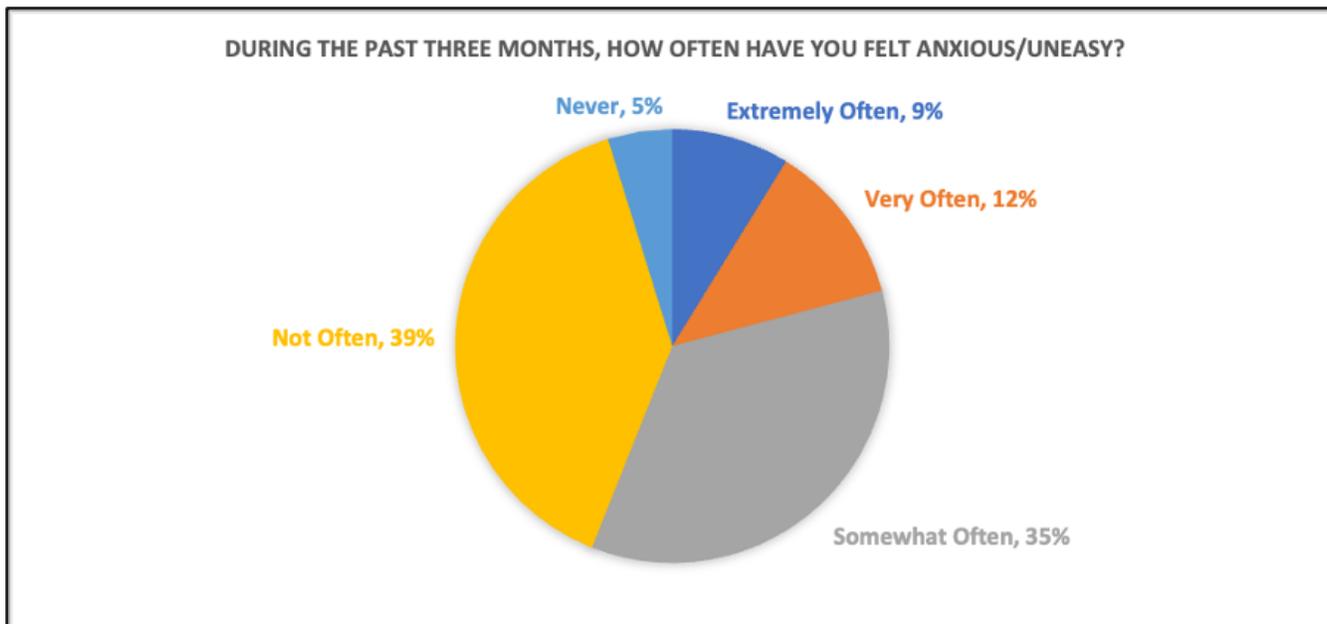


Figure 12

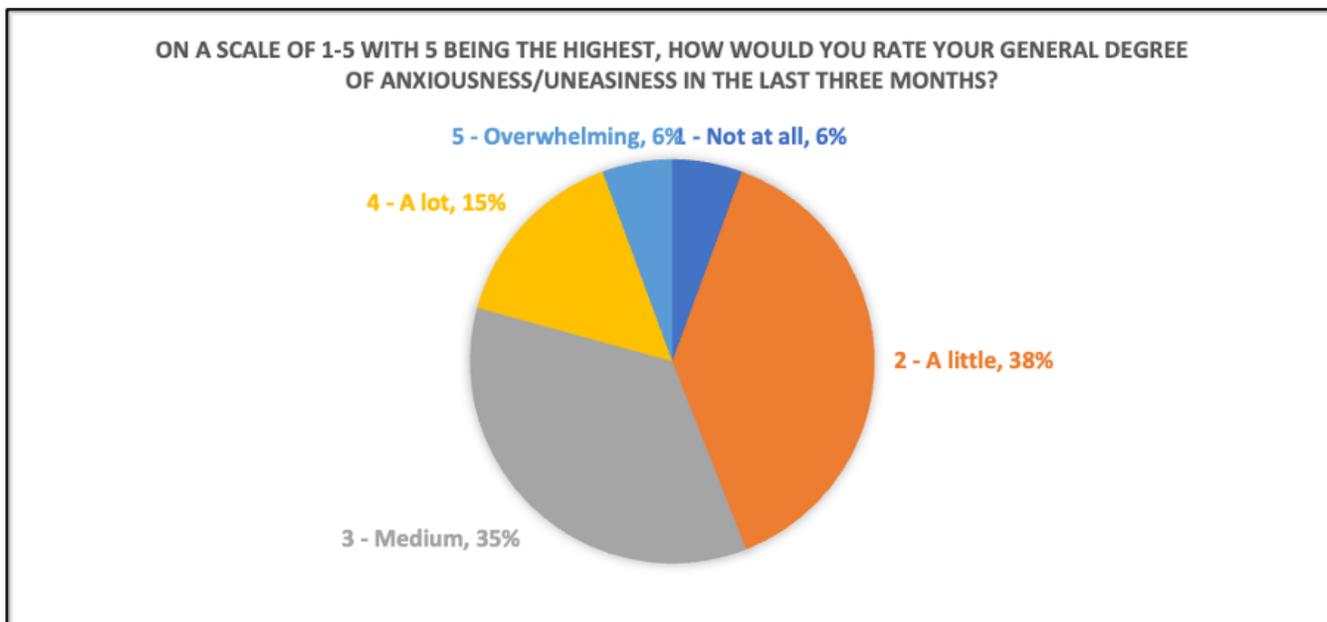


Figure 13

Investigating Impact - the Tip of the Iceberg

The insights from the CAJO's data collection reveal troubling realities. Judicial officers are no doubt experiencing high levels of stress, and many feel inexplicably sad/melancholy as well as anxious/uneasy. What this means is that a large fraction of judicial officers are not at optimum wellness.

Given their significant and dynamic function, and that the administration of justice is expected to perform at the highest levels of efficiency and effectiveness, it becomes imperative that the wellbeing of judicial officers be focused on. These data-based insights highlight the urgency with which judicial offices' wellbeing ought to be addressed. This assertion is not merely a deductive one. The CAJO also sought to inquire about the impact stress, sadness, and anxiousness have had on judicial officers. In this section, these results will be explored, with a focus on the impact on judicial officers' work.

