

# Mindful judging – a new digital resource

LEARNING MANAGEMENT SYSTEM

By Christa Christensen



## Why was the resource created?

Some years ago, I listened to a talk by Ruby Wax. She had just published a book on mindfulness. She talked about how busy chattering minds and self-critical thoughts can drive us to anxiety, worry and stress. She talked of how mindfulness had helped her to become the master, and not the slave, of her chattering mind.

As someone with a constantly busy mind, I was curious. What was this mindfulness? How do you do it? Might I want to do it? I bought a book, downloaded an app, went on a course and, with some trepidation, started doing some mindful meditations. I enjoyed the process of meditating for ten minutes or so when I found time to do it, but had no sense of what, if anything it was doing for me. Then, some months later a close friend of mine asked me what had happened to me, why had I become so calm? Was I 'on something'? In my sittings as an Employment Judge I commonly deal with litigants in person who are understandably scared and emotional in the tribunal process. I realised that I was finding it easier to work with, but stay detached from, the emotions of those appearing before me and to keep a positive focus on my decision making task as a judge. Put simply, I realised that I had personally

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benefited in my work and home life from adopting some very modest and simple mindful meditation techniques.

As Director of Training for Tribunals at the Judicial College a decision was taken to create a resource for the judiciary. I was able to work with a talented team of judges and specialists to create a digital resource specifically for the judiciary to assist JOHs to find ways of using mindfulness techniques to boost their resilience levels and happiness in and out of work. The importance of identifying the signs of stress and developing and using effective resilience techniques to ensure that judges remain mentally and physically fit is an important message in the Stress & Resilience Building resource published by the Judicial Office in the Spring of 2018. Judicial Office Holders can access this on the Judicial College Learning Management System.

That resource refers to meditation as one way of building resilience.

### **Mindfulness All-Party Parliamentary Group**

The Mindfulness All-Party Parliamentary Group published its report, [Mindful Nation UK](#), in October 2015. This was a culmination of a year of research including eight hearings in Parliament which took evidence of the transformational impacts of mindfulness and considered the development in neuroscience and psychology that are illuminating the mechanics of mindfulness. Building on that, the Mindfulness Initiative published its report [Building the Case for Mindfulness in the Workplace](#) in October 2016. This made recommendations for the development of policy to promote the use of mindfulness in the workplace and develop an understanding of good practice.

This Journal has explored this topic before. It published a piece in the autumn 2015 edition by my colleague EJ Hannah Bright called [A case of being mindful](#). Hannah's article explains something of what Mindfulness is and that it is a technique used by and trained by the judiciary in the US. It is being introduced in training programmes by a number of judicial training institutions around the world.

It was being recognised that judges are not invulnerable to the impact of stress and that we do an inherently stressful job. Resilience building techniques were being encouraged, mindfulness was in the headlines and becoming ubiquitous and the time therefore seemed right for the College to create the digital resource.

### **What is mindfulness?**

The *Mindful Nation UK* gives this helpful definition:

“Mindfulness means paying attention to what's happening in the present moment in the mind, body and external environment, with an attitude of curiosity and kindness. It is typically cultivated by a range of simple meditation practices, which aim to bring a greater awareness of thinking feeling and behaviour patterns, and to develop the capacity to manage these with greater skill and compassion. This is found to lead to an expansion of choice and capacity in how to meet and respond to life's challenges, and therefore live with greater wellbeing, mental clarity and care for yourself and others.”

The *Mindful Nation UK* report explains that mindfulness practice enables participants to be more aware of, and less judgmental towards their thoughts, emotions and body sensations. Practising mindfulness typically involves seeing thoughts as mental events rather than facts and learning how to work skilfully with automatic patterns of reactions to stressful situations.

### **How was the resource created?**

In creating the resource, I anticipated that there would be a degree of scepticism from judges to the notion of mindfulness. Further I anticipated that the resource would need to create a good evidence base to satisfy judges and establish the science behind the efficacy of mindfulness.

I created a working party to assist me in the creation of the resource and I am enormously grateful to every member of the working party for the insights and contributions they brought to the project. Michelle Austin works at the Judicial College as an Education and Development Advisor; she and her team have been providing judicial training to UK and international judges on the subject of mindfulness as a way of building resilience. EJ Hannah Bright has practised mindfulness since 2009 having completed the Mindfulness Based Stress Reduction Programme with the Centre for Mindfulness Research and Practice at Bangor University. Jackie Hawken is a former solicitor and Motivational Speaker, Facilitator, Coach and Mindfulness teacher. Ellis Jones and Reena Nair are part of the Judicial College digital training team. HHJ Stephen Wildblood is the Designated Family Judge in his local family court and practises mindfulness to keep life in overall perspective.

I am also very grateful to the judges who agreed to be interviewed as part of the project.

*“My hope is that many judges will be persuaded to give it a go and will find their mental state calmed and decision-making improved.”*

The resource is split into the following modules:

1. Interviews with judges who knew nothing about mindfulness, were perhaps sceptical or cynical to a degree but had open minds and were willing to try out a session of mindfulness. I interviewed them both before and after they had experienced a mindfulness session with our expert. This part of the resource was created to address the scepticism point. The interviews after the session with Jackie include the following comments:



1. A module explaining what mindfulness is, how to practise it and the benefits to health.
2. A module explaining the concepts of stress and resilience building.
3. Interviews with judges who are experienced mindfulness practitioners explaining how they practise mindfulness and the benefits they have experienced in and out of work. This was to address the need for a firm evidence base, based upon the personal testimony of judicial colleagues.
4. 14 Guided Meditations provided by Jackie Hawken that can be downloaded to personal devices.
5. Modules explaining something of the developing understanding of the neuroscience behind meditation and its impact on decision making. This module was created to create a firm evidence base from the scientific literature.
6. A resource section containing links to books, reports, articles, apps and you tube and TED talks.

It is available to all Judicial Office Holders on the Judicial College Learning Management System.

### Reaction and feedback

The resource was published at the end of September 2018 and has attracted what I am told is a record number of hits on the LMS. At the beginning of November, and as I write this article, it has had been accessed 1495 times and the 14 Guided Meditations have been downloaded by 185 Judicial Office Holders (JOHs).

Formal and informal feedback indicates that of those that have accessed the resource, some have found it to be useful and that some judges are starting to set aside some time every day to practise some form of mindful meditation.

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Some comments indicate that this resource will provide a much needed way of dealing with the problem of overload at work. It can also be a useful signpost for leadership judges when addressing questions of workload and stress in judges for whom they have leadership responsibility. One comment put it this way “my hope is that many judges will be persuaded to give it a go and will find their mental state calmed and decision-making improved”.

**Christa Christensen** is Board Chair and Director of Tribunals Training

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