



RESEARCH PAPER

Exploring the Murder Trials effect on Judges' Psychological and Mental Health: A Qualitative Study

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ABSTRACT

Judges hearing murder Trials are mostly exposed to negative and violent information continuously. And affected by the Trials psychologically. Purpose of this research is to explore and describe the psychological and mental health issues among Judges who hear murder Trials. Judges face emotional issues but they have to regulate their emotions and handle the professional glitches effectively for affective decision making. Purposive sampling strategy was employed. Qualitative interpretive phenomenology research method was used and semi structured interviews were conducted for data collection. Results explored on the basis of face to face interviews and codes, categories and themes were originated. Results revealed, Judges who hear murder Trials are affected psychologically and their mental health is affected. They have to focus on communication proficiency because it can help to express what they face or feel. With the strategies to cope up with emotional issues and its regulation Judges can be in position to handle professional glitches at workplace.

Keywords: Emotional issues, Hearings in Courts, Mental Health, Stressors

Introduction

Human behavior is the main reason for all happenings in surroundings of any human either they are positive or negative in aspect. Due to issues which arise because of negative or criminal behavior domain Justice system act against culprits to stop and create deterrence. Judges mostly hear the negative information in Courts when case is in proceedings and continuous negative information affect them and their performance (Mack & Anleu, 2022). Terrorism, Attempt to Murder, Murder, Attempt to Rape and Rape Trials offences are the one which are consider heinous worldwide and in Pakistan. And if we compare performance of Judges due to the Emotional issues it is prominently seen as disturbed and have no way out due to Job sensitivity and its nature also because of barriers present against them for not disclosing the issues and even lady Judges face problems more severe comparatively, because of the Job obligations (Mehdi, 2017). Judges who hear criminal Trials are affected emotionally but the effect can be seen through the continuous stress Judges face and the Secondary Traumatic Stress, poor job performance and Job satisfaction issues are obvious and also different other mental health issues can be diagnosed (Reichert & Brian, 2018). Further Judges have limited social circles due to Job sensitivity and after comparing Job performance psychosocial and mental issues are seen which arise due to restrictions of their job after negative impact of violent and negative information in Trials (Reichert & Brian, 2018). ASJ Additional Session Judges level in Pakistan are responsible for hearing the Heinous offences Trials (Hussain, 2022). According to the Worlds Justice Project WJP Rule of law index 2021 report our country Pakistan is at 130th from the total number of 139 nations. And this ranking is totally based on the true facts and figures and observation which is critically analyzed after the completion of analysis on Justice served in different cases from all Judiciary levels. Total of nine factors are included when the ranking is formatted and we can see that these nine factors are "absence of corruption, constraint on Government powers, Fundamental rights, Open government,

regulatory enforcement, security and order, informal Justice, Civil Justice and Criminal Justice” (James Baker III et al., 2021). Stress level is mostly high in Judges due to their difficult Job of decision making serving Justice obligations (Alarie & Green, 2017). Critical mind of the Judges can be said as the one which is always more performing than anyone (Boyd, 2016). Bribe in system is the reason why system is collapsing, and help by Justice system can only be seen by proper accountability (Schumann, 2019). Mostly behavior of people is rigid and unwanted obsessive behavior of the people can be seen in the Trial (Snider & Devereux, 2021). Further we can say that insufficient compensation or pay due to which lack of satisfaction at Job, personal discomfort and low care of mental health factor are raised in Judicial mind (Gresko, 2022). As we are aware that the Judges have to hear arguments by the Counsels parties, and focus on preparation of serving Justice (Gerald, 2022). Salaries in the Justice departments are questionable and need to be focused (Flango & Straub, 2016). And inflation boosted in Covid-19 but salaries remain same (Dias & Casaleiro, 2021). Stakeholders in justice system considered as backbone (Schrever et al., 2022). Judicial stress act as psychological distress, anxious symptoms, secondary traumatic stress, burnout and depressive symptoms and reason behind low performance (Schrever, Hulbert, & Sourdin, 2022). No comparison in countries, because of their different problems Justice system is affected (Halton, 2022). Judicial academies training schedule for the year show ignorance of psychological trainings related to handling mental health problems (Shah, Zaman, Rasool, & Jawad, 2022).

