



# Courting GoodHEALTH

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## Taking Stock of the Wellness Initiative

**By Hon. Philip M. Pro**  
**Chief District Judge, Nevada**

With "Courting Good Health" now in its fourth year of circulation, it seems like a good time to take stock of where we have been and where we are headed with regard to promoting health and wellness among judges in the Ninth Circuit.

"Courting Good Health" first appeared in March 2003 as an insert into an excellent quarterly publication of the Federal Occupational Health Service, which was distributed to every judge and clerk of court in the circuit. Subsequent editions have featured articles on diet, exercise, sleep, stress and depression, caring for an ailing spouse or relative, and preparing for a life after the bench. They also have promoted PALS, the Private Assistance Line Service, which offers confidential telephone counseling to judges, their families, chambers staff and colleagues.

Judge Pro  
 chairs the new  
 Wellness III  
 Committee



"Courting Good Health" and PALS are the most visible products of a long-term effort by the Judicial Council of the Ninth Circuit to study the important link between health and judicial performance. There has also been a series of wellness programs initially aimed at older judges, but later expanded to benefit judges at all stages of their careers, including those just beginning life on the bench.

The Ninth Circuit effort began in 1999 when then-Chief Judge Procter Hug, Jr. of Reno, appointed the Task Force on Judicial Disability to consider formal and informal methods of addressing judicial disabilities. The task force, chaired by the late District Judge Judith N. Keep of San Diego, heard from

experts on physical and mental disabilities and learned of the efforts of other professions to deal with such disabilities. The task force issued its final report in May 2000, recommending several educational initiatives and development of a confidential telephone counseling service that became PALS.

In October 2000, the Ninth Circuit Judicial Disability Committee was established to implement the recommendations of the task force. Committee appointments were made by Judge Hug in consultation with his soon-to-be successor, Circuit Judge Mary M. Schroeder of Phoenix, who became chief judge in December 2000 and has carried forward the wellness initiative since then. Circuit Judge Susan P. Graber of Portland, was chosen as chair and moved quickly to change the name of the group to the Judicial Wellness Committee, a title thought to be more descriptive of the committee's mission.

The wellness committee helped develop several important initiatives. Most notable was PALS, the confidential telephone counseling service staffed by a professional counselor familiar with the judiciary and its particular problems. PALS assists judges experiencing physical

(continued on next page)

stress, emotional distress, alcohol or other chemical dependency, depression, bereavement, serious illness or other crisis. Initially intended for use by judges, their families and chambers staff, PALS also has been used by chief district judges and other judges seeking advice on how to approach a colleague who appears to be having problems.

Calls to PALS are answered by Richard Carlton, an independent mental health professional with years of experience addressing the effects of personal problems on judges and their families. Mr. Carlton provides immediate consultation and counseling to judges. He also will provide referral when appropriate to additional counseling services offered by licensed psychologists, licensed clinical social workers, and licensed marriage, family and child counselors.

By resolution of the Judicial Council of the Ninth Circuit, all communications and records of communications with PALS and professional service providers are confidential and may not be disclosed for any purpose, including judicial misconduct proceedings, without the prior written consent of the judge involved. Funding comes from the Ninth Circuit's Office of the Circuit Executive.

In addition to PALS and "Courting Good Health," the committee has helped plan wellness segments at the last three Ninth Circuit Judicial Conferences, which bring together all circuit, district, bankruptcy

and magistrate judges. These presentations, which have dealt with such topics as "toxic" lifestyles, sleep and sleep disorders, and maintaining memory and mental acuity, have proven popular and given rise to similar programs being put on by individual districts during their own conferences.

Committee members also made educational presentations to the Ninth Circuit's Conference of Chief District Judges; developed policy guidelines for senior judges; and proposed and helped organize two innovative pre-retirement planning programs for Article III judges approaching eligibility for senior status, and magistrate and bankruptcy judges eligible for retirement or recall. The committee issued a final report in February 2004, documenting these and other efforts to address judicial health and disabilities.

In 2005, Chief Judge Schroeder assembled what is known as the Wellness III Committee, which will continue established programs, develop new ones, and promote the wellness initiative among all of the districts of the circuit. I was honored to have been asked to chair the new committee, which also includes Senior Circuit Judge Jerome Farris of Seattle, Chief Magistrate Judge J. Kelley Arnold of Tacoma, District Judge James A. Teilborg of Phoenix and Bankruptcy Judge Kathleen Helen Thompson of Woodland Hills. Judge Arnold has served on all three wellness committees.

Our new committee has made a good start on renewing the dialogue on judicial wellness at recent meetings of the Conference of Chief District Judges, Conference of Chief Bankruptcy Judges and Magistrate Judges Executive Board. Members of these groups often are called upon

to deal with wellness and disability issues. The committee wants to provide resources so that they can handle these situations in the best way possible for all concerned. Ideas include a handbook to assist chief district judges and recruitment of a cadre of judges and other experts who have had prior experience and could provide valuable counsel.

Working with the Office of the Circuit Executive, the committee is undertaking more pre-retirement programs for soon-to-be senior or retired and recalled judges. The programs, the first of which is planned this month, will include a review of compensation, benefits and estate planning matters, plus innovative segments by well known experts on making the most of your senior years and a panel of judges who have successfully made the transition from active to senior status. Finally, to instill awareness of the subject among newcomers to the bench, the Ninth Circuit's new judges' orientation program in May will include a segment on wellness featuring Richard Carlton, Judge Thompson and myself.

We are making progress. Every member of the judiciary with whom I have discussed wellness and disability has been genuinely interested in the subject and appreciative that the Ninth Circuit is making a concerted effort to address these issues as broadly as it has. I think the subject of judicial wellness, while always a bit delicate, appears to be accepted by all as important and worthy of discussion. Ultimately, I think the success of our wellness committees will be measured in an increased awareness of all aspects of wellness and fewer misconduct complaints that pertain to disability issues.



OFFICE OF THE CIRCUIT EXECUTIVE  
Gregory B. Walters, Circuit Executive  
P.O. Box 193939  
San Francisco, CA 94119-3939  
(415) 556-2000 / fax: (415) 556-6179  
<http://www.ce9.uscourts.gov>