



for the **RECORD**

NEWS FOR THE OHIO COURTS

Weight Watchers and the Ohio Revised Code

In 1990, Chapter 29 of Page's Revised Code fit into one bound volume which also included Court Rules. The 2020 update of Page's Chapter 29 is five volumes, each tome twice as big as the 1990 copy. To be fair, these volumes do not just contain more and more legislation but case notes from litigating that complicated legislation. The 2021 update of Baldwin's Chapter 29 is nine volumes, including an appendix. Happily there is a growing recognition by leaders in the General Assembly that lawmaking, particularly with respect to the criminal law, has resulted in mind-numbing complexities often contributing to unintended consequences.

This phenomena is not limited to the criminal law. Record sealing and expungement, registries and databases of particular offenders, involuntary civil commitment in probate court, OVI in traffic court, just to name a few, are all subjects undergoing constant statutory "upgrades." Judicial complaints regarding the burgeoning complexities of the code are making an impression on thoughtful legislators - there is now a commitment to a renewed effort for code simplification.

Can it be done without burning the entire house down and starting over? Yes, it will take tremendous effort and likely more than one session of the General Assembly, but it needs to be done. Judges are expected to lead the way for at least three reasons: judicial neutrality on policy decisions, intimate knowledge of the operational burdens imbedded in the code, and a depth of experience at bringing a timely resolution to vexing problems. Can it be done even though past efforts have either failed or not fully succeeded? Yes, and those past efforts can serve as a foundation for future efforts.

Simplicity in the law is far more difficult to achieve than complexity. It is a goal worthy of your effort and contribution. Whether you have been a judge for eight weeks or thirty years, you certainly have insights that merit sharing with your colleagues and with the Judicial Conference staff as we embark on the long and challenging goal of code simplification and reconstruction. Don't be shy, please pitch in.

Paul
419-563-4966
paul.pfeifer@sc.ohio.gov

Being a Judge is Satisfactory ... But Stressful

By Scott R. Mote, Esq., Executive Director of the Ohio Lawyers Assistance Program

The benefits of being a judge are plenty, but it is no surprise that the job comes with stress. Every day, judges are faced with stressors such as a heavy docket, the impact of decisions, unprepared attorneys, self-represented litigants, a lack of public understanding of the judicial process, long hours, and having to rule on contentious family issues. A December 2020 survey of more than 1,000 U.S. judges found that job stress is a health concern for judges (2020 Journal of the Professional Lawyer published by the ABA Center for Professional Responsibility by David Swenson, et. Al, December 2020). More than one-third or more judges reported they had fatigue and low energy, sleep disturbance or disturbed attention and concentration. Fatigue can lead to many other issues, so it is important for judges to understand it and be aware of the warning signs.

Stress causes fatigue

When I was in class in college, there were times I could not keep my eyes open. I'm sure you can relate. I would try as hard as I could, but I would sometimes find my head dropping and eyelids shutting with no control. I would nod off for a second or a minute, even if the class was interesting. This is an example of fatigue, a mental or physical state of extreme tiredness and lack of energy. If you are fatigued, you will have trouble concentrating, making decisions, problem-solving, decision-making, listening, and relating to others, which are all requirements of being a judge.

“In a study of 1,112 decisions by parole board judges in Israel over a ten-month period, the effects of managing a full docket of cases became evident over the course of one day of hearings. In the morning, judges' decisions tended to be more favorable toward the parolee, but steadily declined until lunch break. After lunch, the favorability was again very high but declined until mid-afternoon break. Following the break, it was again high and declined until closing. This pattern was present in cases involving determinations of release or change in parole terms regardless of the seriousness of the crimes.” (2020 Journal of The Professional Lawyer, Stress and Resiliency in the U.S. Judiciary, by David Swenson, Ph.D. L.P., et al.)

Become familiar with these warning signs of fatigue and make it a goal to get more restful sleep. If not, you will suffer from poor performance, behavior lapses, increased sick time, and impaired judgment.