Literature Review

Judges experience has been investigated by gathering data from them through interview procedures and explored. Selective and interlinked study have been cited in literature review to understand views, experience of Judges. Extensive researches in past examined Judges patterns of working in Trials and this indicated that Judges were affected by high levels of stress, burnout anxiety and depression (Holden, 2019). Emotional issues and stress factors are deliberately ignored and Judicial mind welfare is not considered for the betterment of Justice system (Weiss, 2021). Communication standards which are being followed by Judges is focused but patterns of resolving critical matters ignored (Chretien & Viguier, 2015). Communication help Judge to overcome any informal issues which Trial face and emotions are managed (Reilly et al., 2021). Communication patterns can help in concluding Trial in professional and fast way (Crawford, 2015). Manipulation impact psychology of Judge and influence Judgement and verdict and psycho-legal services need is prominent (Wilson, 2019). Mental health and judicial system are inextricably tied, especially in the United States. Establishment of mental health courts puts judges in dual role of legal expert and behavioural healthcare advisor (Boyd, 2016). In 2019 Survey conducted in Australia, “Judges and magistrates daily facing adverse matters and traumas and their verdict is public so they have to remain cautious” (Alarie & Green, 2017). One-third of lawyers and judges suffer from depression, number one cause of suicide. They have six times the suicidal rate than others (Cole & Mahoney, 1987). Need of upgradation of conventional practices is required and things affecting Trial and psychological wellbeing of Judges are discussed (Wilson, 2019). Lady Judges not only gave better verdict but also understand changes world facing due to lived experiences (Ruiz, 2022). Women involved Court Trials, more prone to mental health issues than men and more inclined towards declining mental health (Kothari, et al., 2014). Judges have similar characteristics as like other professions and ignorance can cause psychological disability (Suran, 1982). Although the first appointment of lady judge in Pakistan dates back to 1974, now ratio is one third (Holden, 2018). Judges Trial experience can act as myriad of occupational stressors, and they mostly face psychological issues which are secondary trauma, negative mental and physical health, burnout, poor job satisfaction and low levels of job satisfaction which affect Judges performance and family life (Bruce, 2018). In past women were not considered fit for Judiciary but now women are part of Judicial system and serving country (Malik, 2022). Professional issues cannot be accessed and assessed due to Judges job sensitivity (Kureshi, 2022). Judges nature of Job built boundaries due to sensitivity (Pansota, 2022). Judiciary is

already conducting trainings for lower Judiciary for conventional skills which (Akhtar, 2022). Mental health of the judge can be said as the basic part of Justice system because it is pillar of state and if Justice not served damage and collapse of Justice system is seen (Salman et al., 2020). In one more study Sabir mentioned the Judges need to be focused towards the critical matters and avoid distortion (Sabir, 2022). In a research it was mentioned that the Judges job is to focus of serving Justice and they have not to care about the pressures from any of the external source (Tahir et al., 2022). In one more research said the states are bound for the protection of the rights of its citizens and the states have to provide the Justice and accept change for Justice (Shiekh, 2021). In one more research it was mentioned the states must ensure to establish and maintain an impartial, efficient, competent and effective Judiciary by investing in trainings for mental health betterment (Hussain & Tahir, 2020). In a research it was mentioned that there is no formal process of performance evaluation of Judges (Salarzai, 2020). In one more research biasness against the female Judges is clearly seen and they are not mentioned as Judges but Lady Judges (Mehdi, Lady Judges of Pakistan: Embodying the Changing Living Tradition of Islam, 2020). In one more research it was mentioned that the waves of democratization sweep affected the pillars of the states (Ahmed, 2020). In one more researcher said manipulation of facts in certain cases is seen due to which pressure generated in a conventional way by law on Judges (Sajid et al., 2020).