Thus far, the CAJO has discovered that judicial officers do experience a significant amount of fulfilment, mostly from their beliefs, values, and relationships. At the same time, judicial officers also experience a great deal of stress from their job, and roughly half surveyed feel an inexplicable sadness/melancholy and anxiousness/unease. However, it is certainly important to determine whether the experiences of stress, sadness/melancholy, and/or anxiety/uneasiness have impacted on the work of judicial officers.

What stands out among all three interrogations is that for the majority of judicial officers, when first asked a general question, they report that experiences of stress, sadness, and uneasiness have little impact on their work and function (rating of 0-2). A smaller but not insignificant percentage, averaging between 13-31%, stated that these three factors did affect their ability to get their work done. Figure 14 shows this.

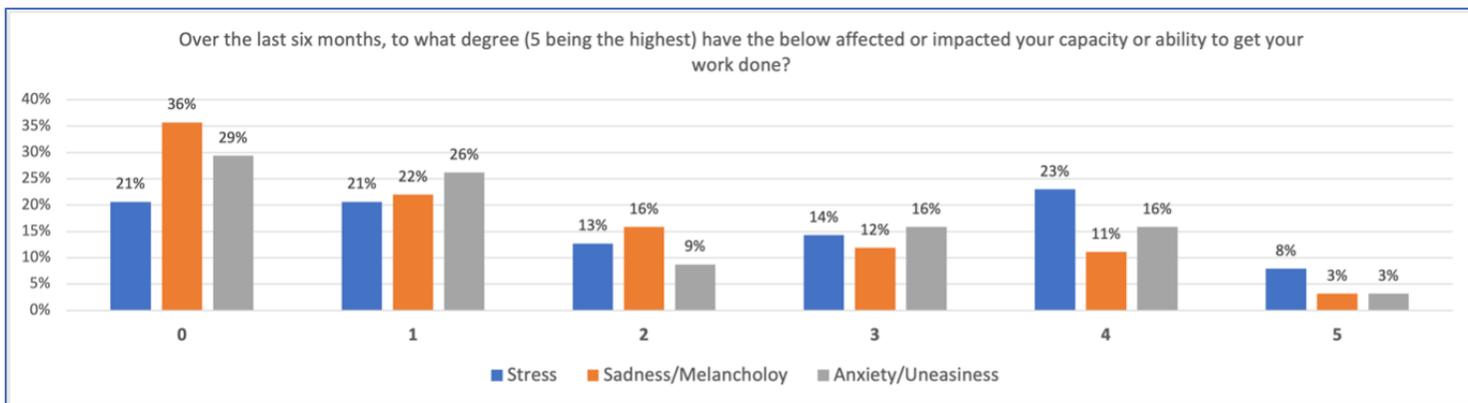


Figure 14

Stress, Sadness/Melancholy, Anxiety/Uneasiness

The CAJO thus asked judicial officers to rate the degree (on a scale of 1-5 with 5 being the highest) to which stress, sadness/melancholy, and anxiety/uneasiness impacted a) how they manage cases, b) the hearing of cases, and c) the delivery of decisions. Three core judicial functions. Figures 15-17 show the results of each.