Fatigue can cause depression

When you are tired and lack sleep, you can become fatigued. If you do not take the necessary steps to get proper rest, fatigue can lead to depression. The 2020 survey found that more than one in five judges meet at least one criteria for depressive disorder.

Depression is a common mood disorder that affects the way you feel, think and handle daily activities, such as sleeping, eating and working. Depression is not about feeling down or blue for a couple days. Depression symptoms last longer than two weeks, and the severity and signs and symptoms of depression varies from person to person. A person who is depressed should see a medical professional for help.

Common signs of depression:

No initiative

Negative thoughts

Sleeping too much or too little

Work is not meaningful

Feelings of hopelessness

Can't wait for the work day to end

Depressed mood

Nothing to look forward to

Feeling numb

Caring little

An example of depression

Judge Z has not been feeling like himself lately. He used to look forward to going to work each day and working with his colleagues. He loved the challenge of deciding cases. Now he finds it difficult to wake up in the morning and dreads going to the courthouse. He feels inadequate, like he is not that good at his job, and negative thoughts keep popping up in his mind. He feels like he has nothing to look forward to. Judge Z needs to seek help for his depression.

Fatigue can causes anxiety

The study also found that 5.6% of the responding judges reported severe or extremely severe symptoms of anxiety. Anxiety is a normal human response in certain situations, but may become a disorder if you feel anxious most of the time. Anxiety is when you become tense in anticipation of a future event. It also makes a person avoid certain events because of fear.

You have probably heard of anxiety attacks, where a person is so worried about an event that causes the person to sweat, shake uncontrollably, and fear losing control. Other common symptoms of anxiety include:

Excessive worrying

Difficulty sleeping

Fatigue

Trouble concentrating

Chest pains

Shortness of breath

Feeling irritable

Sweating

Hot flashes

Increased heart rate and palpitations

Feelings of impending doom

An example of anxiety

Judge C has been worried about the outcome of a certain case, and it is affecting her sleep. Racing thoughts occupy her mind, even when she is trying to concentrate. She over-thinks the case, and dreads sitting on the bench. She has a constant fear of impending doom. Sometimes she gets so overwhelmed, her body shakes and she finds it difficult to breathe. Judge C decided to see a doctor about her feelings and was diagnosed with general anxiety disorder. Her doctor put her on a plan and she is now on the road to recovery.

Depression and anxiety can cause substance use disorders

Sometimes, depression and anxiety can become so overwhelming that people drink or take drugs to cope with the mental health disorder (aka "self-medication"). This can eventually become problematic if drinking and/or taking drugs is affecting your daily responsibilities and if you are unable to cut down or stop using mood-altering substances despite attempts to stop.

Signs of substance use disorder (drugs and/or alcohol)

Problems at work

Physical health issues

Withdrawal from activities

Neglected appearance

Behavior changes

Money issues

Red eyes

Elevated mood

Paranoia

Vomiting

Violent behavior

Mental health or substance use disorders can lead to suicide

While "thoughts of suicide" was one of the lowest reported effects of stress, it is still troubling that 22 participating judges in the survey experienced thoughts of self-harm. If you or someone you know is contemplating suicide, please follow these guidelines.

Call law enforcement, and ask them to conduct a well visit at the person's home.

If the person complies, take her to the emergency room.

If the person refuses, stay with her and call the National Suicide Prevention Hotline (800) 273-8255.

An easy and confidential way to seek help

As you can see from the examples above, stress is a serious condition of which judges must be aware. If you notice that you or a colleague are struggling because of stress, depression, anxiety or substance use disorder, take the right step and seek help. You are not alone, and you are not weak because you ask for help. An overly stressed judge can reflect poorly on the judiciary and can result in loss of litigants' and the public's confidence. Please take care of yourself and recognize when you need to ask for help.