Material and Methods

Main aim for our study is to achieve realistic experience of Judges by getting real view of murder Trial Judges experience and to find how Judges are coping rigid and tough scenarios in the Trial during critical circumstances and their reaction.

Research Design

Phenomenological approach in research and the qualitative research design is exploratory study.

Methodological Approach

Interpretative phenomenological analysis was employed and process of theme detection are done through content analysis.

Sample Size

In-depth interviews were conducted from 8 participants and participants were age ranged 45 to 55. Main concern of study is comprehensive description of Judges experience in murder Trial proceedings and the sample size was kept small deliberately.

Sampling Strategy and Sample Recruitment

Purposive sampling technique was used.

Inclusion

- Judges who hear murder Trials with 8 years' experience.
- Judges who experienced the critical situation in hearing murder Trials.

Exclusion

- Judges who were transferred from hearing murder Trials
- Fresh Judges

Table 1
Demographic Characteristics of Sample

| Variables | J1 | J2 | J3 | J4 | J5 | J6 | J7 | J8 |
|---------------------|------|------|------|------|------|------|------|------|
| Age | 49 | 52 | 53 | 54 | 49 | 51 | 52 | 54 |
| Gender | Male | Male | Male | Male | Male | Male | Male | Male |
| Current designation | ASJ | ASJ | SJ | ASJ | ASJ | ASJ | ASJ | ASJ |
| Experience | 11 | 13 | 13 | 12 | 11 | 09 | 11 | 12 |

Research Instrument

Semi structured interview guide along with demographics information sheet was administered to the participants.

Demographic Information Sheet

Sheet consisted questions which investigated the demographics information.

Semi structured Interview Guide

25 open ended questions with 1.5 hours' time. Interview was written and short hand writing style used.

Procedure

Before conducting interviews, Registrar was approached for permission but unofficial permission was granted due to Judges Job sensitivity. No written consent was given by Judges due to Job sensitivity. Completed interview in 1.5 hours to 2 hours. And after that analysis was completed through thematic, coding and interpretation of the interviews.

Ethical Consideration

- Oral permission from authorities responsible for administration of Judges.
- Permission from participants and they were able to withdraw and terminate the interview.
- Esurance of never identities disclosure, secrecy of information.
- Results were reported to the participants.

Results and Discussion

To investigate Judges experience in the trials content analysis was used to analyze the transcribed data of all informants. And all interviews were transcribed separately and inspected manuscripts in critical way. Further the data proposed three main themes which are Communication proficiency, professional glitches and emotion regulation.

Table number 2
Consolidated Themes

| Superordinate Categories | Master themes |
|---------------------------|--|
| Emotion Regulation | Emotion Attachment Emotion Vulnerability Coping Strategies |
| Communication Proficiency | Informing critical point Hearing Reaction |
| Professional Glitches | Self-development Training Drawbacks |

These are the themes generated through emergent themes that we are going to discuss one by one.

Emotion Regulation

Main thing which is important in the profession of Judiciary is to regulate their emotions in a proper way for the betterment of Judges own emotional hygiene and Trial they hear. And the verbatim used in the data is described below with participant number as J1 to J8 along with their codes and prescribed themes is as under:

J1 Coping Strategies, power nap, overburden, sleep problem, lack of concentration, fatigue

“When we focus on Relaxation techniques Skills, power nap can help to reduce over burden feelings and help to reduce sleep issues and improve lack of concentration and get rid of fatigue.”

J5 behavior, absent mind, stress, irritability, frustrated

“when we are announcing Judgement, many things are considered and our behavior if with absent mind and stress, irritability and frustration can cause a great damage.”

J7 Self time, lack of concentration, distraction, scenarios

“we are having very few minutes for our self, lack of concentration and distraction can be the outcome of specific scenarios”

J8 Extra duty hour, extra burden, Sleep issues, lack of concentration, pressure

“We have to perform more because of extra duty hours and burden this not only cause sleep issues, lack concentration but also pressure can be felt whole working day.”