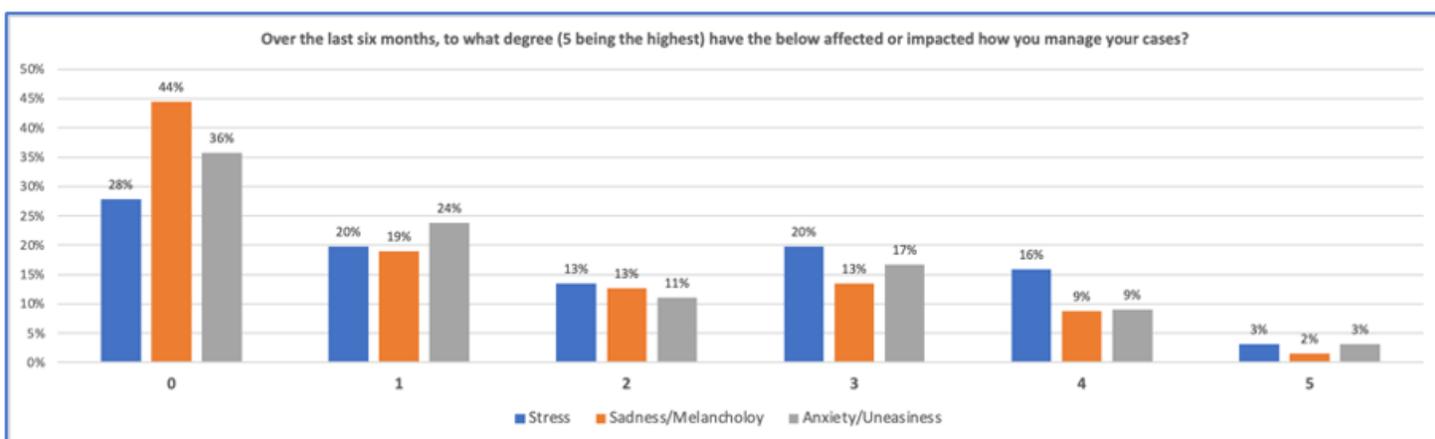


Figure 15

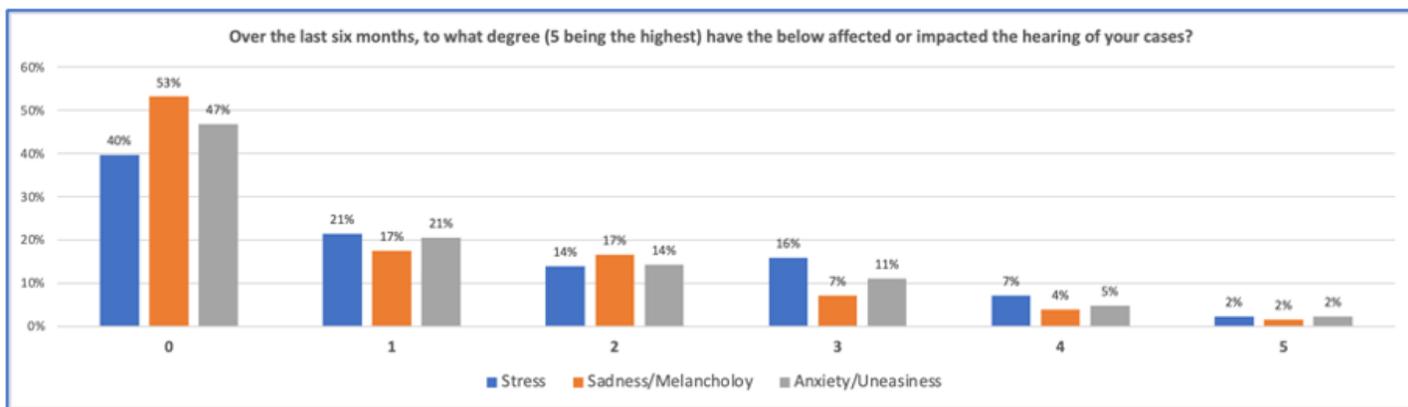


Figure 16

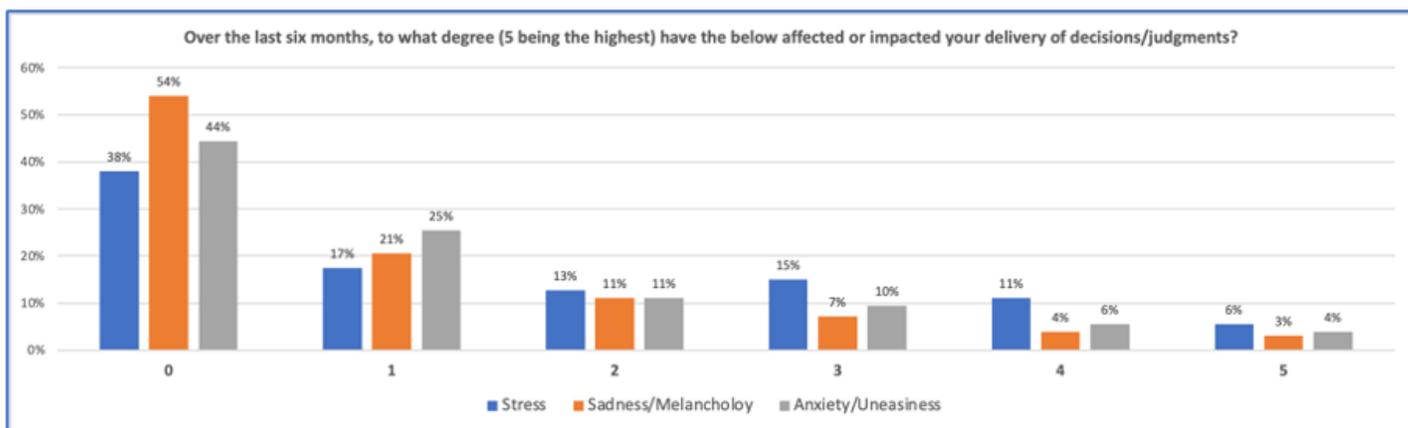


Figure 17

Managing Cases

Drilling down further however, when it came to managing cases, just under 40% of judicial officers said that stress has had an impact rated 3-5, just under 25% rated the impact of sadness/melancholy as 3-5, and just under 30% rated the impact of anxiety/uneasiness as 3-5.

Hearing Cases

These results followed a similar trend for the hearing of cases. In the categories of impact 3-5, the impact of stress was registered by about 25% of judicial officers, the impact of sadness/melancholy by about 13%, and the impact of anxiety/uneasiness by about 18%.

Delivery of Decisions

Similarly, **stress seemed to have more of an impact (32% rating 3-5) on the delivery of decisions** than sadness/melancholy and anxiety/uneasiness (14% and 20% respectively).

This data may tempt a positive or nonchalant or even dismissive reaction – that the majority of judicial officers surveyed aren't significantly affected by sadness/melancholy, or anxiety/uneasiness in the discharge of their core judicial functions. And only a relative minority are affected in the execution of their duties by stress.

Fulfilling Expectations, Meeting Standards of Excellence

However, the administration of justice is not premised on a fraction of full-functioning judicial officers. The public expects that each and every case will be dealt with optimally. That judicial officers will always turn up, and show up, performing at the highest levels of excellence. Indeed, the constitutional imperative to ensure a fair hearing demands nothing less.

That, conservatively, between 15-30% of judicial officers have noted their core judicial work being impacted by stress, sadness/melancholy, and anxiety/uneasiness is a cause for real concern. Further, the notion of resilience within a Caribbean context is not always a positive or healthy one. Whether judicial officers, particular those who stated that they remain professionally unaffected by stress, sadness/melancholy, and anxiety/uneasiness, are engaging healthy and thorough practices of critical evaluation and sustainability is not fully determined. **That is not to say that judicial officers are being dismissive or dishonest. Rather, the subversive operation of resilience often masks struggle and engages hyper-performance which can be fundamentally unhealthy.**