The Ohio Lawyers Assistance Program (OLAP) is a confidential place where you can seek help. OLAP helps the Ohio legal profession cope with the stresses of the job and has saved hundreds of lives and families. No potential disciplinary situation will be made worse by contacting OLAP.

www.ohiolap.org

(800) 348-4343

OJC TIPS AND TRICKS

This is a fluid list that will constantly change. We will always be adding items as they become frequent questions, but if you have anything to add, please feel free to contact [Justin Long](#).

- Feel free to submit any articles you would like to have added to the quarterly For the Record in the future.
- The [Judicial Advisory Group \(JAG\)](#) is available for judges who need need a group to extend its ability to provide confidential assistance to judges.
- Please fill out a "[Who Do You Know](#)" form to let the OJC know who you know in the legislature or the administration.
- For help signing into the Ohio Judicial Conference's website, www.ohiojudges.org, please see this [document](#).
- Annually, the OJC hosts a Judicial-Legislative Exchange program, which allows a day for judges to come to Columbus to shadow legislators, hopefully from their districts. The idea is for the legislators to then shadow the judges in their court for the day.
- Did you know that if you log in to the Judicial Conference website and go to [associations](#), you can choose your judicial association and see the summer and winter meeting dates?
- The Judicial Conference Jury Instructions Committee posts [recently revised jury instructions](#) on the Judicial Conference website.
- The website was recently updated with a few notable changes. One of those changes was the addition of a [calendar](#) which is matched up with our list of events.
- Another addition is the "[Outreach that Works](#)" link, which allows judges to submit any recommendations that help them to reach out to the public, whether it be publications, websites, suggestions on events, etc.
- A notable connection to help all judges is the [National Center for State Courts](#), or the NCSC. This site helps to promote the rule of law and improves the administration of justice in state courts and courts around the world.
- [Judicial Diversity: A Resources Page](#)

Judicial College Offerings

The Judicial College CLE schedule has been upgraded starting this year. To view the calendar and sign up for courses, please visit this [site](#).

VISIT THE OHIO JUDICIAL CONFERENCE WEBSITE!

WWW.OHIOJUDGES.ORG

CONTACT JUSTIN LONG AT THE OHIO JUDICIAL CONFERENCE FOR LOGIN ASSISTANCE

justin.long@sc.ohio.gov

OHIO JUDICIAL CONFERENCE



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WEEKLY FYI:

NATIONAL NEWS:

- Arkansas's Cruel and Unusual Killing Spree
- I Went to a Town Hall Meeting in a County Ravaged by Opioids. What I Saw Broke My Heart.
- OxyContin Maker Asks Judge to Toss Case Brought by City
- Gorsuch Might Be Tough to Predict on Criminal Justice Cases

STATE NEWS:

- Justice Insider: Murderer's Attorney Tries Punctuation Defense in Sentencing
- Summit Prosecutor Campaign Reaches out to Victims in Different Languages
- Drunken Driver Gets 180 Days After Coroner's Office Says Crash Victim Died of Cancer
- Retired Stark County Family Court Judge Michael Howard to Speak at 2017 LEAD Conference at Georgetown University



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Guidebook

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CONTACT US



FAQ^s



Ohio Judicial Conference Staff

Executive Director

Hon. Paul Pfeifer, Retired 614-387-9762
Paul.Pfeifer@sc.ohio.gov

Legislative Counsel

Marta Mudri, Esq. 614-387-9764
Marta.Mudri@sc.ohio.gov

Deputy Legislative Counsel

Joshua Williams, Esq. 614-387-9767
Joshua.Williams@sc.ohio.gov

Deputy Legislative Counsel

Shawn Welch, Esq. 614-387-9765
Shawn.Welch@sc.ohio.gov

Fiscal/HR Officer

Aleta Burns 614-387-9757
Aleta.Burns@sc.ohio.gov

Legislative Services Specialist

Justin Long 614-387-9756
Justin.Long@sc.ohio.gov

Judicial Services Program Manager

Trina Bennington 614-387-9761
Trina.Bennington@sc.ohio.gov

Judicial Services Program Coordinator

Jennifer Whetstone 614-387-9766
Jennifer.Whetstone@sc.ohio.gov