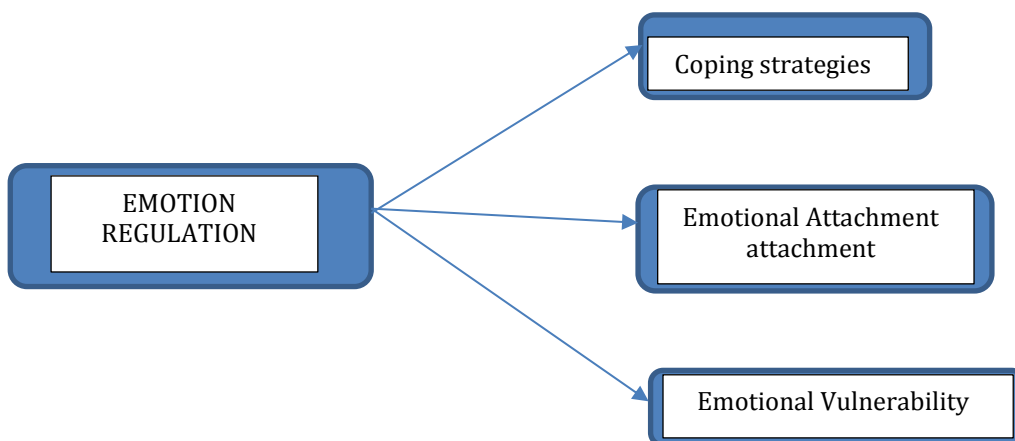


Figure no. 1 Emotion Regulation

Table 3
Superordinate Themes, Master Themes, Emergent Themes and Initial Coding for Emotional Regulation

| Superordinate Themes | Master Themes | Emergent Themes | Focused Coding |
|----------------------|-------------------------|---|--|
| | Emotional Vulnerability | emotional exhaustions Sleep deprivation, Agitated, Burnout, Reckless, Lack of ventilation, mood instability, manipulation | Sleep related problems, bribe, duty, headaches, stomach issues, political issues, economical issues, social issues, technological issues, fabricated case stories, burden of work, management problems, fund issues, residence issues, over burden, Emotional issues, feelings, attachment, accountability, Negative emotions, aggressive behavior, legal issues, lawyers pressure, manipulation, manipulated facts, distorted information, Lack of concentration issues, Loud, Fatigue, pressures, approach, |
| Emotion Regulation | Emotional Attachment | Overwhelming, Abandoned, Uninhibited, Regret, Grief, guilt | chain of information, evidence, distorted evidence, maligned information, gender issues, resources usage, more pressure on females in Judiciary, pressure from higher ups, absent mind, frustrated, stress, Financial help to the needy, chances of improvement, accused behavior can be improved, lack of family support, interim or early decisions and help can change, maybe I could provide better Judgement, helplessness, sadness, depressing, traumatic vision, Mood changing strategies, power nap, motivatioi environment change, religious support, discussion with others, distraction, acceptance, worst case scenario, guilt, sleeping pills, self-time, Help in staying calm, rude behavior, use to it, initial communication, cold emotions, no response, acceptance with time, change |
| | Coping Strategies | Alleviation, Relaxation, affirmation statement, transfer, mood stabilizers, Desensitization | |

Communication Proficiency

Judges' communication and interpersonal skills need to be enhanced because they have to tackle the whole Trial, and Judges competency matter. From the data superordinate theme "Communication Proficiency" was extracted and further categorized in three master themes (i) Informing critical point, (ii) Hearing, (iii) Reaction. And the verbatim used in data is described below:

J3 critical situation, selection of words, gradual life support, Judges point of view

"I have been transferred from one city to other for more than 7 times and faced the critical situations alone by using selection of words which was favoring the scenario in a way positively that Trial proceedings were concluded earlier."

J4 differentiation, education step wise, betterment with time, selection of words

“Differentiation can be seen when the education is considered as vital organ for delivering Justice and betterment in Justice system will be seen but for the start selection of words is important.”