Thus, this data firmly points to the need for more critical and clinical investigation; one that is also sensitive to ideas of embodiment and sensations beyond traditionally calculable measures.

A Conscious Way Forward

From the CAJO's preliminary interrogation, judicial officers are partially fulfilled beings who enjoy their beliefs and relationships. But judicial officers are also under great stress, particularly at work, and there are notable impacts on their judicial roles and functions. Integrity thus demands that deeper investigation and subsequent action within territories and jurisdictions be sufficiently engaged. These investigations must seek to address:

a. what is the reality in relation to judicial officers' experiences of stress, sadness, and anxiety, and

b. if there are experiences of stress, sadness, and anxiety, what is the impact on performance of judicial officers in relation to their work and standards of procedural fairness in courts?

If the above interrogations confirm that there is cause for concern, **there is an imperative to act. Judiciaries must engage results-based remedial action. This will not only have a positive impact on delivery of justice, but will better court users' experiences and perceptions of procedural fairness.**

The CAJO is thus committed to holding space for continued investigation and analysis of judicial officers' wellbeing and subsequent impact on their work and lives. Further, the CAJO recognises that a number of judicial officers are experiencing difficulty – personally and professionally. Thus, the CAJO commits to offering assistance, as far as possible, through developmental judicial education that remains conscious and responsive to the varied and urgent needs of judicial officers. **The CAJO remains committed to whole-system change; a matter of judicial integrity.**



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