J5 Guilt, Motivation, Communication Proficiency and Informing Critical Point

“Its difficult to stay with guilt of not serving Justice so communication proficiency is required for informing a critical point in a Trial so that Parties of the case knew what is going on... after the evidence is completed.”

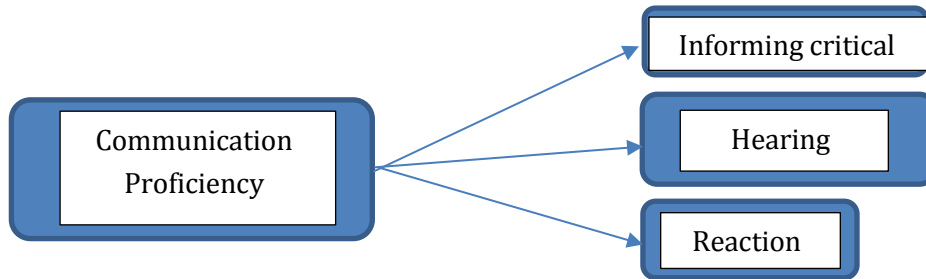


Figure no.2 Communication Proficiency

Table no.4 Superordinate Themes, Master Themes, Emergent Themes and Initial Coding for Communication Proficiency

| Superordinate Themes | Master Themes | Emergent Themes | Focused Coding |
|---------------------------|--------------------------|---|---|
| | Informing critical point | Nonverbal-communication, Empathetic, Repo building, Emotional strength, Sensibility, Step wise preparatio | Understanding the body language, tone concerning, way of communication, soft way of communication, attentive, sympathy, easy words, understanding situation, situation, calm and quite, moral support, Next t kin, most sensible person, accessing right, person, mostly male, women are Vulnerable, Initial warning, critical situation counsel, differentiation, logical, |
| Communication Proficiency | Hearing | Psychoeducation, Prompt /options, Ministration, Clearing risk, No fake assurance | selection of words, gradually Life support not suitable, family meeting unable to give Judgement in interim orders, betterment with time, Counsels point of view, finically unstable, myth, believes, Transfer applications of cases, psycho-education step wise, risk taking in decision making |

| | | |
|----------|---|---|
| Reaction | Denial, Lamentation Consoling Minimizing informati Inculcate | mentally unprepared, refusal, parties unstable, privacy issues, consoling, parties point of view, information they are interested in, serious condition, sorrow, negativity, blaming, accusing the Justice system, hard to accept |
|----------|---|---|

Professional Glitches

The main problems which are associated with the Judges are related to their management techniques that are directly related to the mental health are mainly investigated in this theme. We can see that from the data a superordinate theme "Professional Glitches" was extracted and which was further categorized into two master themes which are (i) Self-Development Training (ii) Drawbacks and the verbatim used in the data is described below:

J1 Stress management

"we have to think critically but have to work on strategies that leads to the stress management and coping with it mostly the colleagues can help the Judges to learn the conventional ways but they are having no special support by the government for their mental and psychological betterment."

J1 anger management

"Judges anger issues can be seen mostly in higher courts, because lower Courts Judges have pressure of Counsels and the Counsels of parties always act as moderator developing a situation which can release the stress within a typical or conventional way."

J3 conflict management

"Judges focus on highlighting the manipulated information which are the reason of conflict in trials but we can see that conflict management is always helpful when they want to reach conclusion."

J5 psycho social wellbeing workshops

"we can go to psychologists for psycho social well-being workshops."

J8 psycho social wellbeing workshops

"We will join psycho wellbeing workshops if they are conducted."

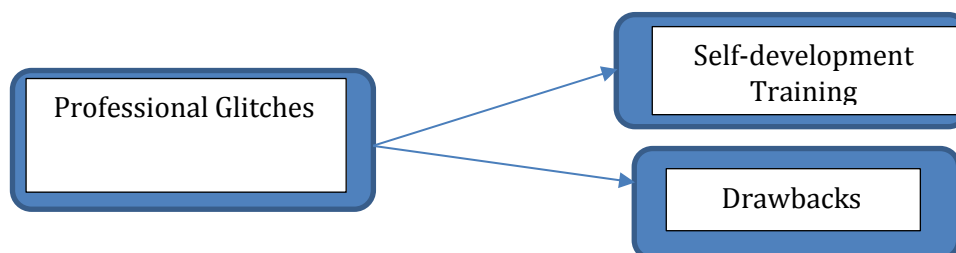


Figure 3 Professional Glitches

Table 5
Superordinate Themes, Master Themes, Emergent Themes and Initial Coding for Communication Proficiency

| Superordinate Themes | Master Themes | Emergent Themes | Focused Coding |
|-----------------------|---------------------------|---|---|
| Professional Glitches | Self-development Training | Lack of training, Psychological assessment: Emotional Management Techniques, Professional management techniques, Mental health workshop | Stress management, anger management, conflict management, emotional management, psychological well-being workshops, psycho social wellbeing workshops, mental hygiene, breaking bad news training, repo building techniques, counseling sessions. Wrong Judgement, Counsel become angry in proceedings, |
| | Drawbacks | Prognostic error, Self-conscious, Thwart, Lack of time | lack of rationality, think rationally, hyper situation, avoid self-decision, safety, fear, unexpressed emotion hurt, rebellious, lack of general practice, initial stage low burden, Time is luxury, thinking about work, no edge, lack of facilities, hectic, emotional exhausting and challenging, social life zero |

Discussion

Judges were former experienced lawyers they focus on evidence, knew aspects and tricks of Trial (Falk, 1976). Newly appointed Judges are unable commence murder Trial because of less experience (Strauss, 2010). The findings in this study indicated three superordinate themes along with their master themes. First superordinate theme "emotion regulation". Capability can be seen in judges who handle emotions and achieve outcomes with behaviors such as coping strategies which can be in any form. Remaining Positive, happy and calmed in challenging conditions can help to reduce anger and anxiety. Emotion regulation further categorized into three master themes emotion vulnerability, coping strategies, emotion attachment that were further classified into emergent themes (Chamberlain & Richardson, 2012). Emotion vulnerability have seven types of emergent themes: mood instability, emotional exhaustions, agitated, sleep deprivation, burnout and reckless and lack of ventilation. Judges said when circumstances are critical and uncontrollable, negative emotions can be seen in Judges. Negative emotions are unhealthy for the mental health and act as moderator when need of providing unbiased neutral Judgement present. Main symptoms of burnout were emotional exhaustion (Lusting & Karnik, 2008-2009). Emotion attachment six types of emergent themes were indicated uninhibited, abandoned, overwhelming, grief, regret and guilt. Mostly seen that Judges became attached with the parties and are mostly positively so the said reactions can influence Judges decision making capacity during Trial. And positive emotions can enable Judges to form strong relationship but different scenarios can be worst and when upregulating positive emotions (Resnick & Myatt, 2011). Coping strategies six types of different emergent themes were formed: mood stabilizers, switching coat, affirmation statement, relaxation, desensitization, alleviation. It was seen that different strategies execution help Judges to cope up with different situations or circumstances and it was noticed that the strategies Judges use are not associated with professional guidance (Osofsky & Putnam, 2008). Judge stated self-time is meaning to spend time of checking on their own personal messages, mails or sometime watching different videos on social media. No clear concept of self-time in the eyes of Judges seen and Self time means spending time

with self, taking care of their very own self and regulating their own emotions. Emotion regulation is behavioral response its main goal is to influence emotion trajectory that require regulatory strategies which might include the implicit process. For the betterment of the Judges emotional Hygiene and to deal with the Trial more efficiently so that Justice can be served. Judge's abilities to regulate emotion have impact on the Judgement and Trial (Vauger, 2006). Second superordinate theme in study is communication proficiency, it mainly refers to the knowledge of effective and appropriate communication patterns and ability to understand, use and get adapted to that knowledge in various different contexts or aspects. Judges' communication skills are effective step of making a professional balanced relationship with Parties and Counsels. Art of communication for Judge is learning with time to implicate the techniques which favor Trial in a way so that Justice can be served (Richard et al., 2021). Communication proficiency further categorized into three master themes which are informing critical information, hearing and reaction which further classified into emergent themes. In Informing critical information six types of emergent themes are indicated and which are: empathetic, nonverbal communication, repo building, sensibility and step wise preparation. Judges mostly try to understand beliefs and thoughts of families in Court and use psychology to communicate because most families focused on religion so Judges tackle families by their beliefs and communicate according to their religious beliefs but if families are more prone to logical reasoning and understand logical reasoning then Judges communicate with more facts and figures for their understanding. Effectiveness of communication between Judge and Counsels of the parties is determined through their level of education, religious perspectives, their attitudes related to ethical norms, socio economic and their cultural background. Counsels of the parties expect the Judges to listen the facts and this attitude develop trustworthy relation in Court. Judges announce Judgement after critical examination of evidence, Chief and Cross examination, Challan and Judicial file for better Judgement. Previous literature shows appropriate communication by Judges not only develop better environment for understanding by Counsels and parties during the proceedings of trial which is necessary for satisfaction of parties. Appropriate tone and mode of communication, style is necessary for the delivery of information to the parties of the Trial. Tone of communication and attentive listening patiently with focus can help to focus in the Trial and determine the points for better Judgement (Martin et al., 2013). Effective relationship in Court between Judge and Counsel is seen after Professional Conclusion of any Trial. Second master theme for communication proficiency was Hearing under which further five type of different emergent themes were indicated: prompt, psycho-education, ministrations, clearing risk empathetic way and no fake assurance. Judges in initial years of carrier unable to give Judgement on heinous offense Trials but with time as their experience raised, they were able to give verdict. Judges also psycho-educate themselves so they are able to cope with the pressures and also guide others during Trial. Judges' communication skills help to conclude Trial in a professional manner. Third master theme in Communication proficiency is "reaction" having five emergent themes which are: consoling, denial, lamentation, minimizing information and inculcate. Judges told when interim Judgement is announced parties' counsels show denial, frustration and anger. And interim orders in criminal proceedings are related to fines or penalties for not fulfilling the Trial requirements. Conversation and arguments in Courts by Counsels are the part of Trial and are noted with critical observation (Richard et al., 2013). The third superordinate theme "Professional glitches" further having two master themes which are "self-development training and drawbacks" which further classified into emergent themes. Professional glitches are problems associated with the Judges at professional level regarding their management techniques in Courts and which effect mental health. In self-development five different types of emergent themes are indicated which are: psychological assessment, lack of training, emotional management techniques, professional management techniques and mental health workshops. Judge told no professional trainings, assessments or workshops of quality standards are conducted at professional level and experience in form of learnings to suppress emotions. Judges' conscious and unconscious beliefs, emotions and previous life experiences can directly impact Judgements. Judges managing mental health in a

professional way perform better (Martin et al., 2019). Drawbacks is having four types of emergent themes: thwart, lack of time, self-conscious, prognostic error. Judges said manipulation factors effect Trials and evidences which leads to certain dimensions in one case so it's critical to reach conclusion. Due to limited social circles un expressed emotions presence and need of different methods or practices to promote growth of personal mental health awareness is seen (Alarie & Green, 2017).

Conclusion

Our study is focusing Exploration of murder Trial Judges experience. A sample of 8 Judges was interviewed. Judges' interviews were transcribed and analyzed through IPA analysis. Cluster of themes emerged with three superordinate themes: emotion regulation, communication skills and professional glitches. Judges face difficulties in regulating their emotions and in communication about emotions and Professional Glitches at workplace but exposure to experience Judges learn but need professional help and training for better performance.

Recommendations

1. Further research at National and Provincial level.
2. To provide Judges the awareness about seeking a help for their mental health by Professional for improving performance.
3. Inclusion of Judges from Civil, Corporate, Tribunal and Higher Judiciary for research.

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